

TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS
MINUTES of August 23, 2007

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

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

Area Variance Request – Joseph & Jacquelyn Rotundo – 5814 Barnum Road

Proof of public notice read by Zoning Board Clerk.

The Rotundos are applying for an area variance to construct an addition approximately 1.5 feet from an existing concrete smoke house and to construct a deck approximately 3.5 feet from the same existing smoke house. Town of Newstead Code requires the distance between the main building and the accessory building to be a minimum of ten (10) feet.

Mrs. Rotundo spoke about the smoke house on her property. It was built in 1898 and is approximately 4.5 feet by 5.5 feet and 6.5 feet high to the roof. The Rotundos have lived at this property for 23 years and have never used the smoke house. They would like to keep the building due to its historical significance.

John Good stated to the board that Scott Zitzka, Newstead Fire Chief, looked at the property and he saw no specific hazard with constructing the proposed addition.

Mr. Rotundo explained to the board that they are trying to keep things the way they were from the past.

Since no one appeared to speak, the public hearing was closed at 8:34 pm.

Discussion on variance by board. Bill believes the Historical Society would appreciate the smoke house being preserved.

Dave is concerned about the footer for the addition that will have to be dug so close to this building. He asked if the smoke house could be moved while the excavation equipment was on site. The resident would be willing to move the smoke house if it caused problems with the foundation. Dave is also concerned about the amount the variance is for.

The Rotundos stated that their contractor is well aware of the location of the smoke house and he does not feel it poses a problem with the addition.

Bill went through the Area Variance Criteria questions –

1. **Whether benefit can be achieved by other means feasible to applicant:** Not with preserving the historical character of the property.
2. **Undesirable change in neighborhood character or to nearby properties:** No
3. **Whether request is substantial:** Yes
4. **Whether request will have adverse physical or environmental effects:** No
5. **Whether alleged difficulty is self-created:** No. This is a historical building.

Bill believes that since the Newstead Fire Chief has no issues with this request, it should be granted.

A motion was made by Corky to approve the variance request with the condition that the building never be used as a smoke house or for storage of flammable materials. It must be maintained as a historical building. Bill seconded the motion.

Bill - Aye
Dave – Aye
Peter – Aye
John – Aye
Corky – Aye

Variance request granted.

Motion made by Peter to accept the minutes of 05/24/2007, seconded by John and all in favor. Bill abstained from the vote since he was not at that meeting.

Corky motioned to adjourn the meeting at 7:50PM, seconded by John and all approved.

Respectfully Submitted,
Jennifer L. Heberling
Recording Secretary