

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

March 7, 2016

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

Pending:

14-lot major subdivision – Clarence Center & Utley Roads – Thering: no action

7-lot major subdivision – 12089 Clarence Center Road – Rothland's: Tom relayed that Rothland's Golf Course is on the market. It is our understanding that this subdivision application will be submitted within a few weeks.

Work Session

Minutes from last meeting: Don made a motion to approve the minutes of February 22, 2016, seconded by Terry:

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

- Code Review

- Subdivision exemption per Planning Board/application fee

Code section 360-6-A(2)(a) states "division of land **found by Planning Board** to be for ag, wetlands, recreation, green space or other purposes where all resulting parcels are 10+acres and where no development is anticipated...shall not be considered subdivisions". This item was tabled at the last meeting.

John Potera reiterated he feels strongly that either (a) the greenspace fee should be charged up front to avoid this dilemma or (b) redact this waiver in our code.

Another idea: Do not charge greenspace fee to subdivision applicants (developers). Instead, add this \$750 fee to building permits for new homes. How do other towns handle greenspace fee---at subdivision or at building permit?

Tom suggested we add to the fee schedule a \$200 fee to cover any miscellaneous review by the Planning Board or leave it as is since it is not causing any problems.

This item was tabled for further review.

- Relocating lot lines

This item was tabled.

- Training 2016 – John Potera's written request to attend the New York Planning Federation annual conference is pending Town Board approval.

Work Session (continued)

- Windmill applications – Ralph received three letters from United Wind as proof that the Town has been initiated for purpose of applications to NYSERDA regarding the following:

5055 Havens Road
8268 Fletcher Road
8228 Cedar Street

Based on the windmill law amendment approved September 28, 2015, Christine prepared a type 2 wind turbine special use permit/site plan application checklist to aid with review. Included is a summary of the review procedure. For example, application and fee is submitted to the Building Dept., to be forwarded to the Town Board for review and public hearing. If a variance is requested (for height only), the Planning Board will review the application first.

Site Plan – Storage Building Expansion – 11145 Main Road – Kelly Schultz

Kelly Schultz appeared. On this 84-acre parcel, Kelly has a 12,000+ square foot board + batten building that is used for retailing antiques. It has an extensive covered porch that he now would like to enclose by installing 16 roll-up doors. This would be a 1,600 sq. ft. addition. Kelly states that the porch has turned into a catch-all and is constantly filled with leaves. Most of the windows and a man door would be covered but not removed as he wants the ability to possibly convert use again. The center entrance/windows would remain, and there are more exit doors to the rear. Kelly stated that the vendors who sell their wares inside need more space to store items. When asked if the roll-up doors would be rolled up during flea market sales, Kelly responded that they probably would be. Tom stated that this is one of the best looking buildings on the property and feels this conversion would ruin the appearance making it ugly. Kelly stated it won't be ugly, that the doors will be an attractive dark brown with lighter brown trim. He also relayed that the trees and greenspace in front of the porch would remain. Since the building is in the Route 5 overlay zone, the Planning Board must make a recommendation regarding zoning and especially aesthetics to the Town Board, who must hold a public hearing before taking action. If approved, the final step would be to apply for a building permit.

Kelly recalls that this building was built in the late 1990's but cannot locate the plans. Tom requested that Kelly have prepared a rendering of what one actual roll-up door unit would look like. Ralph relayed that a letter he received from Mike Metzger states the system should function provided the walls and rollup door panels are installed as described to him. Ralph checked the NYS Fire Code and found that Group M (mercantile) or Group S (storage) requires a sprinkler system if square footage is over 12,000. Therefore, an addition would require a fire wall separation.

This item was tabled for further information. After further discussion, the Planning Board agreed that Kelly may be better off building a new separate building and that he has ample space to do so.

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