

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

January 23, 2017

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

Work Session

Minutes from last meeting

John Olaf made a motion to approve the minutes of January 9, 2017, seconded by Andy:

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

Draft solar ordinance for recommendation to Town Board

A special meeting to work on this project will be held on Monday, February 13, 2017 at 7:00PM. Tom asked the Board to review the model solar ordinance and come prepared to make decisions. Drew Reilly relayed to Christine that he is planning to join us that evening. Mike reported that three hours was devoted to solar at his code school class today.

Nathan, Mike, Tom and Christine met on January 12th to work on the following items:

Junkyards – Tom reported that he and Michael Borth visited Michael Shields last week, and that he has until February 15th to remove a half dozen tractor trailers. If the February 15th re-check of the site is satisfactory, a recommendation will be made to the Town Board to renew the special use permit for 2017 with the condition that it will be revoked if this situation occurs again. John Potera asked if vehicles are still being sold without a currently active permit, and he distributed the Vehicle & Traffic Law for junkyards and feels that several sections of this law may be violated by 12690 Main Road.

Structure height law amendment: Tom reported that our Code will be amended in all sections to be consistent with the maximum height allowed as follows:

- “Dwellings” and “Other” 40 feet
- “Accessory Buildings or Structures”30 feet

Minor Subdivision law amendment: Tom reported that for consistency, we are entertaining the idea of amending our minor subdivision definition to match that of the Erie County Health Department’s to say: subdivision of land of not more than four lots (original lot plus three new lots) within a period of three years. Currently our code says within a period of five years. Instead of having a subdivision code, John Potera would like subdivision of land handled at time of building permit application, including paying the fees then. He stated that most towns do not have a subdivision code, including the Town of Clarence.

One local law will be created to address structure height and minor subdivision amendment, along with regulating solar, once we are ready to make a recommendation.

Radon – draft Local Law #1 of 2017

Christine distributed draft local law #1 of 2017 “Radon Control Law of the Town of Newstead” for review. The purpose is to require radon control methods be applied to the construction process for new dwellings that can readily mitigate radon at a reasonable cost. A number of builders currently provide radon mitigation measures as part of residential construction.

John Olaf made a motion to recommend this local law to the Town Board seconded by Terry:

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

Training 2017 – John Potera shared the Spring 2017 Monroe County Dept. of Planning & Development Land Use Decision-Making Training Program to be offered on March 9th, March 28th and April 13th.

2017 Annual Disclosure Form – these forms were distributed to Board members for the Town Clerk to be completed and returned to her by February 1st per our Code of Ethics Law.

Smith Auto Sales & Service - 11372 Main Road: site plan conditions for special use permit

The conditions for the special use permit include “applicant must meet site plan completely, including the seven landscaping notes, before opening for business”. Tom reported he and Mike visited the site on January 11th. They went into the building, saw the office, the fire protection, and are happy the welding sign has been removed. John Smith told them that he plans to have all of the landscaping finished when the weather clears. John Olaf is not happy with the site largely because the asphalt is very poorly done and Mr. Smith has had two years already to create a decent business in our overlay zone. Signage is not even installed on the sign frame, which is not the sign depicted on the site plan. Also, now that Millcreek Manufacturing has vacated the front of the building, if that space is rented again, how will that business be impacted by John’s used car sales business since the display spots would conflict with customer/employee parking of an additional business?

Don made a motion to recommend renewal of this special use permit for 2017 to the Town Board with the condition that all landscaping per the site plan be completed by May 1, 2017, seconded by Erik:

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

5-Lot Major Subdivision: South Newstead Road - CMK Builders

One minor subdivision lot was approved in November 2016, and must now be included in the major subdivision of the 27.5-acre parcel into lots that are five acres each or larger. Town Engineer review memo dated January 10th recommends approval with the comment “Applicant has provided a letter from Wilson Environmental Technologies stating that any disturbance more than 300 feet east from South Newstead Road shall be avoided due to potential wetland areas. The current subdivision plan does meet this requirement, but when individual building permits are issued, the Code Enforcement Officer shall confirm that this requirement is still being honored. Any disturbance more than 300’ east from South Newstead Road will require a wetland determination”.

John Olaf made a motion to recommend approval of the major subdivision to the Town Board, seconded by Erik:

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

1-lot minor subdivision – Carney Road - Philip Whiting

Mike and Philip Whiting appeared. John Potera made a motion to waive the public hearing, seconded by John Olaf:

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

Philip Whiting is seeking subdivision approval to split off a 19.25-acre building lot from a 34 acre parcel. Wendel recommended approval in a January 19th review memo with the comment “the applicant has proposed a residence over 850’ from Carney Road. Designing a water service line for this residence should be done with care. A larger service and/or a booster pump may be needed to ensure adequate water pressure”. Philip indicated he plans to use a 2” water line, but no booster pump knowing he could add it later if necessary. Mike advised that using a 5/8” line would save the premium that Erie County charges for water that he may not use. Also, a fire hydrant is required at the 400’ distance. For electric service, Philip stated he will have a transformer pad halfway back.

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

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

Christine will give Philip the instructions for filing the subdivision plan with Erie County Clerk.

Pending:

- Quad Pharma site plan application – 11342 Main: Town Engineer review memo #1 dated January 6, 2017 with 9 comments was forwarded to all appropriate parties. Letter response, revised site plan and revised Engineers Report dated January 19th from C&S Companies was received at 4:22PM on Friday, January 20th. An email from Scott this morning indicated he would not be able to review this submission before tonight’s meeting. Invoice for additional review fee of \$400 has been paid.
- Major Subdivision – Howe & Barnum Roads - CMK Builders: pending completed drainage plan and Erie County Health Dept. approval.
- Niagara Specialty Metals expansion – Last week Christine reviewed our site plan application procedure with Dave Sutton regarding a 12,000 sq. ft. expansion.
- Niagara Label expansion: Christine made an inquiry to Richard Gunn of Calamar as to the project’s status, and he responded that the project is on hold until it is determined when the public sewer will be completed.
- 2-lot Minor Subdivision: V/L Meahl Road – Wideman: revisions are necessary to the drainage plan before approval.
- Site Plan – (6) Storage Buildings - 11167 Main Road – Schultz: no action.

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

Respectfully submitted;
Christine Falkowski, Recording Clerk