

# TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

March 12, 2018

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

## New Agenda Item:

### 11372 Main – John Smith, Jr. - change in use/occupancy

John Smith, Jr. and Brandi Clark appeared. John has a special use permit for used auto sales at 11372 Main Road – Smith Auto Sales & Service. There is a two-family home on this 2-acre parcel, along with some commercial buildings. John's permit is relevant to the southeast corner of the property. Brandi Smith is the owner of GFY Motor Cars on Kenmore Avenue and would like to rent John's northeast corner rear shop and move her licenses there.

The Route 5 overlay zone states that a minimum 200' of frontage is required for used vehicle sales and service. Tom stated the intent was to not have multiple car dealers on small lots. This parcel has 290' of frontage. Tom reiterated the 5 – 6 year history of John's permit, but has only ever had one car for sale. Can't he lease his spot to Brandi? The answer was no. Brandi relayed that New York State allows two businesses on one lot as long as they are in separate buildings with separate entrances. She refurbishes older Cadillacs and would display no more than five of them. She has a retail dealer's license but does some wholesale.

Erik made a motion to approve the change in use/occupancy from a welder to custom vehicles restoration (GFY Motor Cars) at the northeast corner of 11372 Main Road, seconded by Terry on the following conditions:

1. That we receive a change-in-use/occupancy site plan application and fee from Brandi Clark.
2. That John's other tenant, Tesmer Builders, be approved for change-in-use/occupancy site plan application.
3. That John immediately pays the 2018 annual renewal fee for his temporary special use permit.
4. That a fire inspection be completed.
5. That no more than five vehicles be displayed for sale at northeast corner at the rear.
6. That there be no additional signage at the road
7. That there be no additional used vehicles businesses at 11372 Main Road.

Erik - Aye  
Terry - Aye  
Don - Aye  
Tom - Aye  
John Olaf - Aye  
John Potera - Abstain (was out of room during presentation)

## Work Session

**Minutes from last meeting:** Don made a motion to approve the minutes of February 26, 2018, seconded by Erik:

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

- Faith Fellowship temporary sign permit: application not received

**Area variance recommendation to Zoning Board – 12715 Lewis Road - Niagara Label**

Rick Gunn of Calamar, and Keith Hatswell and Chris Whitmarsh of Niagara Label appeared. Niagara Label is proposing to build a 17,440+/- addition in the C-2 zone. Two area variances are being requested. Lewis Road is a State road where the setback is 65'. The site plan indicates one point of the proposed addition to be 35.11' to the road (a 29.89' variance) and the other point to be 27.04' to the road (37.96' variance).

Rick Gunn presented the plan emphasizing that their options are limited by the limits of the existing wetlands. The connected warehouse will be approximately 10,000 sq. ft. with an attached two-story 6,500 sq. ft. office facing Lewis Road. Mike stated that the front setback line illustrated on their drawing should include another 10 – 15' to the edge of the paved portion of the road. Rick stated he will review this for the public hearing to be held on March 22, 2018.

Tom shared that with the Murder Creek bridge out this summer, the stop sign on Hake Road for northbound vehicles will be moved to Lewis Road for westbound vehicles. Purpose is an effort to alleviate truck traffic from coming to a stop on Hake as their route redirects them away from weaving through the Village. This could result in a permanent change. Niagara Label attendees stated they are aware.

Terry made a motion to recommend the two area variances to the Zoning Board of Appeals, seconded by John Potera:

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

**New Agenda Item:**

**Mike Mutter, Newstead Fire Chief appeared.**

Chief Mutter relayed two concerns that he would like the Town of Newstead to address:

(1) Lightweight Construction

New York State allows lightweight construction, which the fire service finds undesirable due to the rapid burn rate. Recently Townline Fire Company responded to a fire call at 18 Pavement Road. It is a 3-story assisted-living complex housing 218 people. It took too long to get folks out of the building. Fortunately, the fire was extinguished rapidly. Chief Mutter would like the Town of Newstead to require heavy duty construction, thereby more restrictive than the State.

(2) Hydrant Markers

Chief Mutter would like to Town to require that hydrant markers be installed on new hydrants as a requirement for a Final Certificate of Occupancy.

**Pending:**

- V/L Moore = 1-lot minor subdivision – Nice/Taylor: no action.
- 4326 South Newstead–C&F Brothers, LLC – 1-lot minor subdivision: no action
- J&R Specialties (Fancher) expansion: no action.
- Clarence Secure Storage expansion: no action.
- 13722 Main - Special Use Permit/site plan: Used Auto Sales — Larry Carlyon: no action.
- 11520 Main – KJP 11520 Main St, LLC - change in use/occupancy for tenants: no action.
- 13123 Main - Willert/Schultz – change in grading: 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