

# TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

February 27, 2017

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

## Work Session

### Minutes from last meeting

Terry made a motion to approve the minutes of February 6, 2017, seconded by Erik:

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

Tom reported that John Potera will be again serving on the Comprehensive Plan Steering Committee, as he has done twice before.

### Draft solar ordinance

A special meeting, with all members in attendance, was held on February 13<sup>th</sup>. Drew Reilly from Wendel joined us and he proved to be a considerable source of information. Tom stated that he, Christine and John Potera will be working on the draft as soon as documents are received from Drew. Christine distributed documents that Dave DeYoung wanted to share from a solar presentation that he attended along with several larger local farm owners. Apparently, NYS can supersede our moratorium if over 10 MW are produced. John Potera stated he and Erik attended the same workshop last year.

### Amendments to the Code were discussed:

1. Structure height in all zones –“Dwellings” and “Other” = 40’  
“Accessory Buildings or Structures” = 30’
2. Minor subdivision definition 360-6C. Change definition from “...not more than four lots (original lot plus three new lots) within a period of **five** years” to “...within a period of **three** years” for consistency with Erie County Health Department’s definition.
3. Minimum lot sizes in the RA District 450-15 D. (1) (a) Width: 150 feet. Change this to 150 feet of **road frontage** which must be contiguous and not land-hooked. Exception for cul-de-sacs is already addressed in 450-15D. (2) “.....cluster provisions in Article VI (450-51 Article VI)”.

Tom indicated he would like to make a recommendation to the Town Board at our next meeting.

### Preapplication Conference – Site Plan – Niagara Specialty Metals - 12,000 SF Addition

This property is I-2 zoned. Bob Shabala, President, and Dave Sutton, Architect appeared, who presented the site plan. The 12,000 sq. ft. addition will be an expansion of Building “C” for production. The aerospace business has them swamped currently. The building will be screened with a row of arborvitae from Clarence Center Road, and will be placed over grass. They are well equipped with all necessary utilities. The addition will not be sprinklered, as Dave stated they installed a hydrant on the south side of the road within the required distance per Code. The building will be brown metal with a man door on one end, an overhead door and another man door on the opposite end with a bathroom and a breakroom. It will be of type 2 construction with no combustible elements. Mike indicated he has not reviewed the construction plans yet, and asked about parking spaces. Dave replied they will formalize the parking situation. Dave requested conditional approval tonight, pending the Town Engineer’s recommendation. Christine forwarded the application to Wendel on February 22<sup>nd</sup> and to Erie County Planning on February 24<sup>th</sup>.

**Special use permit renewal-used auto sales in C-2 zone – 12690 Main Road-M. Shields Enterprises**

Michael Shields had been given a February 15<sup>th</sup> deadline to remove half dozen vehicles. Tom and Mike visited the site and reported that it is much improved with a lot fewer vehicles, very neat and tidy, and that according to Nathan, the vehicles can remain temporarily for 90 days. John Potera believes that requires an Itinerant Vehicle Collector License according to the copy of Vehicle & Traffic Law for junkyards he shared last month.

Andy made a motion to recommend renewal to the Town Board of a special use permit for 2017 for used auto sales with the condition that not more than 10 vehicles may be displayed for sale, seconded by Tom:

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

**Preapplication Conference – Home Based Business in RA Zone – V/L McNeeley Road-Tom Pacenzia**

Tom Pacenzia and his girlfriend, Taylor, appeared. Mr. Pacenzia stated he owns WNY Woodworks and has been in business one year as a residential cabinetmaker. His business is word-of-mouth; he is very busy and is backlogged to July. He does a lot of work for Custom Builders in Elma. His shop is in Clarence on Schurr Road. He is planning to purchase a 25-acre vacant land parcel from his grandmother on McNeeley Road. There he would like to build a pole barn for his cabinet shop with a loft living space above it. Chapter 450 “Article X Home Occupations, Home-Based Businesses and Day-Care Operations” states that failure to meet all 11 conditions listed for a home occupation, will cause the occupation to be classified as either a non-allowed use or a home-business business, requiring compliance with Town of Newstead law, which is the case here. Tom was advised that he would need to apply for a special use permit for a home-based business in the RA zone, which requires site plan application. Erik suggested the site plan also show future proposed house location along with potential future business expansion. Don suggested polling the Town Board before Mr. Pacenzia invests in the site plan application procedure.

**Pending:**

- Major Subdivision – Howe & Barnum Roads - CMK Builders: pending application: no action.
- Niagara Label expansion – no action.
- 2-lot Minor Subdivision: V/L Meahl Road – Wideman: no action.
- Site Plan – (6) Storage Buildings - 11167 Main Road – Schultz: no action.

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

Respectfully submitted; Christine Falkowski, Recording Clerk