

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:00PM
October 20, 2014

MEMBERS

PRESENT: Andy Kelkenberg, Co-Chairman
 Terry Janicz
 Erik Polkowski
 Don Hoefler
 John Potera

ABSENT: Tom Cowan
 John Olaf

OTHER: Christine Falkowski, Recording Clerk
 Ralph Migliaccio, Code Enforcement Officer
 (3) Participation in Government students
 Ken Kasparek

Work Session

Minutes from last meeting

Erik made a motion to approve the minutes of October 6, 2014, seconded by Don:

Erik	- Aye
Don	- Aye
Terry	- Aye
Andy	- Aye

Windmill law revisions

Andy stated that this item will be tabled until the next meeting when Tom returns.

Training

Christine reported that in-house training will be offered most likely on Monday, November 17th. All present indicated they would be able to meet as a Planning Board at 6PM to allow time for the training that evening. Details will follow as soon as they are available.

Pending

Site plan/special use permit application – wind turbine – 8228 Cedar Street

We anticipate receiving this application shortly.

Fancher Properties expansion

Ralph reported he was told the variance hearing with NYSDOS would be held on October 23, 2014.

Major subdivision application – Utley & Clarence Center Roads

Christine reported that we anticipate a 14-lot major subdivision from Mr. Thering before the end of the year. This property is in the Clarence Central school district.

Variance - Wind Turbine – 11856 Rapids Road

Christine reported that we received the variance application on October 15th along with a revised site plan showing the turbine location at 100' instead of 60'. The turbine's maximum overall height including longest reach of rotor blades is 154'. Therefore, the setback should be 231' and a 131' variance would be required. We recognized after the October 6th Planning Board meeting that Chapter 422 indicates windmill variances must be approved by the Town Board, not the Zoning Board.

Site Plan Application - 13760 Indian Falls Road – Creekside Septic

Peter Henley, owner, Jeff Hummel of JPH Holdings, and Todd Audsley of Smart Design appeared. There are five tenants at the site as follows: Creekside Septic, North Pembroke Enterprises (metal fabrication), Akron Alloy, Pet Rescue and office space. North Pembroke Enterprises will park equipment one or two at a time in the designated 200' x 30' area at the western end of the property. Creekside Septic needs site plan approval from the Town in order to close on purchasing the property from Peter. A one lot minor subdivision was approved on April 21, 2014 to split 13.5 acres from 50 acres to facilitate sale of the building and surrounding land to Creekside Septic. At that meeting, Ralph advised that the buyer must submit a site plan due to change in ownership per Town Code and that outdoor storage must be addressed and controlled. The property is zoned I-1 and I-2 and abuts R-A zoned property, requiring 100' setback, including a 50' buffer. Ralph stated the buffer must be maintained, landscaped and not developed. Mr. Audsley stated that upon site plan approval, they would be applying for an area variance to the setback requirement, which limits Mr. Hummel's use of the site.

Mr. Hummel stated that people drive through the property dumping trash, and that one of his tenants has been robbed a few times. He asked if he could put up a gate approximately halfway down the driveway. Ralph stated that it would be OK as long as a KnoxBox is installed so that the Fire Companies have access.

The Board would like to see screening of outdoor storage by planting evergreens enough to form a barrier at the south end of the property (Indian Falls Road). Andy made a motion to recommend the site plan to the Town Board with the condition that a staggered row of evergreens must be planted at the south property line, seconded by Terry:

- Erik - Aye
- Don - Aye
- Terry - Aye
- Andy - Aye
- John Potera - Aye

Change in Use/Occupancy – 13021 Main Road – Second Gear - Kimberly Kuznicki

Kimberly appeared. She stated she has three children who enjoy four-wheeling, and would like to make used apparel available for ATV, snowmobile and motorcycle riders to purchase. She will occupy the space where the taxidermist used to be at 13021 Main Road. Her merchandise is purchased at garage sales, on Craig's List, donated and on consignment. The photographer is leaving November 1st. She shared sign renderings, and Christine stated the street number must be on the sign. A 10' x 2.5' sign will be placed on the building and a 6' x 4' sign will be added to the existing pole.

Don made a motion to approve the change in use/occupancy application, seconded by Terry:

- Erik - Aye
- Don - Aye
- Terry - Aye
- Andy - Aye
- John Potera - Aye

There being no further business, John Potera made a motion to adjourn the meeting at 8:15PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk