

**TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS**  
**MINUTES of February 22, 2007**

Present: Bill Kaufman  
Dave Wakeman  
John Klodzinski  
Peter Randall  
John Good – Code Enforcement Officer  
Jennifer Heberling – Recording Secretary

Absent: Corky Keppler

Bill called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

Began with review of the minutes from the December meeting. There was a discussion on the wording of the conditions of the variance for Mr. Blair. Minutes of the prior meeting changed per the Zoning Board. Motion made by Dave to accept the minutes of 12/28/2006 with changes, seconded by John Klodzinski and all in favor.

**Special Use Permit Renewal – David Dulanski – 7607 Greenbush Road**

Proof of public notice read by Zoning Board Clerk.

Public hearing held for a Special Use Permit renewal for David Dulanski Jr. of 7607 Greenbush Rd. to house 2 miniature horses. Since no one appeared to speak, the board went right into discussion. There have been no complaints received by the Building/Assessor Department.

Board had discussion as to whether or not to keep this as a renewable Special Use Permit. The Board wants to keep this permit the way it is.

Peter made a motion to approve the Special Use Permit renewal. Seconded by John.

Bill – Aye  
John – Aye  
Dave – Aye  
Peter – Aye

**Area Variance Request – Vacant Land, Dorsch Road- Kevin Stoldt Jr.**

Proof of public notice read by Zoning Board Clerk.

Kevin Stoldt Jr., who is purchasing this 90 acre piece of property from John Leising, appeared to speak. The piece of property has 984' of frontage. He would like to create six 150' building lots, leaving 84' of frontage for a driveway that would lead to the remaining 65 acre lot for himself. There was a discussion on flag lots verses building a public road. The maximum Mr. Stoldt wants to build is only 1 single family home. Bill asked if he was able to purchase any additional property. He stated that it is an option to purchase property from Mr. Pautler next door. He actually wants to put his house about 1500 feet off the road and would be willing to put it in writing that he would only put in one single family house. There are wetlands along the creek and in the rear of the property which would have to be delineated per the Town's subdivision requirements. Dave stated he would like to see him create one less parcel and leave himself with more frontage. He could also purchase 66 feet from the neighbor. Mr. Stoldt wanted to know if he did purchase property from the neighbor, how deep would the property have to be. The board claims he does not have to match the depth with his current property. It could be 10 foot deep if he wanted.

Kevin stated to the board that he is purchasing this property regardless of whether or not he gets this variance. He currently has a couple of interested buyers. He is also trying to do this entire subdivision at one time. One of the Planning Board members is against this variance for fear of a back-land subdivision. Bill would like to speak to the Town Attorney before they make their decision. Bill is concerned about the variance criteria.

Public hearing closed at 8:15. Short recess was taken by the board.

Bill spoke to Nathan on the phone during the recess. Bill was told that if someone wanted to challenge the decision, it would be easy to overturn because of the criteria. If the Board wants conditions, per Nathan,

they are free to do that. The balance test is to make sure that if someone challenges the decision in court, it will be upheld. Nathan believes this variance is at low risk for a challenge. Board is also concerned about setting a precedence. There was discussion on tabling this variance request for 30 days. Kevin stated that if it was to be tabled for 30 days, his sub-division process would come to a stand still. Peter wanted to know what the downside risks to approving this are. Peter would like to be able to speak to Nathan. Kevin stated that he would not be building on this property for several years.

Discussion on conditions to the variance. The board wants the use restricted to one single family home with accessory buildings with no commercial use allowed. The board feels there is enough acreage to mitigate any problems with lack of frontage. (Acreage being (+)(-) 70 acres.)

Dave made a motion to accept the area variance request to allow one single family home and any permitted accessory buildings with the use restricted to no commercial operation on the property. Seconded by John.

Bill – Aye

John – Aye

Dave – Aye

Peter – Abstained

Variance request granted.

Bill motioned to adjourn the meeting at 8:50PM, seconded by Peter and all approved.

Respectfully Submitted,  
Jennifer L. Heberling  
Recording Secretary