

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:00PM**  
**April 9, 2018**

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

**Work Session**

The Planning Board met with the Town Board to discuss proposed Local Laws #1 and #2 of 2018 (from their February 7, 2018 proposed Code changes).

**Minutes from last meeting:** Erik made a motion to approve the minutes of March 12, 2018, seconded by Don:

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

**1-Lot Minor Subdivision Application – vacant land Carney Road - Carney Woodlands, LLC**

Andy Borden appeared and thanked the Planning Board on behalf of the Johannes family. John Potera made a motion to waive the public hearing, seconded by John Olaf:

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

Carney Woodlands, LLC owns 145.4 acres of vacant land on the south side of Carney Road. They wish to split off a 150' x 398.4 building lot for a family member. The application was reviewed, and Town Engineer review of the drainage plan was waived by Michael Borth. John Olaf made a motion to approve the one-lot minor subdivision, seconded by Andy:

Don	- Aye
John Olaf	- Aye
Tom	- Aye
John Potera	- Aye
Erik	- Abstained
Andy	- Aye

**Preapplication Conference – 1-lot minor subdivision – 4973 Ayers Road - Chuck Papke**

Greg Papke, 4977 Ayers Road, appeared. Chuck Papke's property is 38.78 acres with a house and a private golf course adjacent to the NYS Thruway. The 150' frontage on Ayers Road is the only access. Chuck has a buyer for the house, which he would like to separate from most of the acreage. With the minimum frontage being 150', a lot with zero frontage cannot be created. Greg's Ayers Road property has 1,419' of road frontage that is adjacent to Chuck's. Greg could consider carving out 150' to attach to Chuck's home for designated road frontage so that he is able to sell it. The existing 150' must remain access for the golf course. Applying to the Zoning Board for an area variance is always an option, but the Planning Board cannot recommend a lot with zero frontage.

**New Agenda Item:**

**11372 Main – John Smith, Jr. - change in use/occupancy for tenant, Tesmer Builders**

Patrick Tesmer appeared. Patrick stated he has been renting 6,000 sq. ft. of space from John since December 1, 2017 consisting of two offices, a bathroom, heavy equipment storage and a woodshop. He described his use as storage and a mill. When asked if he had anything hazardous on site, he replied that he had 55 - 100 gallon drums of oil and grease, plus welding tanks. John Smith paid the \$100 change in use/occupancy site plan fee, but we still need a site plan distinguishing what part of the building and the outdoor space each of the three businesses are utilizing: (1) Smith Auto Sales and Service (2) GFY Motors (3) Tesmer Builders, Inc. Patrick provided his business card.

**Pending:**

- **Niagara Label site plan application – 17,000 +/- sq. ft. addition:** Wendel's two-page second review memo was distributed. Scott Rybarczyk entered the room and touched on a few of his biggest concerns with the site plan, such as area of disturbance, widths of excavation, wetlands, stormwater management and future parking.
- **Re-zone Bright Meadows from RA to PUD (Planned Unit Development):** We have a request and fee payment from Ron Long that is on hold. We have no record of Mr. Long owning the property as yet. Also, a letter went to the current owner on April 6<sup>th</sup> regarding the open violation of a turf mowing equipment business operating on that site. The deadline is April 20, 2018 to remove all equipment.
- **J&R Specialties (Fancher) expansion:** no action.
- **Clarence Secure Storage expansion:** no action.
- **V/L Moore = 1-lot minor subdivision** – Nice/Taylor: no action.
- **11520 Main – KJP 11520 Main St, LLC** - change in use/occupancy: no action.
- **13123 Main - Willert/Schultz – change in grading violation:** Mike Metzger working on a site plan, but next Court date is May 2<sup>nd</sup>.

**Michael Borth reported on the following:**

**12124 McNeeley (home-based business)** – He issued a Stop Work Order today due to the site being too wet for construction and non-compacted fill.

**12396 McNeeley (old junkyard)** – New ownership has placed a roof on a building without a permit, and has been dumping debris deep into the property. A violation notice will be issued.

**13311 Main MGA Research (south)** - has put in a driveway without NYSDOT permit approval as yet.

**Supervisor Cummings** – entered the room and announced Town Board approval to hire David Miller as our full-time CEO, who should begin work near the end of the month.

There being no further business, John Potera made a motion to adjourn the meeting at 8:49PM, seconded by John Olaf and all approved.

Respectfully submitted;  
Christine Falkowski, Recording Clerk