

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
November 21, 2019

MEMBERS

- PRESENT:** Bill Kaufman (WK) Chairperson
Adam Burg (AB)
John Klodzinski (JK)
Vickie Lombard (VL)
Max Brady (MB), Alternate
- Other:** Mike Mutter (MM), Alternate
Julie Brady, Recording Secretary
- Absent:** Fred Pask (FP)

APPROVED
1/23/2020

Meeting was called to order at 6:00pm, followed by Bill K. reviewing the rules and criteria for an area variance. The public hearing was opened at 6:04pm. Julie B. reading the legal notice as follows:

Property Address: 4532 S Ayers Rd., Akron, NY
Owner: John Pawlick Jr. & Gayle Pawlick
SBL#: 74.00-2-36.112

Requesting a 23 feet area variance to construct an accessory structure 52 feet from the right-of-way instead of the 75 feet required by the following code.
Town Code varied: 450-27 A

John Pawlik, 4532 S Ayers Rd., Akron, owner and applicant showed photos of his property and described his request so that he can build a 24x24 detached garage 7 feet off driveway, 52 feet from the right-of-way and 16 feet from the side lot line. The reason he would like to place it there is due to existing evergreen trees and drainage issues in the rear yard. John P. explained that he will put vinyl siding, architectural shingles and a garage door on this building which will be used for storage.

Brian Ferry, 4548 S Ayers Rd., Akron, (adjacent neighbor) asked why we have a code of 75' from the right-of-way.

Bill K. explained that it is for the expansion of the road and safety concerns.

Brian Ferry stated that no one else in their neighborhood has anything close to the road. "I don't know what it will be like until it is there and it's not my business, but there is a lot going on there with several are other buildings out back, one with a blue tarp on it."

Bill K. asked three times if there were any further comments, hearing none, the public hearing was closed at 6:12pm.

The board discussed the height of the building and asked about the drainage. John P. explained that there was a swale on the side of the lot for drainage. The rear yard is too wet to access other out-buildings.

The zoning board completed the review sheet as follows:

1. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance.
WK (Y) JK (Y) AB (Y) VL (N) MB (Y) Overall – (Yes - Fail)
REASON: AB-The trees can be removed and he has more room further back so there are alternative ways besides this variance. VL -No due to the financial expense and water/flooding in rear yard.
2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
WK (N) JK (Y) AB (Y) VL (N) MB (N) Overall – (No-Pass)
REASON: AB-Neighborhood homes are all similar distance from the road. Neighbors will have issues with site lines. MB -the row of existing trees gives a buffer
3. Whether the requested area variance is substantial.
WK (Y) JK (Y) AB (Y) VL (N) MB (Y) Overall – (Yes-Fail)
REASON: AB/JK it is 1/3 of the current code; VL similar to other variances granted

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

WK (N) JK (Y) AB (N) VL (N) MB(N) Overall – (No-Pass)

REASON: MB-No by moving the garage in the back, it would create more drainage issues. VL - will not produce a problem with visibility.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.

WK (N) JK (Y) AB (Y) VL (N) MB (N) Overall – (No-Pass)

REASON: AB- Yes – there are other ways without getting a variance. WK -the applicant did not just buy this property and create the issue. MB – pre-existing home with drainage issues in the rear yard. A home could have been built the same distance back as the request.

A motion was made by Adam B. to deny the variance, seconded by John J. Hearing no Ayes, Vickie L. motioned to approve the variance. Seconded by Bill K. – Max B. Aye, Adam B. Nay, John J. Nay
There being three ayes and two nays, the variance is approved by majority.

A motion was made by Adam B. to approve the minutes from October 24, 2019, seconded by Vickie L. All Ayes, No Nays

GIS Training by Heather Lewis of Wendel will be taking place in the court room at 6:45pm, following this meeting.

A motion was made at 6:37pm by John K. to adjourn the meeting. Seconded by Max B. All Ayes, No Nays.

Meeting adjourned

Respectfully submitted,
Julie Brady, Recording Clerk