

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:00PM
October 6, 2014

MEMBERS

PRESENT: Tom Cowan, Chairman
Andy Kelkenberg
Terry Janicz
John Olaf
Erik Polkowski
Don Hoefler

ABSENT: John Potera

OTHER: Christine Falkowski, Recording Clerk
Ralph Migliaccio, Code Enforcement Officer
(3) UB Law students

Work Session

Minutes from last meeting

Don made a motion to approve the minutes of September 15, 2014, seconded by Terry:

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

Buffalo Drilling parking expansion

Buffalo Drilling owns four parcels on Main Road, three of them are contiguous, except for one residential parcel in between. Christine passed around a GIS map giving an aerial view clearly showing their largest building straddling a parcel boundary along with outside storage and road access behind their buildings via ADESA property. Buffalo Drilling would like to install an additional parking area at the right of way. The location is currently a large hole where there was a haz-mat spill due to a motor vehicle accident. The GIS map indicates vehicles parked at the right of way on the adjacent parcel. The Planning Board advised that parking at the right of way would not be allowed, but that their pending site plan application should indicate whatever they would like to propose. They also indicated that they may request a master plan from Buffalo Drilling. Ralph stated that a survey of their properties is required.

Windmill law revisions

The windmill law was distributed, along with the Town of Marilla's. Marilla does not differentiate their procedure for Type 1 vs. Type 2 WECS, but they do require a special use permit for either. Tom stated we may consider shortening the regulations for Type 2 only with final approval by the Planning Board vs. Town Board.

Training

Two members need additional training hours before the end of the year. Tom reported that we have not heard about the status of any in-house opportunities in conjunction with the Zoning Board.

Pending

Creekside Septic – 13760 Indian Falls Road – change in use/ownership

Ralph received a draft site plan revision on October 2nd. Christine sent Mr. Audsley a site plan packet and we expect a full site plan application soon.

Site plan/special use permit application – wind turbine – 8228 Cedar Street

We anticipate receiving this application shortly.

Fancher Properties expansion

Ralph stated that Mr. Fancher reported an October 23rd variance hearing with NYSDOS to vary the NYS Fire Code relative to the distance to the nearest fire hydrant. Mr. Fancher also relayed to Ralph that he is not sure yet about the height of the addition required for truck deliveries, which may require a sprinkler system. Costs that are prohibitive may lead him to relocate to the IDA building at Routes 5 & 77. Ralph stated he will attend the hearing.

Major subdivision application – Utley & Clarence Center Roads

Christine reported that we anticipate a 14-lot major subdivision from Mr. Thering before the end of the year. This property is in the Clarence Central school district.

7:30PM Variance - Wind Turbine – 11856 Rapids Road - Sustainable Energy Developments, Inc.

Matt Vanderbrook & David Klein

Ralph stated that the site plan submitted indicates the turbine location 60' to the side property line, and it should be 1-1/2 times the turbine height, or 210'. Mr. Klein stated reasons why moving the location would not work: the trees are too tall to the east and would inhibit the wind, beyond the ditch to the north is too far and could encroach on wetlands and the wetland buffer zone, they want to avoid the septic system leech field, and staying on high ground is ideal. They could apply to the Zoning Board of Appeals for a variance. NYSEG is the adjacent property owner to the west, and they will be notified of the public hearing.

John Olaf made a motion to recommend the area variance to the Zoning Board, seconded by Don:

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

Site Plan/Special Use Permit Application – Home Based Business in RA Zone – 12607 Stage Road

Andy Kelkenberg

Andy owns a 79.8-acre parcel on the south side of Stage Road. Andy stated that he grows and sells 90% of his products and 10% is brought in. Agri-tourism is a large part of his business as well. He realizes that the definition of farm market is temporary and his operation is not temporary. Andy stated he would like to amend his application to include the 16.3-acre vacant land parcel across the road, for a total of 96.1 acres. Christine sent the referral to Erie County Planning on October 3rd.

Andy recused himself. Tom made a motion to recommend the special use permit application to the Town Board, seconded by Terry:

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

There being no further business, John Olaf made a motion to adjourn the meeting at 8:10PM, seconded by Andy and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk