

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
December 27, 2012

MEMBERS

APPROVED 4/25/13

PRESENT: Bill Kaufmann, Chairman
 John Klodzinski
 Corky Keppler
 Adam Burg
 Harold Finger

Alternate: Fred Paske

OTHER: Nathan Neill, Town Attorney
 Julie Brady, Recording Clerk

Area Variance – 5982 Crittenden Road, to create a four acre lot as an open development.
Requesting a 16.68’ frontage variance.

Applicant: Richard Manns, 5982 Crittenden Road, Akron, NY 14001

The meeting was opened at 6:35pm to discuss the area variance request to subdivide the property at 5982 Crittenden Rd., in so doing they would create a lot with 43.32’ of frontage.

Julie Brady read the legal notice and Bill K. read the area variance requirements and opened the public hearing.

Richard Manns, 5982 Crittenden Rd. –purchased property with the intent of having his daughter and son-in-law help care for his disabled son and maintain the property. Because of their divorce, he would like to sell a four acre parcel to help re-coop the cost of the handicap upgrades that he made to the house, as he feels he will not be able to sell the house for what he currently has into it.

Bill K. asked if he had anyone interested in the property; Mr. Mann’s replied, No, he was just trying to find out what his options would be because the property is of no use, “as is” and thought it would be good to create a taxable property for someone to build on.

Bonnie James, 5950 Crittenden Rd., North of the proposed driveway, their garage is 10’ from property line. Mrs. James has concerns about safety for her four children. If they knew it was an option to put in a driveway, they would not have bought their home. Neighbor’s homes are higher, creating “Lake James” in their backyard. They run 3 sump pumps 24/7. Where would the snow be pushed from this driveway?

Stan Jankowski, 5926 Crittenden Rd., South of the proposed driveway, confirmed the flooding issues that James have and also has safety concerns for the children. Mr. Jankowski also wanted to know how that would affect his property assessment and sale of his house.

Jim Sowinski, 6000 Crittenden Rd., What was the intent of Article XVI because it implies “lots” so was the intent to create a subdivision vs. one lot. This variance request is substantial because the R1 frontage is already reduced from the RA frontage of 150’ to R1 – 100’ (a 30% reduction), so by reducing it to 60’ for an existing open development law is another 40% reduction with an overall reduction for 43’ of 57% reduction. Bill K. said that the terminology would be a “substantial” request.

Peggy Sowinski, 6000 Crittenden Rd., you (the zoning board) will be setting precedence by allowing such a substantial reduction in frontage.

Carol Sciortino, 309 Enchanted Forest, Lancaster, (Mr. Mann’s daughter), asked if they could use the existing driveway to feed several houses in the back 8 acres.

Nathan Neill, Town Attorney, answered Carol S. by saying, “yes, under the open development law” however, Nathan clarified that this is premature because the owner has not even submitted a sketch plan. At this time, the zoning board can either grant the variance or they could refer it to the planning board for the open development/subdivision application process and/or their suggestions.

Bill K. gave his interpretation of how he would answer the criteria questions as follows:

1. Can benefit be achieved by other means feasible to applicant? BK – “YES”
2. Cause undesirable change in neighborhood character or nearby properties? BK “50/50”
Because it is an existing driveway but more traffic and housing could change it.
3. Is request substantial? BK “Yes”
4. Will request have adverse physical or environmental effects? BK “Yes” (drainage, garage only 10’ away)
5. Is alleged difficulty self-created? “Yes”

Bill K. summarized by saying that at this time he would see this as a negative and could not support a variance however, he feels that this should go to the planning board for further review and proposed to adjourn the public hearing until after we receive comments from the planning board.

Motion was made to adjourn to the planning board by Corky Kepler, 2nd –Harold Finger, all Ayes.

Motion was made to approve the minutes from September 27, 2012 by Harold Finger, 2nd-Adam Burg, all Ayes.

Bill K. asked that the planning board receive copies and noted that anyone can still introduce more information. The next meeting information will be in another publication.

Motion was made to adjourn the meeting at 7:05pm by John Klodzinski, 2nd- Adam Burg, all Ayes.

Respectfully submitted,
Julie Brady, Recording Clerk