

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

December 12, 2016

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

Work Session

Minutes from last meeting

Terry made a motion to approve the minutes of November 21, 2016 as amended, seconded by John Potera:

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

Solar Farm Moratorium/Research/Training

Jessica Bacher of Land Law Use Center will be making a presentation tomorrow evening at 6:30PM at the Newstead Town Hall, which will include reviewing the NYS model solar energy law. Don stated that NYSERDA subsidies are drying up. He also wondered how many transformers we have and can they accommodate future solar farms. John Potera remarked that perhaps we should obtain a list of what existing infrastructure is necessary.

Junkyards

Myron Prystajko – Wahl/Billo Roads: Tom reported that this cleanup is almost 100% complete and that Mr. Prystajko may want to build a house on Billo & Wahl Roads, which is only accessible via Billo Road at Genesee Street through Alden. This road is not maintained and he plows it himself.

Michael Shields – 12690 Main Road: Tom reported that Mike Borth apparently has photos of tractor trailers parked in such a way to obstruct the rear view of numerous vehicles, but we do not have them here tonight. Christine stated that the permit with 10 conditions from 2008 was not renewed in 2012 by the Town Board and therefore terminated. Mr. Shields reapplied and was issued a temporary special use permit on September 8, 2014 with one condition that at least three trees be planted along the new property line between 12690 and 12666 Main Road as shown on site plan dated August 19, 2014.

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

Radon recommendation for local law: tabled

Maximum structure height: tabled.

Pending:

- 1-lot minor subdivision – Carney Road – Whiting: In September, Doug Stanbury was granted exemption from subdivision approval for the separation of 17+ acres for agriculture and no development. Since then this acreage was sold to Philip Whiting who would now like to build a home and have horses. This development action requires subdivision approval, and we anticipate receiving the application soon.

- Quad Pharma expansion – 11342 Main: On Thursday, December 8th the Zoning Board of Appeals approved a 20’ area variance for the side setback to the west lot line. A site plan application would be the next step.
- Major Subdivision – Howe & Barnum Roads - CMK Builders: no action.
- Major Subdivision – South Newstead Road - CMK Builders: The DEC wetland determination report of the checkzone area is pending.
- Niagara Label expansion: Sewer district #3 has been established and costs are to be paid 100% by Niagara Label.
- Utley Road Subdivision– Thering: Richard Thering reports that he is selling all the backland of the 50-acre parcel to Braunsceidel, the adjacent neighbor to the west, including wetlands. Braunsceidel will purchase and merge at the same time; therefore town approval is not needed. The land will be farmed by Dawydko. Richards plans to develop the remaining frontage in the far future. This item will be removed from the pending list.
- 2-lot Minor Subdivision: V/L Meahl Road – Wideman: Bob Wideman stopped in today to rescind his application as he has had no interest from buyers. After further discussion he decided not to rescind and stated he would talk to Ottney & Miller about the revisions necessary to his drainage plan for approval.
- Site Plan – (6) Storage Buildings - 11167 Main Road – Schultz: no action.
- Possible meeting date revision of 2017 calendar: Tom reported that Mike Borth has requested we alternate our meeting dates with the Village who always meets on the first and third Monday of each month. The Board tabled this decision until the next meeting. Christine will send the current schedule to the Penneysaver and to the Bugle.

One-Lot Minor Subdivision – 13069 Stage Road – Jerry Reiner

Jerry Reiner appeared. Mr. Reiner co-owns a 33.6-acre parcel on the south side of Stage Road at the corner of Ayers. He would like to split off the house and 1.89-acres (251’ x 328’). There appear to be State and Federal wetlands to the rear adjacent to the Thruway, but far enough from this frontage lot to have no impact. Mike Borth waived drainage review. The additional owners provided written consent to this action. There is a barn that will remain with larger acreage. Mr. Reiner stated he has a shop above the barn and that he does not run a business from it. There are two propane tanks between the barn and house with a measurement of 28’ between them. The tanks will stay with the house.

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

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

Christine advised Mr. Reiner about plat map filing requirements with Erie County Clerk, and he stated he was aware of it.

Non-Agenda Item:

Lot Separation Exempt from Subdivision Law – Martin Road – Gary Pafk

Gary Pafk appeared and displayed some oversized surveys. He and his brother Keith met this morning with Christine and Mike. They own a 65-acre parcel that is land-hooked across Martin road and would like to split off the 17.5-acres on the south side with all buildings. This cattle farm will remain agricultural and will not be developed. They also own the 27-acre adjacent farmland to the east and expressed interest in merging for the sake of one tax bill. That can be done without any Town action. The surveys were returned to Mr. Pafk.

John Potera made a motion to exempt this split from subdivision approval due to the parcel size, agricultural use, and no development, seconded by Erik:

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

Also, they would like to change lot lines as follows: Keith Pafk’s home is located on the 27-acre parcel (the triangle portion south of the NYSEG piece, and he would like to merge a strip of the 65 acres to this area giving it more width. Again, no Town action is necessary as long as the merge happens simultaneously.

Review & recommendation to Town Board for 2017

<u>Permit Holder</u>	<u>Reason</u>	<u>Location</u>
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(A) Temporary special use permits

Lewistraum Kennels	kennel in RA	12472 Stage
Champion Auto Locators	used auto sales in C2	11678 Main
T&T Tire & Auto	used auto sales in C2	11720 Main
Destroyer Park Golf	atypical golf course in RA	7033 Sandhill
Bed ‘n Biscuit Harbor	kennel in RA	12390 Hunts Corners
Dealer’s Choice	used auto sales in C2	12474 Main (portion of)

Tom made a motion, seconded by John Potera to recommend renewal of the permits above, and to not recommend renewal of the following below and recommend that the Town Board notify them as such:

Smith Auto Sales & Service used auto sales in C2 11372 Main

Property owner was approved 5/26/15 and had 18 months before it expired, bringing the limit to 11/26/16. It was renewed for 2016, but site work is not complete, materials have not been cleaned up and the business has not opened. A previous special use permit was voided in 2013 for similar reasons.

M. Shields Enterprises, LLC used auto sales in C2 12690 Main

Property owner was approved 9/8/14 for used motor vehicle sales. It appears he is additionally operating a junkyard with an accumulation of 30+ vehicles to the rear of his land hidden by tractor trailers parked diagonally. Local advertisements claim “always buying junk cars”. Junkyards are only allowed in the I-2 zoning district with an approved special use permit.

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

(B) Home-based business special use permits in RA zone:

Triple G small Engine Repair	not permitted in RA	12506 Buckwheat
Outdoor Pleasures	landscaping	7463 Maple
Earthworks	service heavy equipment	6453 Utley
James Marfurt	landscape/drainage/grading	4870 N. Millgrove
W.A. Peronne	small construction, septic 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 Center

Tom made a motion, seconded by Andy to recommend renewal of the permits above, and to not recommend renewal of the following below and recommend the Town Board notify them as such:

Christopher Milhollen **machinist** **11734 Meahl**
Property owner did not comply with permit renewal for 2016 by paying the renewal fee that was billed to him on January 4, 2016, even after a second notice was sent on October 26, 2016.

James Ames **topsoil/landscaping/tree nursery** **11198 Hunts Corners**
Property owner did not comply with permit renewal for 2016 by paying the renewal fee that was billed to him on January 4, 2016, even after a second notice was sent on October 26, 2016.

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

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

Respectfully submitted;
Christine Falkowski, Recording Clerk