

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

October 17, 2016

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

Work Session

Don reported he is no longer with Schutt Engineering and that he now works for LaBella.

Minutes from last meeting

Terry made a motion to approve the minutes of October 3, 2016, seconded by John Olaf:

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

Solar Farm Moratorium/Research/Training

Don suggested contacting Drew Reilly at Wendel for training as he knows about a presentation elsewhere at a cost of \$400, which includes other topics as well as solar. Christine reported she spoke to Scott about Wendel's experience with other Towns on this topic and is expecting a call from Drew.

Daniel Compitello of Cypress Creek Renewables, a solar farm company, is scheduled to make a free presentation to us on Monday, November 7, 2016 at 6:30PM. Jessica Bacher of Pace Law School agreed to provide a workshop in Newstead specifically on municipal solar ordinances. We are currently negotiating an agreed upon date. Both of these presenters would like to make PowerPoint presentations utilizing our screen and projector. This equipment requires some expertise, therefore, Ken Lombardo will be asked to participate. John Potera stated he has the skill and offered his assistance.

Junkyards

Myron Prystajko - Wahl Road on the Newstead/Alden border: Tom reported that Mike is attempting to have the property owner move the vehicles from Newstead to Alden where they are permitted.

Michael Shields – 12690 Main Road (has special use permit to sell vehicles): Tom reported that the Town Board must recommend that the CEO take action and/or not renew his temporary special use permit for 2017.

John Olaf again suggested getting the EPA and the DEC involved.

Radon

Mike reported he will draft a proposal for the next meeting to create a local law requiring all homes be tested for radon prior to occupying.

11372 Main Road – site plan conditions

Mike reported he is withholding signing a requested zoning letter from John Smith, Jr. that he needs to submit to New York State until John has complied with conditions prior to opening as set forth in his special use permit. Work at the site has commenced.

Change in Use/Occupancy – 13025 Main Road - Imagination Photography – Ann Marie Noreika

Ann Marie and her family appeared. She will be renting 13025 Main Road in the C-2 zone from Mr. Buonanno. This is the space previously occupied by Queen City Vapor, and then by Brenda’s Catalyst-for-Change. Ann Marie will operate a photography studio, photographing newborns, toddlers, families and seniors. She already has a client base and does not plan to put up a sign other than perhaps one in the window. Her hours of operation are by appointment only. She will not make any renovations or changes to the interior or exterior.

John Olaf made a motion to approve the change in use/occupancy application, seconded by John Potera:

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

Ann Marie raised a concern about Subway patrons. There is plenty of signage for parking control; nevertheless vehicles are often in her space or blocking it. The Board advised her to consult her landlord.

Sign Permit – Routes 5 & 93 - APA Comedy Night fundraiser – Nicole LaMonte-DeGolier

We received a request for a 32 sq. ft. temporary sign advertising a fundraiser for an event on November 11, 2016. The sign will be placed on the northeast corner of Routes 5 & 93 set back 15’ from the right of way. The fee was waived for this tax exempt organization.

Erik made a motion to approve the sign, seconded by Don:

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

Change in Use/Occupancy – 13021 Main Road - This & That (retail) – Nicholas Fullenweider

Nicholas Fullenweider and Jake Barone appeared. They will be renting 13021 Main Road in the C-2 zone from Mr. Buonanno. This space was previously occupied by Second Gear. Nicholas and Jake buy new scratch and dent or overstock merchandise cheaper than even Amazon, anything from tools to baby items. Their previous location in Corfu was not suitable for their business. Their signage will include a 12.5 sq. ft. hanging sign below the Nature’s Prize dual post sign, an 18 sq. ft. fascia sign, and a temporary free-standing sign.

John Potera made a motion to approve the change-in-use/occupancy application, seconded by Erik:

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

Preapplication Conference - 11342 Main Road - Quad Pharma expansion

Mary Casilio Powell is President of Group V Real Estate, Inc., the company that owns this 2.36-acre irregular-shaped parcel. Phil Silvestri of Silvestri Architects also appeared. Quad Pharma, a small batch testing and manufacturing pharmaceutical company, is located here. Mary stated Quad Pharma was purchased by Kinex, who was purchased by Athenex, who had plans to relocate to Dunkirk. That move is on hold as Athenex is caught up in the Governor's Buffalo Billion scandal. Keeping the company in Newstead is desired currently. The existing 18,500 sq. ft. building includes a 4,900 sq. ft. high-bay warehouse and 13,600 sq. ft. of manufacturing/office space. The company's success and growth is prompting them to propose a 10,313 sq. ft. high bay warehouse addition and a 10,872 sq. ft. one-story manufacturing addition for a total of 21,185 new square footage along with additional parking.

The plan meets the required maximum 40' height, including roof mechanicals. Interpretation about front lot line minimum setback created some disagreement between Mike and the Board since the parcel has two property lines adjacent to the road that could be deemed "front lot line". If a side yard is used for vehicular ingress and egress, the minimum side yard must be 12' minimum. Phil presented a sketch plan indicating that our Code requires a 5' minimum side yard, with the proposed addition situated at 10.5' from the side lot line, which would require a variance. Mike would like the Fire Chief's review as he believes fire trucks must access all sides of a structure. Phil indicated that a firetruck can get close enough to lay hose 400' reaching the west side the building. Regarding firetruck and semi-truck turnaround, Phil stated the sketch shows egress via an access road between Quad Pharma and the rear adjacent 64-acre property where Perry's Ice Cream warehouse is located (also owned by Casilio). Mary distributed a Buffalo News article from October 12, 2016 about Athenex and Quad Pharma.

Pending:

- Maximum height for buildings and structures in Code Book: Mike relayed that the Town Code book offers conflicting criteria and would like the Planning Board to propose recommending the language to be amended for clarification and clarity. John Potera stated he would welcome the fire company's recommendation for maximum height.
- 1-lot Minor Subdivision: Ayers & Dorsch – Kidder: no action.
- Major Subdivision – 11599 Howe Road - CMK Builders: no action.
- Major Subdivision – 4893 South Newstead Road - CMK Builders: no action
- Site Plan Application: Niagara Label expansion: Mike reported he was told that all other Lewis Road property owners were asked if they were interested in sewer and declined. A sewer district needs to be created for Niagara Label to tie into Village sewer. Apparently, Town and Village engineers are working on it.
- Subdivision: Utley Road – Thering: no action
- 2-lot Minor Subdivision: V/L Meahl Road – Wideman: no action.
- Site Plan – (6) Storage Buildings: 11167 Main Road – Schultz: no action

Christine distributed the 2017 calendar of meeting dates.

There being no further business, John Potera made a motion to adjourn the meeting at 8:35PM, seconded by John Olaf and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk