


**TOWN OF NEWSTEAD - ZONING BOARD MINUTES**  
**Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY**  
**July 19, 2012**

**MEMBERS**

**PRESENT:** Bill Kaufman, Chairman  
John Klodzinski  
Adam Burg  
Corky Keppler  
Harold Finger, directed by the court order to recuse himself from the airport deliberations.

**Alternate:** Cheryl Esposito

**Counsel:** Matthew Plunkett, Attorney/counsel for the zoning board regarding the Akron Airport



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Meeting was called to order at 7:05pm by court order for the purpose of holding a public hearing for the Akron Airport Use Variance, Expansion/paving of Crosswind Runway 11-29. Airport is not an allowed use in RA zone. Variance denied previously. Christian Airmen filed an article 78. Judge Whelan ordered the issue of the runway to be heard again by the zoning board excluding Harold Finger, due to the fact that he may have influenced the previous decision.

Bill K. requested that the board and Supervisor Cummings meet in executive session with counsel, Matt Plunkett. Motion was made by Adam B., seconded by Corky K.

Motion was made to come out of executive session by John K., seconded by Corky K. Meeting resumed at 7:38pm. Bill K. explained the reason for the executive session was due to correspondence from the applicant's attorney (Damon & Morey) that was received at 4:10pm today. Bill also read the requirements for the use variance.

Julie B. read the legal notice. The public hearing was open at 7:44pm.

Dale Cheavacci, 113 John St., Do they meet all those criteria for the use variance? Why does their assessment keep going down? Is there any evidence that would warrant the ZBA for postponing their decision tonight?

Diane Rosonowski, 59 East Ave., What is the airport's purpose to expand the runway? Is it for larger planes?

The only representation for the airport was Corey Auerbach from Damon & Morey. He had nothing to present and no comment. Bill K. explained that the runway expansion was for safety issues for the pilots from what they had been previously told from the Christian Airmen.

Dave Cummings, 12353 Clarence Ctr Rd., - If the Christian Airmen have nothing to present, what basis do you have to adjourn the meeting? Is there any evidence that would warrant the zoning board to postpone their decision?

Bill K. asked Corey A. if he had anything more to contribute. Corey again stated that he is not going to be making a presentation and suggested that the zoning board read the correspondence to enlighten the public. With that said, Bill K. read the attached letter including a recommendation from Judge Whalen to leave the hearing open until such time as our client (the applicant) is prepared to move forward with this application.

Bill K. entered the correspondence and the court order into the minutes. See attached.

Bill K. asked Corey A. when the applicant will be prepared? Corey A. had no comment.

Gregg Brown, 80 Eckerson Ave. asked if the public would be given another opportunity to speak after the applicant gave their presentation. Gregg B. also wanted to know if the legal counsel had changed and why they weren't prepared since this variance had already been presented.

Terry Zazynski, 13590 Steiner Rd, (Business, Rattles to Reading Day Care 6263 Scotland Rd) Terry has very strong concerns for the safety of the children (apx. 40-50 children each day) The staff can actually read plane numbers because the planes fly so low. She has grave concerns for safety with the expansion which would mean more planes.

Gregg Brown, 80 Eckerson, stated that he did see the public notice in the paper, but asked if the people who are most effected in the village are made aware of the changes that are being made at the airport. Bill K. told him that the Village notifies within 500' but the zoning board is only required to put the legal notice in the paper.

Dale Cheavacci, 113 John St., Regarding the letter that was sent at 4:10pm, Dale stated that this is not the first time that the applicant has corresponded late in the day before a meeting.

Justin Rooney, 32 Bloomingdale Ave., "Why is this meeting taking place?"

Bill K. explained the previous variance being denied, the article 78 and the decision by the court to rehear the runway variance request. Bill K. did not want to be held in contempt so he scheduled the meeting with good intentions in case the applicant were "shovel ready" , as not to postpone them starting their project.

Justin R. summarized that the applicant sued us based on the fact that one of the board members influenced the decision but now we are waiting for more information from the airport which was not the reason that the decision was supposedly denied. What other information do they have? When was the last time that an applicant was not ready and they were told to resubmit an application when they were ready?

Bill K. We are resetting our focus on the runway. If they have a shovel ready project, I expedited the meeting. I don't know the intent whether they are ready or not, but out of fairness, I would do the same thing for anyone else.

Justin R. – Why not rule on it tonight? Why not stand for something instead of leaving it open?

Terry Z. – You are going out of your way to accommodate them, while we, the citizens have to wait.

Mary Nanni, 55 East Ave., when you call with a complaint to the airport they always say that they have no control over who flies in and out. The residents are losing quality of life and they are getting away with it.

Bill K. asked three times if there were anymore comments. Hearing none, Bill K. asked for a motion to adjourn the public hearing until the fourth Thursday in September.

The Zoning Board was polled: Adam Burg – NO; John Klodzinski- NO; Bill Kaufman- Yes; Corky Keppler -Yes; Cheryl Esposito- Yes with the following comment: Judges and lawsuits are unpredictable. It puts the results at jeopardy and I'm not willing to take the risk of getting our decision thrown out in court. I believe it is the benefit of all parties to adjourn.

The public hearing is still open.

Motion was made by John K. to approve the minutes from 2/23/12, seconded by Adam B., All ayes. Motion was made by Harold F. to approve the minutes from 3/22/12, seconded by Adam B., All ayes. Motion was made by John K. to approve the minutes from 5/24/12, seconded by Cheryl E. All ayes.

Bill K. read the correspondence for training opportunities.

John K. motioned to adjourn the meeting, seconded by Corky Keppler at 8:10pm