

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:00PM**  
**January 8, 2018**

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

**Work Session**

**Minutes from last meeting:** John Potera made a motion to approve the minutes of December 11, 2017, seconded by Terry:

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

**Proposed code changes**

Tom reviewed the most recent Code changes with the Planning Board. Mike stated we were unable to obtain written confirmation from NYSDOT regarding the Route 5 minimum front setback of 65' due to 65' fluctuating on Route 5 from downtown Buffalo through Rochester and beyond.

Tom also reviewed the additional items for discussion with the Town Board to gage their interest, such as:

- Increasing minimum frontage of 100' to 150' or 200' in the C-2 zone with a minimum 30' required for each side lot setback.
- Tom also proposed increasing the maximum 40' height in C-2 zone. Suggested asking Fire Company. Mike stated the Fire Companies have the capability to reach 105'.
- Define "primary structure" and better define "accessory structure" in Code book definitions.
- Add "mixed use" to permitted principal uses in C-2 zone and define it.
- Two homes are allowed in the RA zone on one 90,000 sq. ft. lot per Code section 450-8. This will not be changed.
- Explore concept of "tiny homes"?

The Planning Board and the Town Board will meet to discuss the proposal on January 29, 2018 prior to our regular meeting that evening.

**Change in Use/Occupancy Site Plan– 13025 Main - "Aluminate" business office – Michael Wnek**

Tom reported that after the last meeting, Michael Wnek appeared, stating he wants to rent a storefront at 13025 Main for a commercial office for his company. He sells aluminum insulation for energy efficiency. The Letter of Intent and fee have been submitted without a site plan or sketch as he stated he is not changing anything. Christine left a voicemail asking Mr. Wnek to attend, submit a sign rendering and provide a product brochure or sample.

Andy made a motion to approve the change in use/occupancy for 13025 Main Road, seconded by Don:

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

If a sign is desired, a sign permit with fee is required to be reviewed by the Planning Board. Tom asked Christine to write Mr. Wnek a letter regarding tonight's approval and invite him to the January 29<sup>th</sup> meeting.

**Town of Clarence SEQR Lead Agency – “Lifestyle Center Zoning District”**

Document was distributed. The new zoning LC zoning classification promotes a mixed-use environment within any sewer district. Comment period expires January 13, 2018 for the January 17<sup>th</sup> public hearing.

**2018 Proposed Fee Schedule**

The December 1, 2017 memo from Michael Borth regarding the draft 2018 fee schedule and recommendations was reviewed by the Planning Board, as requested by the Town Board. Mike Borth relayed that the current fee structure does not cover associated permit expenses. The Board felt that line #28 “fuel tank installation/removal” should be removed. Also, closing, filling or covering roadside ditches in the town is allowed with a permit, but currently no fee is charged. Any piping, receiver or other materials required for the covered ditch must be purchased by the landowner, but the Highway Department is responsible for installation of the drainage pipe. It was determined that our minimum \$50 fee should be recommended.

Terry made a motion to recommend the proposed 2018 fee schedule to the Town Board with the following changes (1) remove line #28 fuel tank installation/removal and (2) add ditch fill permit \$50, seconded by John Potera:

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

**Pending:**

- **Niagara Label - Site Plan: Lewis & Hake and/or 13760 Indian Falls Road:** Tom reported that Niagara Label is indeed purchasing 13760 Indian Falls Road, but that development is a few years away. He also reported that expansion of their Lewis & Hake property is imminent and that he strongly encouraged Mr. Hatswell to apply for site plan approval now as that procedure can take approximately 90 days before a building permit can be approved.
- **Special Use Permit/site plan – Used Auto Sales – 13722 Main – Larry Carlyon:** Mr. Carlyon expressed in a January 3<sup>rd</sup> email that it is still his intent to proceed with establishing a car dealership and repair facility.
- **Sleepy Hollow expansion-13800 Siehl Road:** Mike reported that he responded to a mobile home fire on December 23<sup>rd</sup> where it appeared the campground was expanding. A letter was sent to the owners advising them to approach the Town Board to request that cabins be added to the allowed uses in the RVP zone.
- **11372 Main – John Smith, Jr. - change in use/occupancy:** A letter will be sent to Mr. Smith advising him that when his tenants change occupancy or use, they must obtain Planning Board approval in advance.
- **11520 Main – KJP 11520 Main St, LLC - change in use/occupancy:** A letter will be sent to the property owner advising that when their tenants change occupancy or use, they must obtain Planning Board approval in advance.
- **13123 Main - Willert/Schultz – change in grading:** Mike reported that they requested a new Judge and the new court date is in March.
- **12474 Main – Demblewski-Pasinski – change in grading:** Mike reported that he noticed a change in grading that may indicate planned development. A letter will be sent to the property owner.

**Proposed Master Plan update**

John Potera reported the final public meeting will be held on Wednesday, January 24, 2018 at 7:00PM and encouraged all to attend.

**MGA Research 13311 Main Road**

Don Hoefler shared that although the Town Board approved the site plan, NYSDOT will not allow the two new driveways as proposed on the site plan. They will only allow one new driveway at this site. He distributed copies of the approved plan and the amended plan. Mike stated he is waiting to hear back from Ed Rutkowski, SEQR/Site Plan Review Coordinator for NYSDOT, relative to NYS Fire Code necessitating the two new driveways.

Don also stated that the two billboards need to be relocated, asking if the Planning Board had any opposition. The only reference to billboards in our Code is Chapter 327 definition - "Larger than 80 square feet..... off-premises.....used to attract attention....."

**Athenex – ECIDA 11358 Main Road**

Christine reported that Athenex has applied for ECIDA status for the approved 8,000 sq. ft. addition. ECIDA will be holding a public hearing at the Town Hall on January 22, 2018 at 9AM.

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