

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:00PM**  
**December 11, 2017**

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

**Work Session**

**Minutes from last meeting:** John Potera made a motion to approve the minutes of November 27, 2017, seconded by Erik:

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

**Proposed code changes**

A detailed proposal from the Planning Board was distributed to the Town Board on November 15<sup>th</sup>. We will have a joint meeting with the Town Board to discuss the proposal on January 29, 2018 prior to our regular meeting that evening. Also, Tom invited all to join us on Wednesday, December 13<sup>th</sup> at 9AM to once more review the proposal with Mike.

**Proposed Master Plan update**

John Potera, member of the Steering Committee, reported the public meeting on December 14<sup>th</sup> is cancelled until further notice. Instead, the Committee will meet that night at 6PM.

**7:30PM Vacant Land - McNeeley Road – Tom Pacenzia**

- **1-Lot Minor Subdivision**
- **Temporary Special Use Permit/Site Plan Application – Custom Woodworking Shop Home-Based Business in RA Zone**

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

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

Tom Pacenzia attended the meeting. A wetland assessment report for this property was delivered on November 29<sup>th</sup>, and on December 4<sup>th</sup>, Wendel recommended approval with this comment:

“Both state and federal wetlands are located near or on this property. Care shall be taken to ensure that the wetlands and wetland buffers are not disturbed during construction. If required, the owner and applicant are responsible for any permits that may be needed from the NYSDEC or US Army Corps of Engineers”.

**7:30PM Vacant Land - McNeeley Road – Tom Pacenzia.....(continued)**

**1-lot minor subdivision application**

Mr. Pacenzia would like to separate a 185’ x 300’ parcel (1.27 acres) from 24.5 acres. John Potera made a motion to approve the 1-lot minor subdivision, seconded by Erik:

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

Christine advised Mr. Pacenzia that the split becomes a legal lot when the subdivision plat is filed with the Erie County Clerk’s office, and he stated his attorney was already working on it.

**Temporary Special Use Permit/Site Plan Application-Home-Based Business in RA Zone  
Custom Woodworking Shop**

Tom relayed that we first met with Mr. Pacenzia in February for a Preapplication conference. Mr. Pacenzia shared that the engineering took three months longer than was proposed, but that he would like to begin building the structure for his business/house combo as soon as possible. His living quarters would be above the shop on the second floor. Tom advised that he could submit his building permit application in the meantime. He would like to begin clearing the site, leaving as many trees as possible and to bring in fill.

John Olaf made a motion to recommend approval of the special use permit/site plan to the Town Board, seconded by John Potera:

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

The Town Board will schedule the public hearing prior to final approval. Mr. Pacenzia asked about any impact if a neighbor expresses concern at the hearing. Tom advised the final vote could be delayed a few weeks so that the concern could be taken into consideration. The Planning Board wished him luck.

**Pending:**

- Niagara Label - Site Plan: Lewis & Hake and/or 13760 Indian Falls Road: no action.
- Change-in-Use/Occupancy Site Plan – 13025 Main; business office – Michael Wnek: no action
- Special Use Permit/site plan – Used Auto Sales – 13722 Main – Larry Carlyon: no action
- Billo Road – junk car situation remedied: Tom reported that there are a few passenger limos at the site, along with a full trailer and full dumpster, but that all the cars and trucks are gone.

There being no further business, John Potera made a motion to adjourn the meeting at 8:00PM, seconded by John Olaf and all approved.

Respectfully submitted;  
Christine Falkowski, Recording Clerk

**After the Meeting:**

Michael Wnek entered the meeting room where Tom, Christine and Liz were present. He would like to rent a storefront at 13025 from Dominic Buonanno to open a commercial office for his company “Aluminate”. He sells aluminum insulation for energy efficiency. Previously he was provided with a copy of the Route 5 overlay zone code and the sign code. Mr. Wnek gave to Christine a Letter of Intent and the \$100 fee for a Change-in-Use/Occupancy Site Plan, but did not offer a site plan or sketch. Tom advised Mr. Wnek that the Planning Board next meets on January 8, 2018, that his request would be placed on the agenda, and that it is not necessary for him to attend the meeting.