

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:00PM**  
**August 17, 2015**

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

**Work Session**

**Pending items:**

- 14-lot major subdivision – Clarence Center & Utley Roads – Thering: no action.
- 8-lot major subdivision – 12089 Clarence Center Road – Rothlands: no action.
- Variance for a building lot - 4384 Billo Road - Doug Brauer: no action.
- Site plan - 11190 Main Road – Peak Motion, Inc. - Doug Webster: no action

**Drones ordinances**

Christine distributed four examples of drone ordinances in New York State:

- Town of Orchard Park - “Operation of Unmanned Aircraft/Unmanned Aircraft System”
- Rockland County - “Drone Regulation Law”
- Village of Laurel Hollow - “Unmanned Aircraft Systems & Model Aircraft-Drones”
- Village of Tuxedo Park - “Unmanned Aircraft Systems (AKA Drones) & Allowing Limited Ground-based Photography & Other Imagery Related to the Sale of Real Property”

Planning Board members stated that Federal law prohibits drones flying within a five mile radius of an airport; therefore felt this would cover most of Newstead without creating a new ordinance.

Christine distributed articles as follows:

- The Innovative Clarence Greenprint Program – “New York Planning Federation” newsletter
- Agricultural Commerce & Agri-Tourism – “Talk of the Towns”
- Municipalities & Mary Jane – “Talk of the Towns”

**1-Lot Minor Subdivision – 7343 Sandhill Road - Ken Huebert**

Barb Huebert appeared. The Huebert’s own a 22-acre vacant land parcel on Sandhill Road where they would like to split off a 1.12-acre building lot. Barb stated they have a contract with I.Q. Company for a modular home. Wendel Duchscherer recommended engineering approval in a memo dated August 3, 2015 with two comments:

(1) Applicant is placing an existing stone road in the subdivided parcel. If no easements are created, the owner of this new parcel could limit or block access the rest of the parcel currently has using this stone road and

(2) Drainage from this parcel goes from NW to SE through the site. The house will act as a dam blocking this flow path under heavy rains. The use of drain tile will help mitigate this problem, but standing water may still be seen at the front of the home under certain conditions.

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

Tom - Aye  
Terry - Aye  
Don - Aye  
John Potera - Aye

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

Tom - Aye  
Terry - Aye  
Don - Aye  
John Potera - Aye

Christine will send subdivision plat filing instructions to Barb.

**1-Lot Minor Subdivision – V/L Maple Road - Theresa Mussell**

Theresa Mussell appeared. She has purchased an 18-acre vacant land parcel on Maple Road where she would like to split it into 2 building lots approximately nine acres each to build a house for her and one for her brother. Engineering review was waived by the Code Enforcement Officer. Don had a problem with the proposed swale elevations and the ditch grading on the drainage plan prepared by Ottney & Miller. Also, the creek is mis-named; it should be Murder Creek not Tonawanda. Don reported that Ottney’s numbers don’t necessarily work, that he requests Wendel review the last 3 or 4 Ottney Miller grading plans, and requests that Wendel review all Ottney Miller grading plans in the future.

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

- Tom - Aye
- Terry - Aye
- Don - Aye
- John Potera - Aye

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

- Tom - Aye
- Terry - Aye
- Don - Aye
- John Potera - Aye

Christine will send the subdivision plat filing instructions to Theresa.

**Sign Permit Review – 13008 Main Road - Charles McConnaughey**

Charles McConnaughey appeared. He owns the property at 13008 Main Road on the corner of Routes 5 & 93. The tenant of the 3,200 sq. ft. pole building has moved out, and he would like to advertise for a new tenant to rent the building for storage purposes only, including vehicles. Mr. McConnaughey would like to erect a temporary 32 sq. ft. A-frame sign. There was discussion about our Code section 327-4 Signs Allowed in All Districts Without Permit which includes temporary for sale, for rent, real estate signs vs. Code section 327-5 Temporary Signs which states temporary A-frame signs must not exceed 8 square feet, displayed for 30 days. Mr. McConnaughey stated he wants to display it on the Route 5 side, large enough to be seen clearly. Ralph reminded him that it must be displayed at least 15’ off the paved portion of the road, that outdoor storage is not allowed, and that if a new tenant is a business, change-in-use approval is required.

Terry made a motion to approve a 4’ x 4’ sign (16 square feet) to be displayed through December 1, 2015, seconded by Don:

- Tom - Aye
- Terry - Aye
- Don - Aye
- John Potera - Aye

**Minutes from last meeting:** John Potera made a motion to approve the minutes of July 20, 2015, seconded by Don:

- Tom - Aye
- Terry - Aye
- Don - Aye
- John Potera - Aye

There being no further business, John Potera made a motion to adjourn the meeting at 8:20PM, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk