

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
November 8, 2018

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
John Klodzinski (JK)
Vickie Lombard, (VL)
Fred Pask (FP)
Max Brady (MB), Alternate

APPROVED 12/6/2018

Other: David Miller, Zoning Officer
Julie Brady, Recording Secretary

Meeting was called to order at 6:00pm.

Bill K. reviewed the procedures and asked if there was any correspondence. Julie B. stated that there was no correspondence at this time. Julie B. read the legal notice for the variance request as follows:

Requesting a 20 foot area variance to construct a 30x50' pole barn at 12044 Rapids Rd., owned by Ashley Swaidner & Brian Wetzler. This building will be 10 feet from the east lot line instead of the required 30 feet side setback.

**Variance Town Code varied: Article IV. Chapter 450-15E (2)(b)
SBL# 20.00-3-25.112**

Public hearing was open for comments at 6:08pm.

Brian Wetzler, 12044 Rapids Rd., (owner) explained that they looked into putting on a garage and due to the cost and need for more storage space, they decided that a pole barn with a lean-to would allow them the storage space and ability to barbeque with the family. If they placed it 30' from the east side lot line, it would take up too much of the yard and obstruct the view of the pond from the house. The barn will look nice and be two-tone with neutral colors.

Bill K. asked three times if there were any more comments. Hearing none, Fred P. motioned to close the public hearing, Adam B. seconded the motion. All Ayes, No Nays.

Adam B. asked when they purchased the property and if the pond was there when they bought it. Adam also asked if they looked into purchasing additional land from the owner to the east.

Brian W. responded that they bought the property Feb. 2016 and the pond was already there. They did not look in to buying the adjacent land.

The zoning board discussed the placement of the septic system on the east side of the house.

Bill K. questioned where they would have put the garage.

Ashley Swaidner (Wetzler), 12044 Rapids Rd (owner), stated the garage would have been connected to the west side of the house but due to the cost, they were unable to do that.

The zoning board and homeowners discussed the minimum amount that would work for the placement of the barn. The zoning board addressed the neighbor: Jerry O'Donnell, 12060 Rapids Rd., property owner to the east stated that he had no issue with placing the barn 10' from the side lot line.

David M. (CEO) said that 15' was required for the Fire Dept. Some exceptions may have been made due to agricultural barns. The law asking to be varied was amended on 5/14/2018.

David M. also showed the Accessory Building Code 450-27 (B)

- "In any R District, accessory buildings lying wholly within a rear yard may extend not closer than five feet to the side or rear lot line."
- Whereas, the Chapter 450-15E (2)(b) that the request is asking to vary states: "Minimum yards in the R-A District shall be as follows: (2)(b) Thirty feet for other buildings over 400 square feet."

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Vickie L. stated that due to this new information, it appears they do not need a variance. Adam B. stated he still wanted to vote on the task at hand.

Bill K. motioned to table the request to be taken to the Town Attorney asking for a review and interpretation of these conflicting laws in writing to the code enforcement officer and the ZBA. If the Town Attorney's interpretation negates the need for a variance, the zoning board shall consider this variance request closed in favor of the applicant. If the Town Attorney decides this request shall be voted on by the zoning board, it will be reinstated on December 6, 2018. Adam B. seconded the motion. Fred P. voted no, John K. yes, Vickie L. yes. With a vote of 4-1 the request was tabled with the conditions set forth for the Town Attorney.

Old Business:

David Glian, 13722 Main Rd., Akron, rescinded his variance request due to renting out his building.

Motion was made by John K. to accept the minutes from October 25, 2018. Vickie L., seconded the motion. Fred P. and Bill K. abstained since they were not at the meeting. Adam B. voted yes.

Motion was made by Fred P., seconded by Vickie L. to accept the minutes from the September 27, 2018 meeting. All Ayes, No Nays.

A motion was made at 7:03pm by Bill K. to adjourn the meeting. Seconded by John K.. All Ayes, No Nays.
Meeting adjourned

Respectfully submitted,

Julie Brady, Recording Clerk