

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:00PM
December 14, 2015

MEMBERS: Tom Cowan, Chairman
PRESENT: John Potera
Terry Janicz
Don Hoefler
Erik Polkowski
John Olaf
Andy Kelkenberg
OTHER: Christine Falkowski, Recording Clerk
Dr. Burke, Conservation Advisory Board
Linda Chaffee

Work Session

Minutes from last meeting: Don made a motion to approve the minutes of November 2, 2015, seconded by Terry:

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

Plumber’s License

Planning Board would like this item dropped from the agenda, as the Town Board has already done so and we were looking at it per their request.

11190 & 11200 Main Road handicapped parking spots violation

Tom Cowan had sent a letter to property owner, Andrea Braun on November 2, 2015 requesting that she have one handicapped parking spot identified and marked appropriately at each site, according to New York State Building Code sections 1106.1 and 1106.5 by December 2nd. We received no response from her or her tenants, Peak Motion, Inc. and Fastenal Company. Therefore, the Planning Board agreed that the Code Enforcement Officer should send a violation notice ASAP.

Temporary Special Use Permits – Recommendation to Renew in 2016

Andy made a motion to recommend to the Town Board that they renew all of the following temporary special use permits for 2016, seconded by John Olaf:

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

<u>Permit Holder</u>	<u>Location</u>	<u>Reason for Permit</u>	<u>Zone</u>
Lewistraum Kennels	12472 Stage	dog kennel	RA
Champion Auto Locaters	11678 Main	used auto sales	C2
T & T Tire & Auto	11720 Main	used auto sales	C2
Destroyer Park Golf	7033 Sandhill	atypical golf course	RA
Bed ‘n Biscuit Harbour	12390 Hunts Corners	kennel	RA
Michael Shields	12690 Main	used auto sales	C2
Smith Auto Sales & Service	11372 Main	used auto sales	C2
Dealer’s Choice	12474 Main	used auto sales	C2

Home-Based Business Special Use Permits in RA Zone – recommendation to renew in 2016

Don made a motion to recommend to the Town Board that they renew the following home-based business special use permits in the RA zone for 2016, except for Michael Borth, sales + service of farm equipment and vehicles at 13546 Stage Road, seconded by Erik:

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

<u>Home Based Business in RA Zone</u>	<u>Reason for Permit</u>	<u>Location</u>
Triple G Small Engine Repair	small engine repair	12506 Buckwheat
Outdoor Pleasures	landscaping	7463 Maple
Earthworks	service heavy equipment	6453 Utley
James Marfurt	landscape/drainage/grading	4870 N. Millgrove
Christopher Milhollen	machinist	11734 Meahl
James Ames	topsoil/landscaping/tree nursery	11198 Hunts Crnrs
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

Tom had sent a letter to Mr. Borth on October 29, 2015 stating that the Planning Board will not be recommending renewal of his special use permit to the Town Board for 2016 due to not meeting conditions required to bring property into compliance by October 1, 2015.

Special Use Permit/Site Plan Application – Used Car Sales & Service - 11520 Main Road

Phantom Garage Auto Sales & Service

Mr. & Mrs. Rybinski appeared. Mr. Rybinski’s business was previously located across from Golden Pond Estates on Main Road. Eventually, he sold it to his partner + friend, and then leased it from him. Recently his friend evicted him, and he had to find a new location for his business. He found that opportunity at 11520 Main when George Hauer vacated that space where he has been selling cars for many years (because George purchased Janice Carson’s business and moved to 11212 Main to sell cars). None of these used car sales locations have special use permits as they were all operating prior to the zoning requirement for such. Mr. Rybinski is leasing from Kelly Pinto the front and center section of a building at 11520 (the rear is leased by Orange Dog Garage). He will have approximately 12 vehicles displayed for sale. He will be sure to have a handicapped parking spot.

The Planning felt that a special use permit was not necessary since there is no change of use or ownership; therefore they focused on Mr. Rybinski’s need for a sign permit. He presented renderings that show a sign framework he built. The Phantom Garage top portion will be blue, yellow and red with the street number. The bottom portion will say Kelly’s Rentals for Mrs. Pinto to advertise renting out her buildings. Mr. Rybinski will complete a sign permit application, and he will be refunded the \$250 application fee portion of the \$350 he paid.

Terry made a motion to approve the sign, seconded by John Olaf:

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

Pending:

14-lot major subdivision – Clarence Center & Utley Roads – Thering: no action

7-lot major subdivision – 12089 Clarence Center Road – Rothlands: no action

2-Lot Minor Subdivision - 6360 Utley Road - Charles Kelkenberg

Christine reported that although this subdivision was approved recently, it will not happen. She received an email from Charlie Kelkenberg that the property owner put deed restrictions on the property which basically rendered it useless beyond the back of the houses. This information was not known until it was too late to withdraw the application.

There being no further business, John Potera made a motion to adjourn the meeting at 8:00PM and wish everyone a Merry Christmas, seconded by Don who wished everyone a Happy New Year, and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk