

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:00PM
June 1, 2015

MEMBERS Tom Cowan, Chairman
PRESENT: Erik Polkowski
John Potera
Andy Kelkenberg
Terry Janicz
Don Hoefler
John Olaf
OTHER: Christine Falkowski, Recording Clerk
Ralph Migliaccio, Code Enforcement Officer

Work Session

Minutes from last meeting: Don made a motion to approve the minutes of May 18, 2015 as amended, seconded by Terry:

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

Pending items were reviewed:

- Site Plan: Tim Horton's Restaurant – V/L Main Road –Kelton Enterprises, LLC – currently being reviewed by Town Engineer.
- 8-lot major subdivision – 12089 Clarence Center Road – Rothlands – no action.
- 14-lot major subdivision – Clarence Center & Utlely – Thering – no action.
- 1-lot minor subdivision 11365 Main Road – Tina Ball – expect pre-application June 22.
- Site plan – 11190 Main Road – Doug Webster – no action.
- Special use permit/site plan-used auto sales-12474 Main-Larry Fels – application received today; will be on June 22 agenda.
- The Town Board denied variances for three wind turbines; therefore, those site plan reviews will not come back to the Planning Board.
- Site Plan/special use permit amendment: Kelkenberg Farm–12607 Stage-Andy Kelkenberg – more detailed site plan forthcoming.

1-Lot Minor Subdivision – Vacant Land Carney Road – Doug Stanbury

John Potera made a motion to waive the public hearing, seconded by Terry:

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

Doug & Karen Stanbury applied for a 1-lot minor subdivision on Carney Road from a 35-acre parcel creating a 300' x 300' building lot. In 2009 Wendel Duchscherer approved the drainage plan for a previous split with the comment that wetland delineation is recommended if development is proposed within 250' of the wetland boundary even if the wetland location is outside the proposed parcel. Wendel completed their first review indicating a preliminary wetland determination is required to show whether any portion of the proposed home, septic field or driveway is located within a jurisdictional wetland. Mr. Stanbury produced a letter from Erie County Soil & Water Conservation District saying the site was reviewed and that there appears to be no listed wetland on the property. Therefore, Wendel Duchscherer recommended engineering approval based on the new information.

Don made a motion to approve the subdivision, seconded by Andy:

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

Mr. Stanbury requested a \$225 refund of the engineering review fee he has paid. Tom replied we could not do that as the Town Engineer has already completed his review.

Windmill law amendment

The Board began reviewing criteria in the windmill law. The majority felt that the minimum lot size should be zero, the lot width should be minimal to meet setback requirement, the maximum height to be unchanged at 195', that variance approvals remain unchanged and approved by the Town Board. They did not come to agreement on fall zone, whether it be 1.5 x turbine height or 2 x turbine height. They basically agreed that the current law did not need amendment and that proposals that do not meet the setback requirement be denied when variances are requested.

The Supervisor entered the meeting and requested feedback about amendments to the zoning law.

Agricultural Amendments to the zoning law

The Board disagreed with the proposed draft and felt it was not necessary. They recommend the following:

- No spot zoning for greenhouses, which adding a C-3 zone would create.
- Add agri-business as an allowed use in the RA zone with restrictions for retail such as ___% sold must be grown on site.
- Add a definition for agribusiness.

Special Work Session – Monday, June 15, 2015 at 7PM

The Planning Board will meet for work session only on June 15th to discuss the amendments above possibly with the Town Board jointly.

There being no further business, John Potera made a motion to adjourn the meeting at 8:30PM, seconded by Erik and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk