

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 6:30PM

March 15, 2021

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

Preapplication Conference – Restaurant – 11891 Main Road – George Principe

Mr. Principe appeared. On June 1st he would like to open “Georgie’s Pizzeria” featuring pizza and Italian food, soft music, and magic. He plans on having two booths and six four-tops and will be leasing the space from Ray Braun. The seating plan will be the same as it was for Mooney’s. Farmer’s Insurance occupies a portion of the building and they can either put up a wall to separate it from the restaurant or relocate the office. Mr. Principe has applied to the NYSLA using Mooney’s seating plan. He may open the concert cove area for weddings and parties next year. The Board requested the John Valby sign be removed. Dave stated the occupancy is from assembly to business, then back to assembly. He advised that this action is a change of use to be approved by the Planning Board with the applicant submitting a Letter of Intent and application fee.

Work Session

Minutes from last meeting

John Potera made a motion to approve the February 22, 2021 minutes, seconded by Terry:

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

Training

Christine distributed training certificates from February 22nd along with another virtual opportunity on March 29th entitled “Renewable Energy Leasing on Agricultural Lands”.

Potential Code Revisions

Overlay Zone backland development: Brendan is in the process of preparing a new code modeled after the Town of Clarence.

Shipping container moratorium: Dave reported that he has recently been receiving daily inquiries for building permits for shipping containers. The Planning Board believes a moratorium is urgent, but the Town Board public hearing date is not until April 12th.

450-15 (A)(2)(12) pole barns as permitted principal use

This Code section is from Local Law #7 of 2015 which was reviewed. The wording needs clarification. The Planning Board suggested the following:

“In the RA zone, pole barns are allowed as a permitted principal use, only with a special use permit approved by the Planning Board”.

Potential Code Revisions (continued)

Sign Code

Dave distributed to the Board his proposal regarding temporary signs which is based on a Supreme Court case. All agreed.

360-6 A. SUBDIVISION (2)(a)

Language amendment needed for clarity. The Planning Board suggested:

“...shall not be considered “subdivision”... (a) Division of land found by the Planning Board to be for agricultural, wetlands, recreation or greenspace purposes where all the resulting parcels are 10 acres or larger and where no development is anticipated. The created parcel shall be marked in Town files as not approved for development. Development would require subdivision approval”.

Chapter 150 Uniform Construction Codes and NYS Code changes

Our Code Chapter 150 must mirror 19 CRR-NY 1203.3NY-CRR. Board members requested email copies, which will also be sent to Brendan for his assistance.

Solar Law amendment

Scott has shared a Model Solar Law from NYSEDA. We may want to consider amending our solar law to more closely reflect this model. Brendan is currently reviewing this.

Pending Items:

Tom reported that there are no updates on the following:

- Site Plan – V/L Main Road = Senior Apartments
- Site Plan – 12600 Clarence Center - Niagara Specialty Metals– 1,482 SF addition
- Site Plan – 13655 Main – Woodcutters
- Site Plan Application – Bedford’s Courtyard – Phase II development
- Minor Subdivision – 6860 Maple – Caple/Jendrowski
- Minor Subdivision – 11149 Keller – DeRose (48 acres)
- Minor Subdivision – V/L Utley – DeRose (23 acres)

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

Respectfully submitted;
Christine Falkowski, Recording Clerk