

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:00PM**  
**October 19, 2015**

MEMBERS Tom Cowan, Chairman  
PRESENT: John Potera  
Terry Janicz  
Don Hoefler  
Erik Polkowski  
Andy Kelkenberg  
John Olaf  
OTHER: Christine Falkowski, Recording Clerk  
Ralph Migliaccio, Code Enforcement Officer  
John Jendrowski, Town Councilman  
Carl Klingenschmitt, Conservation Advisory Council Chairman  
Dr. Burke, Conservation Advisory Council  
Linda Chaffee, Town Board Candidate  
Ken Kasperek, Akron Bugle

**Work Session**

**Minutes from last meeting:** John Potera made a motion to approve the minutes of October 5, 2015, seconded by Don:

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

**Change in December 2015 meeting schedule**

Tom stated that due to the Safety Meeting scheduled for December 7<sup>th</sup>, we will not meet that night, or December 21<sup>st</sup>. Instead, we will meet only once in December on the 14<sup>th</sup>.

Also, Tom will be absent for the November 16<sup>th</sup> meeting; therefore, Andy will chair it. Both Tom and Andy will attend the agenda meeting on Thursday morning, November 12<sup>th</sup>.

**Proposed 2016 meeting schedule**

Christine distributed a draft meeting schedule for next year. Don suggested we meet only once in December 2016 just as we are this year. We will finalize the schedule at our next meeting.

**Proposed amendments to the zoning law, including agri-business**

Tom had prepared a memo to the Planning Board on October 9<sup>th</sup>, to which he received feedback from John Potera and from Andy. Also, Councilman Jendrowski had sent us new guidance documents from Bob Somers at Ag & Markets as follows:

- Guidelines for Review of Local Laws Affecting Preparation and Marketing Activities by Start-Up Farm Operations
- Guideline for Review of Local Laws That Define “Farm Operations”, “Farm”, “Agriculture”, “Farmland” or Any Similar Term
- Guideline for Review of Local Laws Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer, Cider and Distilled Spirits

John Potera stated he would like to retract the email he sent on October 9<sup>th</sup> as he has changed his views. There was discussion regarding: on-premises, off-premises or imported, the percentage of goods produced and sold, agri-commerce vs. agri-business, and the definition of farm. Ralph pointed out that our Code already defines “farm” as follows - **“A single parcel of land, 10 acres or more in size, on which an owner or tenant carries on agricultural or dairying pursuits or the raising of livestock or poultry or the keeping of bees.”** Other definitions of “farm” were offered, such as “agricultural pursuits and the raising of livestock” and “land and buildings used for growing crops and rearing animals”. Most members liked the definitions Andy offered with some minor tweaking.

**Proposed amendments to the zoning law, including agri-business (continued)**

A motion was made by Don, seconded by John Olaf to recommend the following to the Town Board:

1. Update the definition of “farm” in our Code by eliminating reference to “single parcel of land” and instead just say “land”, and to eliminate “10 acres or more in size”, and simply make no reference to size.
2. Definition of “Agri-Commerce” as “On-farm business that provides products and services directly to consumers and where a majority of goods sold are grown or produced on-premises”.
3. Definition of “Agri-Tourism” as “Activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promotes the sale, marketing, production, harvesting or use of the products of the farm to enhance the public’s understanding and awareness of farming and farm life”.

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

Pending:

14-lot major subdivision – Clarence Center & Utley Roads – Thering: no action

7-lot major subdivision – 12089 Clarence Center Road – Rothlands: no action

Site Plan - 11190 Main Road-Peak Motion, Inc. – Doug Webster

The change-in-use site plan for Peak Motion that was approved November 17, 2014 by the Planning Board was reviewed, along with the approved change-in-use site plans for NAPA Auto Parts (previous tenant) and from Fastenal (the adjacent tenant on the same parcel). Ralph pointed out that those site plans for NAPA (now Peak Motion) and Fastenal do not accurately represent the site as it is today apparently due to non-enforcement before him. Because the tenants, Peak Motion and Fastenal occupy two different buildings on the same parcel, John Potera felt that the boundary between them should be marked in some way, such as trees planted or a fence---even if Mrs. Braun files her subdivision plat with the County and actually sells one acre to Peak Motion. Everyone agreed that one handicapped parking spot should be marked at each parking lot.

Tom made a motion to send a letter to the property owner, Andrea Braun, with Peak Motion and Fastenal copied, seconded by Don asking her to mark one parking spot as handicapped at each tenant’s parking lots.

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

2-Lot Minor Subdivision - 6360 Utley Road

Application was received on September 25<sup>th</sup>, and the required drainage plan was received on October 14<sup>th</sup> and sent to Wendel for review.

Ralph reported that Queen City Vapor no longer occupies 13025 Main Road, and that he spoke with an individual who may wish to rent that space. Also, Second Gear is no longer at 13021 Main.

**Special Use Permit - Home-Based Business in the RA Zone - 13546 Stage Road**

Supervisor Cummings entered the meeting and asked the Planning Board to address the October 1<sup>st</sup> deadline for conditions to be met at 13546 Stage Road. Andy felt that the outdoor storage of items at this home-based business in the RA zone has improved. Erik suggested a letter be sent to Mr. Borth reminding him that the Planning Board will not be able to recommend renewal of this special use permit to the Town Board for 2016 if it has not been brought into compliance to date according to Newstead Code.

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

Respectfully submitted,  
Christine Falkowski, Recording Clerk