

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
January 13, 2014 **Newstead Town Hall – 7:00PM**

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

Work Session

5040 Havens Road – site plan amendment (lot grading/drainage plan)

Scott Rybarczyk, Town Engineer, entered the meeting at 7:10PM. Also in attendance were Kristi & Rob Flory, 5050 Havens Road, Chris & Lisa Mazur, 5040 Havens Road, and Kevin Stoldt of CMK Builders. The subject property is a part of the Havenwood Subdivision. The Flory's moved into their new home (#5050) in July 2013. They currently have water issues in their front and rear yards, and they passed around photos of their property in a flooded state. In an attempt to solve that problem, they displayed a contract or estimate from Milherst Construction to install a pipe across their front property to the north.

Mr. Stoldt is building a new home for the Mazur's at 5040 Havens. The foundation has been built, and Ralph stopped further construction due to the foundation being too high. The Flory's feel that the high elevation of #5040 foundation will further impact their drainage problem. Therefore, Mr. Stoldt submitted a new elevation drawing dated January 3rd of #5040 to Scott, and this drawing was amended further with red pen on January 6th. Scott recommended approval in a memo dated January 6th with three conditions. Andy stated that #5050 is the problem as it was built too low and that #5040's elevation is just right, and that it is the Town's problem to fix, including a roadside ditch. There was disagreement to this by Ralph, Don and others. Most felt that the installation of a pipe between properties at the south side at Kevin's cost would help solve any potential drainage problems. The Flory's and the Mazur's agreed with Wendel's memo but Scott needs an engineered drawing of the pipe.

John Olaf made a motion to recommend modification of the Havenwood Subdivision plan by installing a pipe between lots #10 and #11 provided an engineered drawing of the pipe is submitted and reviewed by Wendel, seconded by Andy:

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

Tom walked over to the Town Board meeting to let them know how the Planning Board voted, so that they could potentially act on a resolution for amending the lot grading/drainage plan.

Buck's Motorsports variance request

APEX is preparing an area variance application for the setback of a proposed new building for the Newstead Zoning Board of Appeals meeting on January 23rd.

Minutes - John Olaf made a motion to approve the minutes of December 9, 2013, seconded by Don:

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

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Ralph reported that Doug Lewis, in order to comply with his site plan conditions, did in fact take the trees down at 13523 Main Road as a result of the violation notice, which could have resulted in an appearance ticket. The Planning Board was very glad to hear this and commended Ralph on getting results.

42 Jackson Street rezoning request: WoodMaxx Power Equipment, Village of Akron

A letter was sent by Mayor Patterson on December 17, 2013 to Supervisor Cummings which was referred to the Newstead Planning Board. The Planning Board agreed that the Village of Akron should be the lead agent but disagreed with rezoning 42 Jackson Street. The Board feels that any industrial zoning at this site would create a hardship for the residents in the surrounding neighborhood, if not the Village as a whole. It was suggested that Mr. Schie communicate with the developers in the Jackson Street area.

Tom made a motion, seconded by Terry to send a response to the Village that they disagree with rezoning for the following reasons:

- The parcel abuts the Westgate Apartments residential complex.
- There is a new residential subdivision to the northwest of the site.
- Additional truck traffic may impact this residential area.
- There are other industrial zoned sites in Akron-Newstead, such as the old highway garage on Jackson Street, where the applicant may succeed with the development of a business park.
- Though there are other existing commercial/industrial sites lying within residential areas in the Village, the purposeful creation of industrial/residential mixed areas would be spot zoning.
- Industrial zoning and uses are not in the best interest of the residential neighborhood and may alter the essential neighborhood character.

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

Review of noise ordinance proposal

The Supervisor asked the Planning Board to review the draft noise law dated 12/9/13 created by the Conservation Advisory Council. The Board feels that the purpose of this law is targeting one business and that it would open a can of worms for many other potentially offensive noises.

John Olaf made a motion, seconded by Terry to respond to the Supervisor that the Planning Board is against this noise ordinance proposal:

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

1-lot minor subdivision – 13760 Indian Falls Road

Christine and Ralph met with the applicant's engineer on December 18th to discuss Newstead's subdivision procedures.

Sign law review meeting

Tom reported that Monday, February 24th at 7PM has been scheduled as a separate meeting for revising the sign code. Two members stated they may not be able to attend.

There being no further business, John Potera made a motion to adjourn the meeting at 8:56PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk