

ZBA  
June 27, 2013

**TOWN OF NEWSTEAD - ZONING BOARD MINUTES**  
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY  
June 27, 2013

<b>APPROVED</b> 11/21/13
-----------------------------

**MEMBERS**

**PRESENT:** Bill Kaufman, Chairman  
John Klodzinski  
Adam Burg  
Harold Finger  
**Alternate:** Cheryl Esposito  
Fred Pask  
**Absent:** Corky Keppler  
**Other:** Julie Brady, Recording Secretary

---

Meeting was called to order at 6:30pm followed by the pledge to the flag.

Julie read the legal notice for the first variance request as follows:

Area variance request of ten (10) feet to place a shed on an existing concrete pad 65 feet from the right of way. The Town Code requires accessory structures to be 75 feet from the right of way. This property is located at 11234 Crego Rd. and is owned by Clifton and Linda Chadwell.

Bill K. read the area variance criteria and opened the public hearing for comments.

Clifton Chadwell, 11234 Crego Rd., Akron, NY – Explained his situation by showing the survey and photos to the board. The pad is already poured for the shed, however the shed is not permanent and can be moved.

Bill K. asked if there were any other comments. No written comments were received. Hearing no other public comments, motion was made by Harold F. to close the public hearing, seconded by Adam B. All Ayes.

The ZBA discussed the request.

Motion to approve the variance request was made by John K., seconded by Adam B.

Bill K – Yes; Adam B – Yes; John K – Yes; Harold F. – Yes

All Ayes. **Variance Approved.**

---

6:45pm – Julie read the legal notice for the second variance request as follows:

Area variance request of 35 feet to place a shed 40 feet from the right of way. The Town Code requires accessory structures to be 75 feet from the right of way. This property is located at 11273 Rapids Rd. and is owned by Wyeth Jones.

Public Hearing was opened.

Wyeth Jones, 11273 Rapids Rd., Akron, NY – Wyeth showed the ZBA a survey and described how the land drops off back behind his house, the ground is uneven, marshy and he pointed out the trees that would be a problem if they were to put the shed back any further. By placing the shed at the proposed location it will be accessible to the driveway and not obstruct any neighbor's view.

Bill K. Asked if it was a permanent shed. Wyeth replied, "No, the shed is not permanent. It is being built off site and the frame will rest on pressure treated 2 x 4s. Bill K. noted that the house is only 19' from the right-of-way, so the shed is well behind the front of the house.

Bill K. asked three times if anyone would like to speak. Hearing none. The public hearing was closed, motioned by John K., seconded by Harold F., All Ayes

The zoning board discussed the matter and reviewed the survey.

Motion was made to grant the variance request by Harold F., seconded by John K.

Bill K – Yes; Adam B – Yes; John K – Yes; Harold F. – Yes

All Ayes. **Variance Approved.**

---

7:00pm

Julie read the legal notice for the first variance request as follows:

Area variance request of 45 feet to place storage units 5 feet from the side lot line. The Town Code requires structures to be 50 feet from the side lot lines due to residential use.

Additionally requesting an area variance for 5 feet from the rear of the property verses 10 feet as required. This property is located at 11234 Main St. in the C2 Rte 5 Overlay and is owned by 11234 Main St. Inc.

Bill K. opened the public hearing.

Michael Metzger, Metzger Civil Engineering, 8560 Main St., Clarence, NY – Representing Steve Baldo & Jim Bolas. The location at 11234 Main St. was previously Steve Baldo, Auto Dealership. Due to downsizing, Mr. Baldo lost the dealership. The location currently houses two businesses –A quick lube and a collision shop which would remain. They are looking to reuse the additional building space for an office and climate control storage as well as add storage units to the property surrounding the existing building. (See attached site plan).

To the east of the property is a residential rental property that Steve Baldo also owns. To the west is a converted home being used as a used car sales in the front with a residential rental unit in the rear. Besides these residential homes the area is predominantly commercial.

Mr. Baldo and Mr. Bolas are requesting the variance because the storage unit business is very competitive and needs density on the property to make it viable. There is a pipeline that runs through the property, creating a triangle to the east to build on since nothing can be built directly over the pipeline.

Michael Metzger reviewed the five criteria used in an area variance. (See attached) If the variance is granted the property will be improved by removing part of the pavement, creating green space, decorative fencing, and landscaping. Michael stated that the ability for re-use of the property outweighs the detriment.

Bill K. asked if they would be paving where the storage units would be going. Michael M. replied, “Asphalt paving would surround the storage units”.

Harold F. raised concerns about drainage with more paving and roof run-off. Michael M. assured the board that they would address these concerns with the Planning Board and the Town Engineer and that they will comply with the storm water regulations and management.

Harold F. also raised the question if the soil was clean because of the previous use as a service station. Michael M. stated that although they do not anticipate any issues, they would do whatever is required to rectify the situation.

Adam B. asked what the total build out time frame would be. Steve Baldo stated approximately four years. Adam B. also asked if there were any comments from the neighbors. None were received.

Jim Bolas stated that they have already had a preliminary hearing with the Planning Board where concerns over emergency vehicle and fire access were addressed.

Bill K. questioned if the entire property will be fenced in and how will the buildings be maintained if they are too close to the property line without going on the neighbor’s property.

Jim Bola stated that the fencing will also be done in phases. For sales and marketing purposes the storage facility should be visible from the road. The units are only 8’6” tall so that can use a ladder to get between the fence and the units to maintenance. Jim explained that he would research surrounding storage facilities to be competitive. There would be no food, no gas, no oils allowed to be stored in these units. There is hardly any traffic flow with these types of facilities. They would be well lit but not be open after midnight. Alsp U-Hal and Pensky have approached them already. The site will be cleaned up and made attractive.

Bill K. asked three times if anyone would like to speak. Hearing none. The public hearing was closed, motioned by Fred P. seconded by John K., All Ayes

ZBA

June 27, 2013

The zoning board discussed the matter and reviewed the survey.

Bill K. asked why the request said revised. Michael M. stated that an error was made and corrected after the first application was submitted.

Bill K. and Adam B. complimented Michael M. on his presentation and his ability to address the concerns of the board.

Motion was made to grant the variance request by Harold F., seconded by Fred P.

Bill K – Yes; Adam B – Yes; John K – Yes; Harold F. – Yes; Fred P. - Yes

All Ayes. Variance Approved.

---

Minutes for April 25, 2013 meetings were reviewed. Cheryl E. also stated that they were fine.

Hearing no changes, John K. motioned to accept the minutes, seconded by Fred P.

All Ayes.

Discussion took place to post the upcoming public hearings on the property. Julie B. will send a memo to the Town Board and contact Joe Capan regarding getting signs and confirm that Ralph Migliaccio, Code Enforcement Officer would be willing to put the signs up.

Motion was made by Adam B. to adjourn the meeting at 7:43pm. Seconded by Bill K., All Ayes.

Respectfully submitted,  
Julie Brady, Recording Clerk