

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:00PM**  
**November 13, 2017**

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

**Work Session**

**Minutes from last meeting:** Erik made a motion to approve the minutes of October 30, 2017, seconded by John Olaf:

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

**Proposed code changes** – reviewed for potential modification:

- Side lot setback requirements in C-2 and overlay zones
- Annual renewal of temporary special use permits for home-based businesses in RA zone
- Two houses on one 90,000SF lot
- Subdivision lots land-hooked across a road
- Subdivision lots with contiguous road frontage
- Soil testing required for all new development
- Route 5 Overlay bulk requirements

The agreed upon changes will be put forth in a detailed memo for the Town Board.

**Temporary special use permits and home-based businesses in RA zone temporary permits - review and recommend renewal to Town Board for 2018**

John Olaf made a motion to change the permit classification of the following from **temporary special use permits** to **permanent special use permits** with no annual renewal necessary:

Lewistraum Kennels	kennel in RA zone	12472 Stage
Bed 'N Biscuit Harbor	kennel in RA zone	12390 Hunts Corners
Destroyer Park Golf	atypical golf course in RA zone	7033 Sandhill

Motion seconded by Don:

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

**Temporary special use permits and home-based businesses in RA zone temporary permits - review and recommend renewal to Town Board for 2018 (continued)**

Terry made a motion to recommend to the Town Board that the following **temporary special use permits** be renewed for 2018:

Champion Auto Locators	used auto sales in C2 zone	11678 Main
T&T Tire & Auto	used auto sales in C2 zone	11720 Main
Smith Auto Sales & Service	used auto sales in C2 zone	11372 Main
M. Shields Enterprises, LLC	used auto sales in C2 zone	12690 Main
Dealer's Choice	used auto sales in C2 zone	12474 Main (portion of)

Motion seconded by John Olaf:

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

Andy made a motion to recommend to the Town Board that the following **home-based businesses in the RA zone temporary special use permits** be renewed for 2018:

Triple G Small Engine Repair	small engine repair	12506 Buckwheat
Outdoor Pleasures	landscaping	7463 Maple
Earthworks-Jason Schlabach	service heavy equipment	6453 Utley
James Marfurt	landscape/drainage/grading	4870 N. Millgrove
W.A. Peronne	small construction, septic/water install	6500 Draper
William D. Lorenz Construction	small construction	4231 Billo
Gary's Turf Care	landscaping	6505 Draper
Doug Matusek	landscaping	12663 McNeeley
Muddy Paws Farm LLC	private dog training	11570 Clarence Ctr

Motion seconded by John Potera:

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

**2018 draft meeting schedule** – distributed to Planning Board members to review for satisfying meeting quorum requirement.

**2017 Training status** – Christine reported that all members have fulfilled the annual training requirement for 2017, and that two members also have sufficient training hours to satisfy the 2018 requirement as well.

**Preapplication Conference – 13081 Main Road – Rick Reinhold**

Kelly Schultz and Jack Willert own this property, and they recently subdivided off this 4.8-acre parcel in the C-2 and overlay zones. On November 6<sup>th</sup>, Mike Borth issued a stop work order when he discovered work being done in the evening that included importing stone, pushing fill and changing grades without any authority to Mr. Reinhold who is not the owner. On today's date, Mike observed that the site work had continued, most likely over the weekend, in deliberate disregard to the stop work order. Mr. Reinhold stated that it was his understanding that Kelly Schultz had approached the Town, that he had access to stone millings that he wanted to take advantage of that evening, that there was an open septic tank in the back with a big hole that he filled in, and that he improved the grading at the foundation to save the building from further damage.

Mr. Reinhold stated that he plans to purchase the property and build another structure for indoor storage of his equipment. He asked if mixed-use might be allowed in the future with apartments on the second floor of a first floor business. Tom advised Mr. Reinhold that until he owns the property, he needs written authorization from the owners to apply for a site plan application. Christine has already given him a site plan packet, along with a copy of the Route 5 overlay zone Code.

**Draft Goals & Objectives – Master Plan**

John Potera is a member of the Comprehensive Plan Steering Committee. He distributed the draft document at the last meeting and feels we need a special meeting to focus on this review. It was agreed that a special meeting will be held on Monday, November 20<sup>th</sup> at 7:00PM. John promised to email an "Actions" document. Also, regarding the overlay zone, we may want to consider such ideas as enlarging minimum lot size requirements, allowing mixed use structures, requiring stone walls, and obtaining NYSDOT's codes for shared driveways and cross-connection. Christine will send out email reminders.

**Pending:**

- V/L McNeeley Road – Tom Pacenzia
  - 1-Lot Minor Subdivision
  - Site Plan Application – Custom Woodworking Shop
  - Temporary Special Use Permit - Home-Based Business in RA Zone

Christine reported that this two-fold application is being reviewed at Wendel currently, and that the limit of wetland on this parcel is being explored further for potential impact to the site.

- Niagara Label - Site Plan: Lewis & Hake and/or 13760 Indian Falls Road: no action.

There being no further business, John Potera made a motion to adjourn the meeting at 9:00PM, seconded by John Olaf and all approved.

Respectfully submitted;  
Christine Falkowski, Recording Clerk