

## TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

January 27, 2014

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

#### Minutes

Andy and John Potera requested amendments be made to the minutes of January 13, 2014. Therefore, those minutes will not be made official until they are amended and presented at the next Planning Board meeting. Item tabled.

#### 1-lot minor subdivision – 13760 Indian Falls Road

Application has not been submitted.

#### Sign law review – special meeting scheduled for February 24<sup>th</sup> at 7PM.

Tom asked the Planning Board to come to this meeting equipped to finish a draft of the sign law revision. Andy and John Olaf stated they will not be able to attend.

#### Buck's Motorsports variance request – pending

Application to Zoning Board of Appeals for variance request has not been submitted.

- Tom asked about the status of Dollar General's DVD machine and propane cage. Ralph reported that he approved a building permit for these items.
- Tom asked about the status of the November 21, 2013 letter sent to Mr. Wargo regarding conditions tied to the rezoning of part of his property to I-2. Ralph reported that there has been no response, and Tom asked that this be kept on the agenda for work session.

#### Pre-Application Conference: 12859 Main Road - Tom Owen

Tom and Cheryl Owen appeared. They passed around handouts that included tax map, sketch, aerial photos with demolished buildings crossed out, and a list of reasons to allow them to build. They own a 27-acre parcel on Main Road with 772' of frontage. It is a farm with an existing house in the C-2 and Overlay zones, and they would like to building a second home in that same zone. They do not want to subdivide, understand they would have one tax bill, and plan to use the existing driveway for the new house. This property is approximately 800' west of Rite Aid and the Forrestel Quarry is adjacent to the east. The C-2 Zone does not allow new single family homes; therefore, Ralph stated he will not approve a building permit. Tom stated that such an investment would leave them vulnerable to commercial development, and that we have a very limited commercial zone available, basically the Route 5 corridor. The Owens do not want to build beyond 500' in the R-A zone portion of their property because they want to place this house directly behind the existing house in order to watch their barnyard animals in front of the new home.

The Owens can apply to the Zoning Board of Appeals for a use variance which must include criteria demonstrated for unnecessary hardship. Also, they were made aware of the agricultural exemption penalty on developed land. The Owens then asked if they could build two more barns within the C-2 zone as well. Ralph replied yes, he would approve that because they would be accessory buildings to the principal building.

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**Pre-Application Conference: 12859 Main Road - Tom Owen (continued)**

Don made a motion to recommend a use variance be approved by the Zoning Board of Appeals, seconded by Erik:

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

Tom indicated a memo will be sent to the Zoning Board stating the reasons for recommending a use variance.

**Special Use Permit - Home-Based Business in RA Zone: 13546 Stage Road - Michael Borth**

Michael Borth and his brother, Kevin, appeared. On December 18, 2013 Tom sent a letter to Michael Borth regarding review of his temporary special use permit to operate a home based business in the RA zone at 13546 Stage Road, stating that the Planning Board cannot recommend renewal for 2014 to the Town Board unless the property is brought into compliance by January 31, 2014. Tom apologized to Mr. Borth for not including reason(s) for such non-compliance. Kevin Borth stated that the letter was short on facts, but long on threats and that between he and his brother, they own over 600 acres including in Wolcottsville. Michael stated that the permit issued on February 13, 2012 has been renewed two or three times already, and that even though his permit has a condition that only one vehicle be displayed for sale; that he is really allowed more than one vehicle for sale at the road per a subsequent Town Board meeting.

Kevin stated that his brother has had some heart attacks and was planning on screening his outdoor storage. Michael stated he is planning on putting up a 40' x 72' building to house his outdoor storage, and that he has already been approved to be a licensed motor vehicle dealer. Terry stated that is only allowed with 200' minimum frontage in the C-2 zone. Kevin stated that his brother will put up a fence.

On January 21<sup>st</sup> Kevin sent an email request to the Town Board for a six month extension of compliance period be granted. Erik explained why we wrote the letter. Tom stated the Planning Board will tell Ralph what needs to be done. John Potera suggested that instead of August 1<sup>st</sup>, we may as well grant approval through end of year.

John Potera made a motion to recommend that the Town Board renew this special use permit through 12/31/14, seconded by Terry:

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

Tom stated that written notice to Mr. Borth from the Planning Board regarding compliance will be forthcoming.

Scott Rybarczyk poked his head in to inquire about this action, which was relayed to him to relay to the Town Board.

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

Respectfully submitted,  
Christine Falkowski, Recording Clerk