

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

November 3, 2014

MEMBERS

PRESENT: Tom Cowan, Chairman
Terry Janicz
Erik Polkowski
Don Hoefler
John Potera

ABSENT: Andy Kelkenberg
John Olaf

OTHER: Christine Falkowski, Recording Clerk
Ralph Migliaccio, Code Enforcement Officer

Work Session

Minutes from last meeting

John Potera made a motion to approve the minutes of October 20, 2014, seconded by Terry:

Erik - Aye
Don - Aye
Terry - Aye
John Potera - Aye

2015 proposed meeting schedule

Christine distributed a *draft* meeting schedule for 2015. Tom stated that we will finalize it at our next meeting.

Town Code revisions:

- Windmills
The Planning Board feels that our windmill law could be a more user-friendly document. Christine offered to organize it into Type 1 and Type 2 requirements/procedures. John Potera recommended checking other towns for sample ordinances, such as Orangeville, Varysburg, Arcade, Warsaw, Dansville, Sparta and Shelby. Erik recommended checking with the windmill companies that have been sending us applications. Tom suggested that the public hearings and approvals be handled by the Town Board for Type 1 and by the Planning Board for Type 2. Before we endeavor to reorganize Chapter 422, Tom would like to send a memo to the Town Board to indicate their agreement to proceed.
- Agricultural home based business/Agri-business
Within our home-based business law there is a classification and procedure for agricultural home based businesses (450-72B. (4)). Tom suggested a change to allow the Planning Board be the approving authority vs. the Town Board. Christine distributed an article from "Talk of the Towns" entitled Open for Agribusiness, which Tom requests be read for the next meeting. Again, Tom would like to send a memo to the Town Board to indicate their agreement to proceed.
- Pole barn/accessory structure on vacant land
Ralph reported that when he receives a building permit application for a pole barn on vacant land, he denies it. Town Code 450-5.B. defines Accessory Use or Structure as "a use or structure customarily incidental and subordinate to the principal use or building and, except as otherwise provided, located on the same lot therewith." Therefore, it is only allowed if there is a principal structure/use. The Zoning Board recently granted a use variance to allow construction of a pole barn on vacant land with the intended use as agricultural for a tree farm. Therefore, the Town Board may wish to change the code to allow a pole barn on vacant land without a principal structure. Erik felt that if the Board changes it, they should be aware they would be removing checks and balances that could impact neighbors and neighborhoods. The majority of the Planning Board agreed, and do not want to suggest changing it.

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- Change in use site plan approval authority
Code 450-83 Site Plan Review Required states that all changes in use and/or ownership of improved parcels must be accompanied by an approved site plan, which includes the extensive site plan procedure, public hearing and Town Board approval. Do we want to modify this to specifically exclude the full site plan procedure and Town Board approval of minor applications where there is no development, since we often get small business tenants that come and go? The Board said absolutely not, that the CEO should use his discretion on the development vs. non-development decision, as he has been doing.
- Width vs. frontage language
When asked what the minimum building lot in the RA zone is, for example, the staff has been trained to reply 150' of road frontage by one acre. 450-15 D. states minimum lot width as 150 feet. The definition of "Lot Width" is the distance between the side lot lines measured along the required front setback line" per 450-5. Tom stated we should check other towns' definition of frontage vs. width and then be consistent.
- Frontage per parcel in Overlay
Code 450-26F. (4) states "For used vehicle sales and service, a minimum of 200 feet of frontage is required". If a parcel has 200' or more road frontage, but it is a multi-use parcel with 3 or 4 different businesses, not necessarily separate buildings, would we allow one of those businesses to sell used cars? Perhaps the language could be changed to say used auto sales minimum 200' of frontage or width (whichever word is decided) PER PARCEL. The Planning Board agreed.
- Greenspace vs. setback language
In the Overlay district, code 450-26F. (1) states "Front yard setbacks shall be a minimum of 50 feet." This is our reference for the 50' greenspace requirement that we refer to. Can we add the word greenspace? Don thought that if we do, one could not have a driveway since that would not be greenspace. This was tabled for further discussion on this language.

November 17th Planning Board Meeting

Tom stated that this meeting will be held from 6 – 7PM. At 7PM, a training opportunity will be offered at the Town Hall for the Town, Planning, Zoning, Ethics and Conservation Boards. Four hours of credit will be earned and can be carried over to 2015. A final agenda will be forthcoming.

Pending

Site plan/special use permit application - wind turbine - 8228 Cedar

Fancher Properties expansion – DOS hearing November 20th

Major subdivision: Utley/Clarence Center Roads

Minor subdivisions: Carney Road, Clarence Center Road, Main Road

There being no further business, John Potera made a motion to adjourn the meeting at 8:45PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk