

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
December 22, 2011

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MEMBERS

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

Alternate: Fred Paske

OTHER: Julie Brady, Recording Clerk

Meeting came to order at 7:30 pm, Bill K. opened the public hearing. Julie B. read the legal notice for an area variance at 8265 Cedar St. owned by Iron Bridge Corp. The proposed building at this site is a 45' x 56' pole barn with a 10' x 56' covered porch on the north side of the structure. Because this property is in the current FEMA floodplain map/Zone A, Code 202-17 requires the lowest level of a structure to be elevated at least three feet above the highest adjacent grade. Therefore, they are requesting an 18" variance so they don't have to build the barn up to the three foot requirement.

Mike Whiting, owner of 8265 Cedar St., had submitted a letter, see attached. Initially Mike stated that he had received bad advice from the previous Code Enforcement Office, John Good. He was told that all he had to do was get floodplain insurance. FEMA is proposing changing the flood map which would take this property out of the existing flood zone. Mike then went ahead and put in a driveway and a pad and met with Ralph regarding the plans. At that time, they realized that it was below the floodplain required level. It does meet the code on the north side, but is short on the south side. Mike stated that he doesn't think it's going to flood out.

John K. asked if the open porch was on the north side where it would potentially flood out. Mike W. said yes, the covered porch would be on the north side.

Bill K. enquired about the company name "Iron Bridge Corp" and what Mike's intent is for the property. Mike W. stated that all of his property is purchased under this name for protection. At this time, the pole barn will be used for storage with future plans of building a home for Alley & Pat to live there.

Harold F. commented that if this variance is granted and it floods, it's on you (Mike/Iron Bridge Corp.) because you have requested the variance to live with the liability of flooding. The Town would not be held responsible down the road for any flooding issues because you knew full well what you are asking for.

Mike W. marked the approximate location of where the pole barn will be built on the flood map for the ZBA to see.

Bill K. asked three times if anyone else would like to speak. Hearing no response, John K. motioned to close the public hearing; Adam B. seconded the motion. All Ayes. Public hearing was closed at 7:42pm.

Corky stated that he was fine with the variance request, Adam agreed.

Bill K. read the 4 criteria for an area variance.

1. Can benefit be achieved by other means feasible to applicant?
 - a. Bill K. stated that this is a moot point because FEMA is revising the floodplain.
2. Cause undesirable change in neighborhood character or nearby properties? No
3. Is request substantial? No
 - a. Bill K. stated that 18" may be substantial in some cases, but because the floodplain is proposed to change in this area, 18" is OK.
4. Will request have adverse physical or environmental effects? No, it's just physical storage.
5. Is alleged difficulty self-created? No

All board members were in agreement. No other comments were made.

Corky K. made a motion to approve the variance request, seconded by Adam B. All Ayes, None opposed.

Motion to close the meeting at 7:43pm was made by Corky K. and seconded by Bill K. All Ayes.

Respectfully Submitted,
Julie Brady
Recording Secretary