

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:00PM
July 20, 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: John Olaf made a motion to approve the minutes of June 22, 2015 as amended, seconded by Terry:

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

Wind Turbine Law and Agricultural Amendments to Zoning Law:

Christine distributed notes from a July 14, 2015 Planning Board agenda meeting. Members were polled on each proposed amendment, and some changes were agreed upon. All concurred that these changes will be the final recommendations to the Town Board.

Town Code Chapter 450-97 "Glare"

Code section 450-97 was reviewed. Andy made a motion to recommend the changes of this code that were discussed and agreed upon, to the Town Board, seconded by John Olaf:

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

Towns & Topics article "A New York State of Drones" – this item was tabled.

Training

One member needs additional training hours for 2016. Other members may be interested in topics that are available at seminars and workshops, and would like to know from the Town Board if training hours earned in 2015 could be carried over to 2016.

Pending items:

- 14-lot major subdivision – Clarence Center & Utley Roads – Thering: no action.
- 8-lot major subdivision – 12089 Clarence Center Road – Rothlands: no action.

Preapplication Conference – 4384 Billo Road - Doug Brauer

Doug Brauer appeared. He owns a 5.32-acre irregular shaped lot 1,334' deep with road frontage of 103.62'. Existing house and driveway are located close to the south lot line, leaving what appears to be plenty of space to subdivide a building lot that he would sell. Mr. Brauer relayed that he would like a common driveway for two houses, and he was advised against this. Ralph relayed that an area variance would be required. Some members felt that since the area is an old quarry that a variance for a building lot might be a good use of back land that would otherwise not be usable.

Preapplication Conference – 4384 Billo Road - Doug Brauer (continued)

Andy made a motion to recommend any variance to the Town Board pending an acceptable subdivision plat, seconded by Don:

- John Olaf - Aye
- Tom - Aye
- Terry - Aye
- Don - Aye
- Andy - Aye
- Erik - Aye
- John Potera - Nay (due to existing lot frontage already below 150')

1-Lot Minor Subdivision – V/L Main Road – Burg Family

Don recused himself. Robyn Cierniak of Schutt Engineering and David Beaton of Kelton Enterprises appeared, representing the Burg Family. They have applied for a one lot minor subdivision to split off a 45,000 square foot lot for construction of a Tim Horton’s Café & Bake Shop. Wendel Duchscherer previously approved the drainage plan during site plan review.

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

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

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

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

The applicant will file the subdivision plat with the Erie County Clerk. Don re-entered the meeting.

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

Andy Kelkenberg appeared. Andy presented a professional site plan for expansion of his permanent special use permit for agribusiness home-based business. Proposed construction includes a new wood framed 6,450 sq. ft. building, new septic system, new drive and circle with concrete culvert. Existing parking lot is shown only to illustrate number of parking spots.

John Potera made a motion to recommend the site plan to the Town Board, seconded by Terry:

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

1-Lot Minor Subdivision: Vacant Land Sandhill Road – Joseph Carol Family Trust

The following appeared: Ashley Pfentner, granddaughter of Eliner Trapper, owner
 Tyler Haniszewski, fiancé of Ms. Pfentner
 Rich Pfentner, father of Ms. Pfentner

Eliner Trapper applied for a subdivision with the intent to sell a building lot to her granddaughter, for building a single family home. The current lot size is 6.19 acres and the created lot will be 150’ x 600’ or 2.066 acres. Ralph approved the drainage plan and waived review by the Town Engineer.

1-Lot Minor Subdivision: Vacant Land Sandhill Road – Joseph Carol Family Trust (continued)

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

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

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

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

Christine will email the plat filing instructions to Ashley.

Preapplication Conference: 11190 Main Road – Peak Motion, Inc.

Doug Webster appeared. Mr. Webster was previously approved for change-in-use of this property. Peak Motion, Inc. is currently operating. The Board explained to Mr. Webster that an approved site plan is necessary for the Town to have on record even if he is not planning to change the exterior. If any changes are made in the future that are not already depicted on the approved site plan, he would apply for an amendment. Therefore, it is best to show any potential future changes now. He was advised to include the street number on his sign and show it on the site plan.

1-Lot Minor Subdivision: 4059 North Millgrove Road – Brian Lords

Brian and Stephanie appeared. Brian’s family owns a 19 acre parcel on North Millgrove at the Town of Alden border. His mother lives in the existing house on site. He would like to create an irregular shaped 1.72 acre building lot with 150’ of road frontage. Ralph approved the drainage and waived Town Engineer review.

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

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

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

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

Brian has the instructions for filing the subdivision plat with Erie County Clerk.

There being no further business, John Potera made a motion to adjourn the meeting at 9:00PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk