

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:00PM**  
**January 26, 2015**

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

**Work Session**

**Minutes from last meeting**

Andy made a motion to approve the minutes of January 12, 2015, seconded by John Potera:

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

**Agricultural home based business/Agri-business - Town Code potential revision**

Christine distributed Newstead's Chapter 186-Right to Farm Law. Tom reported that we may wish to amend this law to allow Ag retail with X percentage of product sold being produced on the farm and X minimum acreage. All members were in favor of continued research by altering the Right to Farm Law.

**Pending**

1-lot minor subdivision – 11190 Main Road

This application has been submitted and it has been sent to Wendel for review.

Clarence-Akron Self Storage – 11234 Main

Jim Bola re-applied for area variances previously granted in 2013 that expired, which were approved by the Zoning Board on January 22, 2015. We anticipate site plan application submittal.

Fancher Properties expansion – 13661 Main Road

Nothing to report.

Wargo Enterprises – conditional rezoning

A certified mail letter was sent to Mr. Wargo on January 14<sup>th</sup> regarding non-compliance and requesting he meet with the Planning Board. We received a signed return receipt.

Wind Turbine – 11734 Meahl Road

Special use permit/site plan application has been submitted and applicant was advised to apply to the Zoning Board for an area variance for sideline setbacks.

**Special Use Permit/Site Plan Application – Wind Turbine – 7269 Sandhill - Don York**

This application was distributed and reviewed on December 8<sup>th</sup>, where Don discovered a variance was needed. That variance was granted by the Zoning Board on January 22, 2015. John Potera made a motion to recommend this application to the Town Board, seconded by John Olaf:

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

**Pre-Application Conference – Used Auto Sales - 12474 Main Road - Larry Fels**

Larry Fels and his wife Laurie appeared. 12474 Main Road is a 24-acre parcel on the northwest corner at Cummings Road that has 1,300 feet of frontage on Main and approximately 600' on Cummings. It is multi-zoned with the first 500' depth on Main Road being in the C-2 and Overlay zones, and the remainder in the R-A zone. It is vacant except for a barn and a 15' x 15' concrete milk house. Mr. Fels is renting the property from Patricia M. Demblewski-Pasinski, the owner.

Mr. Fels wholesales vehicles that he buys and ships to auction. He needs a parking lot where he can park up to 6 – 8 cars on the gravel area temporarily. It would not be a used car lot, but if you wanted to buy one of these cars, you could. Used motor vehicle sales is a permitted use in the C-2 and overlay zones upon issuance of a temporary special use permit, provided the required minimum 200' of frontage is met. Before applying to the Town of Newstead for this permit, Mr. Fels applied for and received a dealer's license from New York State. In fact, Mr. Fels stated he has already converted the milk house into his office where he posted the NYS license signage. This would be an ideal location for the Fels' given the proximity to ADESA and their home in Leisurewood. The Fels' were advised to consult the Route 5 overlay zone requirements provided to them, when preparing their application for site plan/special use permit. They were also advised on procedure where the Planning Board makes the recommendation to the Town Board, who undertakes SEQR review and holds a public hearing. Mr. Fels stated that the property is up for sale and that if sold, he would have to vacate.

There being no further business, John Potera made a motion to adjourn the meeting at 8:15PM, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk