

# TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

March 13, 2017

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

## Work Session

### Minutes from last meeting

Don made a motion to approve the minutes of February 27, 2017 as amended, seconded by John Potera:

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

### Draft solar ordinance

Tom, John Potera and Christine will meet on Thursday, March 16<sup>th</sup> at 9:30AM to work on the draft ordinance.

### Amendments to the Code

Don made a motion to recommend the following Code amendments to the Town Board, seconded by Terry:

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

1. Structure height in all zones – “Dwellings” and “Other” = 40’  
“Accessory Buildings or Structures” = 30’
2. Minor subdivision definition 360-6C. “...not more than four lots (original lot plus three new lots) within a period of **five** years” changed 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 appears to be already addressed in 450-15D. (2) “.....cluster provisions in Article VI (450-51 Article VI)”.)

**Next Planning Board meeting** on March 27, 2017 will be chaired by Andy Kelkenberg. Andy will also attend the agenda meeting on Wednesday, March 22<sup>nd</sup> at 9AM with Christine and Michael Borth.

### **Food Trucks**

Minimal requirement is Health Dept. approval and insurance. Erik stated that food trucks that operate at annual Town events pay a stipend to the Celebration Committee. Mike stated the Village is amending their ordinance now. Locating in front of a restaurant or in front of homes where smoke may be offensive are current issues. This item was tabled for future discussion.

**Work Session (continued)**

**13008 Main Road**

Tom reported that one of the uses at this multi-use site appears to be an auto repair shop, and it could be the same person who was retailing wood products without approval last summer. When the use of a property changes, the change-in-use must be first approved by the Planning Board.

**Site Plan Application – (2) Storage Buildings - 11079 Main Road – Kelly Schultz Antique World**

Kelly Schultz appeared. He owns a 9.26-acre parcel at 11079 Main where he would like to build two storage buildings with overhead doors: 36’ x 120’ and 36’ x 130’ for a total of 9,000 sq. ft. Units are rented to folks to house their wares for flea market sales. The buildings would be located directly behind an existing building. Site plan approval is valid for 18 months from date of final approval. Kelly plans to apply for site plan approval for four additional buildings on his adjacent parcel to the east in the future. Kelly provided photos of what the units will look like; gray with blue roll-up doors. He also provided a Master Plan GIS map of his Main Road properties with parcel boundaries. Christine will give one to the Supervisor. Engineering review was waived by the CEO. The referral to Erie County was mailed March 3<sup>rd</sup>.

Terry made a motion to recommend site plan approval to the Town Board, seconded by Erik:

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

**Pending:**

- **Site Plan – Niagara Specialty Metals - 12,000 SF Addition**  
Site plan application has been made for a 12,000 sq. ft. addition to Building “C” for production. Wendel is unable to recommend approval based on eight comments in a memo dated March 6<sup>th</sup>. We are awaiting Niagara Specialty Metals’ response.
- **Major Subdivision – Howe & Barnum Roads - CMK Builders:**  
Draft subdivision application + sketch plan was submitted today. The Planning Board gave the plat a cursory review. We anticipate the full application in a week or two.
- **Niagara Label expansion – no action.**
- **Site Plan/Special Use Permit-Home Based Business in RA Zone – V/L McNeeley Road Tom Pacenzia**  
Nathan’s advice is that what is being proposed does not fit our home-based business law.
- **2-lot Minor Subdivision: V/L Meahl Road – Wideman**  
Wendel was unable to recommend approval based on three comments in a memo dated June 16, 2016. Bob Wideman was in today and relayed that he has hired Tim Lavocat to assist with his application.
- **Minor Subdivision – Utley & Clarence Center Roads – Thering: no action**
- **Site Plan – 13890 Main Road – Preferred Plastics & Engraving – Samolis: no action**
- **Minor Subdivision – McNeeley Road – Lauridsen: no action**
- **Minor Subdivision – South Newstead Road – Owen: no action**

There being no further business, John Potera made a motion to adjourn the meeting at 8:20PM, seconded by Andy and all approved.

Respectfully submitted;  
Christine Falkowski, Recording Clerk