

TOWN OF NEWSTEAD
ZONING BOARD OF APPEALS
MINUTES of April 15, 2003

Present: Corky Keppler
Dave Wakeman
Bill Kaufman
Rebecca Baker, Zoning Officer
Christine Falkowski, Recording Secretary

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

The public hearing was opened to hear comments for or against the area variance request of 4.1' for addition of a garage to the original garage already located 5.9' from west property line. Code requires 10'. This property is located at 6767 Cedar Street and owned by Dick Abraham. No one was present at the hearing, and no comments were received. Dave made a motion to approve the variance with the condition that Mr. Abraham obtains written, notarized approval from his neighbor to the north.

The Board reviewed the area variance request of 15' for placement of a new home on a corner lot (bringing the distance from the right of way to 50' vs. the required 65') located at 4389 South Newstead Road and Dorsch Road, owned by Paul & Cynthia Griffin. As requested by the Board, the Griffins have submitted to the Building Dept. written agreement to the 50' setback from their immediate neighbors. Bill made a motion to approve this variance, seconded by Dave and all approved.

The public hearing was opened to hear comments for or against the area variance request of zero frontage for creation of a four acre lot directly east of 6233 Utley (Heim) and north of 6217 Utley, owned by Lynette Joy Simmermaker, with access via a common drive entrance with 6217 Utley. Code requires 150' frontage. Sharyn Heim of 6233 Utley was present, along with Patty & Phil Harner of 6279 Utley. They were concerned with how this might affect resale value, ability to sell, the natural spring running through the land, how septic system would be placed, drainage issues, etc. Bill made a motion to deny the variance due to the lack of frontage, neighbor dissent, and substandard lot, seconded by Corky and all agreed.

The public hearing was opened to hear comments for or against the area variance request of 90' frontage for creation of a 29 acre building lot on Barnum Road owned by Thomas Haberneck. Code requires 150' frontage. This is an irregular shaped lot running behind several parcels with access via 60' of frontage. Mr. Inglesbe was not present, but had stopped in to the office asking if a house would be placed within the 60' access area, and he was assured that was not possible. Mr. Haberneck's intent is to sell to a buyer interested in building a one or two family home. He is aware there is some wetlands, which the DEC will be delineating soon. There are two ponds, a stream running through it and two mammoth oak trees on this parcel. Mr. Haberneck stated that he could buy the lot next to him, to obtain the required frontage, and then sell it. According to the new Master Plan, this situation would be ideal for subdivision development. A good use of this space would be to create approximately 10 two-acre homes. Mr. Haberneck will consider approaching a developer. Bill made a motion to table this item for 60 days, seconded by Dave and all approved.

Bill made a motion to close the meeting at 8:23 PM, seconded by Dave, and all approved.

Respectfully submitted,

Christine B. Falkowski,
Recording Secretary