

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:00PM
June 22, 2015

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

Work Session

Minutes from last meeting: John Olaf made a motion to approve the minutes of June 1, 2015, seconded by Andy:

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

Agenda items were reviewed. Andy questioned the drainage plan for Tim Horton's expressing concern that runoff may cross the northwest boundary. Since Wendel had approved the drainage plan and was in the building, Scott Rybarczyk was summoned to the meeting. Scott assured the Planning Board that the drainage plan was sufficient for this small site, and was surprised they were not concerned about a previous project's drainage plan that was much larger and complex.

Pending items were reviewed:

- 14-lot major subdivision – Clarence Center & Utley Roads – Thering: no action.
- Site plan – 11190 Main Road – Doug Webster: Tom reported the business appears to be open and that it needs an approved site plan as it is in the C-2 and overlay zones.
- Preapplication Conference – 4384 Billo Road – Doug Brauer: July 20th @ 7:30
- Review draft amendments to Town Zoning & Windmill Laws: Christine distributed notes from the joint Town Board/Planning Board meeting held on July 15th. Tom reported that a special Planning Board meeting may be scheduled on July 13th to review this.
- Review Town Code Chapter 450-97 "Glare": July 20th meeting
- Review Towns & Topics article "A New York State of Drones": July 20th meeting

Site Plan: Tim Horton's Restaurant – V/L Main Road - Kelton Enterprises, LLC

Don recused himself. Robyn Cierniak of Schutt Engineering, David Beaton and Joe DiChristina of Kelton Enterprises appeared. Robyn reported that she received NYSDOT's comments today (copy provided to Christine) who basically recommended the proposed driveway be widened by 4'. The plans have been revised to include monument signs vs. the pole signs originally depicted. John Potera stated that total signage may exceed the Town's limit, and requests that Ralph double check this. Renderings of the exterior and interior were submitted. Possible hours of operation are 5AM – 11PM according to Mr. Beaton. Erik asked why cross-access or pedestrian walks to adjacent properties is not provided. Robyn replied that a straw poll of the Town Board to waive this has been reported by the Supervisor.

Site Plan: Tim Horton's Restaurant – V/L Main Road - Kelton Enterprises, LLC (continued)

Terry made a motion to recommend approval to the Town Board, seconded by John Olaf:

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

Special Use Permit/Site Plan: Used Auto Sales – 12474 Main Road - Larry Fels

Mr. Fels is requesting a special use permit for used vehicle sales, although his application states "storage of used cars". Tom pointed out that the lease between Mr. Fels and Mr. Pasinski states "used cars for sale". Mr. Fels stated he will mainly be storing cars. He will not place signs or prices on cars and will not advertise. If he sells a car, it's due to word of mouth only. Mr. Fels stated that if a vehicle is out by the road, it's not his. Mr. Fels stated that the eight storage spots depicted on the site plan are on gravel and dirt surface. Tom stated it could be a muddy field vs. paved storage spots. Mr. Fels offered to add gravel to the storage area. He will have no office hours and will not be open to the public. NYSDOS granted a variance to the plumbing code with the condition that a portable toilet, as approved by the Code Enforcement Officer, be installed on site. Mr. Fels stated he did not need one.

Don made a motion to recommend the site plan to the Town Board, seconded by Erik with the following conditions:

- (1) Storage spots must be moved to the west; spot #1 should start approximately at spot #4.
- (2) Defined gravel/stone parking spots must be installed prior to storage of vehicles.
- (3) No direct retail marketing.
- (4) Maximum number of vehicle storage spots is ten.

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

Preapplication Conference: 11365 Main Road - Tina Ball

Tina Ball appeared. She relayed that H&T Management is a limited family partnership; she is the sole partner, but not the owner. She wants to distribute the house at 11365 Main to herself and become its owner. It is on a 70 acre parcel and she wants it to be much smaller. H&T owns both adjacent lots that are also very large. Tina was advised that she does not need to subdivide a lot; that she can simply change the lot lines thus enlarging one of the adjacent lots and reducing the lot size of the house. This is simply a legal transaction involving revised legal descriptions on the deeds. No action is necessary by the Town of Newstead.

Site Plan/Special Use Permit Amendment: 12607 Stage Road – Kelkenberg Farm – Andy Kelkenberg

No presentation was made.

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Sketch Plan: 8-lot major subdivision – 12089 Clarence Center Road – Rothlands - Kelly Schultz

Mike Metzger appeared and presented a sketch plan for subdividing the following lots from the 211.90 acre Rothland's Golf Course parcel:

- 3 lots at McNeeley Road
- 5 lots at Clarence Center Road

John Olaf made a motion to accept the sketch plan as a major subdivision with no public improvements and to notify the Town Board, seconded by Terry:

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

Clarence Self Storage – 11234 Main Road

Supervisor Cummings asked the Planning Board to take a look at a SEQR response letter received this evening from Mark Lee of Erie County Planning & Environment. Jim Bola and Mike Metzger reviewed the extensive comments with the Planning Board, and promised to email their responses to those comments to Christine. She will then incorporate this information into the site plan resolution/neg dec for Town Board action. The Town Board will hold a special meeting on Monday, June 29, 2015 during the day for this action only. Mr. Bola reported that the storage buildings will be green with beige trim. The office will be staffed by one employee with hours of operation from 9AM – 6PM approximately.

There being no further business, John Potera made a motion to adjourn the meeting at 9:30PM, seconded by John Olaf and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk