

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

DRAFT November 21, 2016

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

“Solar Code & State Regulations” workshop was presented by Cypress Creek Renewables at 6:30PM.
Regular meeting began at 8:00PM.

Work Session

Minutes from last meeting

Don made a motion to approve the minutes of November 7, 2016, seconded by Terry:

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

Solar Farm Moratorium/Research/Training

Jessica Bacher of Land Law Use Center is scheduled to make a presentation on Tuesday, December 13th at the Newstead Town Hall. This will include reviewing the NYS model solar energy law.

Junkyards

Myron Prystajko – Wahl/Billo Roads: Mike reports that this situation is improving.

Michael Shields – 12690 Main Road: Mike Borth reported that he suspects the property owner is adding on to his operation. Tractor trailers are parked in such a way to obstruct the rear view. The Board requested that a copy of the special use permit be provided to them at the December 12th meeting. Mike stated he will also provide current photos. Terry stated that Shields advertises buying junk cars in the Alden Advertiser as well as the Akron phone book.

Smith Auto Sales & Service - 11372 Main Road: site plan conditions: no action

Radon recommendation for local law: Mike distributed copies of Radon control codes from the Towns of Lima and Caledonia. Mike stated there is no law for testing of radon, but that banks require testing when property transfers unless it is a cash sale. John asked why; it doesn't affect the Town and shouldn't it be an individual decision? Tom asked the Board to review this topic for the next meeting.

Maximum structure height: tabled.

Review & recommendation to Town Board for 2017 - Temporary special use permits and home-based business special use permits in RA zone

Tom reported that not all permits will be recommended for renewal. The Board wanted to know if the property is no longer used as the special permit allows, can they terminate the permit? The Board would like to consider amending the Code relative to the time limit for a temporary special permit. Instead of renewal annually, they suggested initial review at year #2, then at year #3, then at year #7. After year #7 if there are no problems/complaints, then change the permit category from temporary to permanent. This item will be discussed further at our next meeting.

One-Lot Minor Subdivision – 4979 South Newstead Road – CMK Builders

Kevin Stoldt did not appear. Christine distributed the application along with Wendel’s review memo dated November 18, 2016 recommending engineering approval with the comment “This subdivision review is being provided after home construction at this location is almost complete. This is not acceptable and there could have been significant risk to the owner by going through the process in this manner. We highly recommend that the owner of this property submit the major subdivision application for the rest of this area as soon as possible to avoid potential issues in the future.”

John Potera made a motion to waive the public hearing, seconded by John Olaf:

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

Don made a motion to approve the one-lot minor subdivision, seconded by Erik:

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

Quad Pharma expansion - 11342 Main Road: An extra 20’ is needed to the western boundary to meet side setback requirements of the 30’ overlay zone requirement. Mike stated there are many chemicals inside. He plans to do the fire inspection next week. Mike relayed that New York State Fire Code requires a fire apparatus drive aisle which would require an easement, due to the proposed 30’ high bay warehouse addition.

John Olaf made a motion to recommend a side yard setback variance, as necessary, to the Zoning Board of Appeals, seconded by Terry:

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

Tom and Erik also support the owner purchasing land as an option, and all agreed.

Pending:

- Major Subdivision – Howe & Barnum Roads - CMK Builders: no action.
- Major Subdivision – South Newstead Road - CMK Builders: no action.
- Niagara Label expansion: no action.
- Utley Road Subdivision– 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.

There being no further business, John Potera made a motion to adjourn the meeting at 8:05PM, seconded by John Olaf and all approved.

Respectfully submitted;
Christine Falkowski, Recording Clerk