

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:00PM
February 26, 2018

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

Work Session

Minutes from last meeting: John Potera made a motion to approve the minutes of February 12, 2018, seconded by Terry:

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

Area variance recommendation for front setback – 11314 Main Road - Kelly Pinto

Lou Pinto appeared. The homeowners would like to replace their existing concrete front porch and add a new attached garage. Currently, the Route 5 Overlay Zone front setback is 50' minimum, thus more restrictive than the State road of 65' (though we may be changing ours to match 65'). It was determined that 53' is the approximate front setback of the proposed projects, thereby meeting the minimum setback. No variance is needed, and Mr. Pinto will apply for a building permit soon.

Fill importation – 4393 North Millgrove - Brian Chinni

Brian Chinni appeared. This property abuts the NYS Thruway where a very large berm has been created along the thruway. Mr. Chinni stated he is aware we've had more than one complaint about mud in the road, which is now cleaned up. He stated the purpose of the privacy berm is to block out thruway noise which has proven effective. It has also stopped people asking him for gas when they run out just before the next exit. He reports that many yards of fill have been imported from MGA Research (south side), and if other trucks have also dumped fill, they must have snuck in as he was not aware. Mr. Chinni stated he had a fill permit in the past, which our records show expired eight years ago. Mr. Chinni stated he knows Ralph as he went to school with his children, and that Ralph stopped out indicating he would complete a fill permit for him, but we find no record of that. He plans on seeding the completed berm, and he plans to build a 45' x 30' cold storage pole barn. Mike stated that stamped drawings are required if the barn is 1,500 sq. ft. Erik suggested the CEO require a fill permit, but waive engineering review. Mike stated he will ask Mr. Chinni for a fill permit with a "plan of correction".

Pending:

- **Rothland's sale to MPR 12089, LLC in 2016 + major subdivision sketch plan of 2015:**
The major subdivision did not happen as the golf course was sold instead. The Assessor has current tax bills for two small parcels in Rothland's name, even though the golf course was sold to MPR 12089, LLC in 2016. Apparently the deed description of the golf course sale excluded a 1.88-acre parcel and a 4.11-acre parcel on Clarence Center Road. Tina was going to call MPR (Michael Rizzo).

- V/L Moore = 1-lot minor subdivision – Nice/Taylor: Mr. Nice indicated he does plan to move forward with a complete application in the near future.
- 4326 South Newstead–C&F Brothers, LLC – 1-lot minor subdivision: no action
- J&R Specialties expansion: Mike reported this site plan application is imminent.
- Niagara Label expansion: Christine reported we've heard from Rick Gunn of Calamar, who will make application for an area variance for which a recommendation from the Planning Board would be welcome.
- Clarence Secure Storage expansion: no action.
- 13722 Main - Special Use Permit/site plan: Used Auto Sales — Larry Carlyon: no action.
- 11372 Main – John Smith, Jr. - change in use/occupancy: no action.
- 11520 Main – KJP 11520 Main St, LLC - change in use/occupancy: Kelly J. Pinto stopped in and met with Mike. She was given site plan applications for two tenants plus another for one anticipated new tenant.
- 13123 Main - Willert/Schultz – change in grading: Mike reported he met with Kelly, Ben and Mike Metzger at the site. Mike Metzger will prepare a site plan application for (tenant) Mr. Reinhold's development.
- Bedford's Greenhouse: Tom reported that the relocation of this business will probably not take place for another three years.

There being no further business, John Potera made a motion to adjourn the meeting at 8:30PM, seconded by Erik and all approved.

Respectfully submitted;
Christine Falkowski, Recording Clerk