

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 6:30PM
May 17, 2021

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

1-Lot Minor Subdivision – Vacant Land Meahl Road - Bob Wideman

John Potera made a motion to waive the public hearing, seconded by Terry:

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

Bob Wideman appeared. Bob owns a 115.7-acre parcel on Meahl Road that is land-hooked over both sides of the road. He submitted an application to separate a 7.5-acre lot (307' x 1075') from the north side of Meahl Road. Town Engineer review was waived by the Code Enforcement Officer.

John Potera made a motion to approve the subdivision, seconded by Erik:

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

Bob was given the subdivision plat map filing requirements per Erie County Clerk's Office.

Pre-Application Conference – 12474 Main Road – Dan Barron

Dan Barron and his mother appeared. Dan stated he is trying to purchase the 24-acre parcel at 12474 Main Road. Initially he would like to install water and septic and convert the existing barn to a soil and concrete testing lab. This is a permitted use in the C-2 district with a special use permit, but equipment such as excavators and drill rigs must be screened from view. His plans include a carpentry workshop for manufacturing modular homes, but this is not an allowed use in C-2. Dan shared that he may also consider mixed use retail, similar to what Paul Stephens developed in Clarence. The Board advised that this idea would be welcome in this location. Dan stated the current retail operation of sheds would continue for the short term.

Brendan Neill – Potential Code Revisions

Brendan appeared. Tom stated this session with Brendan will not count toward annual training.

Backland development

Brendan suggested we consider changing our Route 5 Overlay District to "Business Development District" or "Economic Development Zone". We may wish to add other areas to this, in addition to Route 5, strategically shaping policy to encourage development where it is most suitable. The Town of Clarence has done this through the adoption of their Lifestyle Center Zoning District in 2018 that includes Unified Development. An applicant would submit a Master Plan for a parcel to the Planning Board along with a tentative plan if desired. Next step: Brendan will provide the Board with a list of questions to assist in shaping the draft proposal, along with what a Master Plan Application would look like.

Brendan Neill – Potential Code Revisions (continued)

Solar Law

In March, Scott Rybarczyk shared with us NYSERDA’s Model Solar Energy Local Law. Brendan has reviewed it and recommends we replace our solar law with it.

Pole Barns as Permitted Principal Use

Dave reported that the Town Board would like a different proposal than what Planning Board recommended on March 18th. He typed up and distributed a list of four suggestions. One of those is to allow pole barns as principal use on a minimum lot size of three acres, 150’ from edge of the right-of-way, still honoring side and rear setbacks. John Potera likes this option, but with a five-acre minimum. Shall we include design standards? Brendan asked that Dave email his document of suggestions to him.

Erik left the meeting at 7:35PM.

Work Session

Minutes from last meeting

Terry made a motion to approve the minutes from May 3, 2021 minutes, seconded by Don:

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

MGA Research – 13311 Main Road – Site Plan Amendment

Chris Streng of Kulback’s Construction appeared. On April 12, 2021 the Town Board approved a site plan for a 36,000 sq. ft. warehouse addition. On May 7, 2021 we received from Andy Marino of Tredo Engineers, a revised site plan to relocating the warehouse 75’ to the north due to shallow rock condition encountered during site preparation. Scott Rybarczyk reviewed the revision and prepared a memo dated May 17, 2021 recommending approval with the following comment:

The future septic system may be difficult to construct at the location shown. If design and construction of this septic system is proposed, early coordination with Erie County Health Department is recommended to ensure the required approvals can be obtained.

John Potera made a motion to accept the revised site plan as approved by the Town Engineer, seconded by Andy:

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

Dave gave Mr. Streng verbal approval to proceed with construction.

Athenex – 11342 Main - Site Plan – Additional Parking

On behalf of Peter Casilio, Christina from Silvestri Architects sent a sketch illustrating where Athenex would like to add 26 parking spaces, bringing the total to the 108 spaces they originally wanted. The three areas are problematic due to setbacks, greenspace and parcel boundaries. The Board suggests they find alternate parking areas behind Athenex on Casilio’s adjacent property. Response will be emailed.

Work Session (continued)

DeRose properties – no action

6649 Utley Road 6-Lot Major Subdivision (70 acres)

V/L Utley Road 3-Lot Minor Subdivision (24 acres) – SOLD per Dave Miller.

11149 Keller - 11-Lot Major (48 acres) SOLD?

Special Use Permit – Agri Business – 11125 Miland Road – Kokanovich: no action

3-Lot Minor Subdivision – V/L Utley Road – Nutley Acres: Dave reported we met with Rick Thering on May 7th, and he will be applying for another 3-lot minor subdivision.

Special Use Permit – Solar Farm – 13151 Main Road: Tom reported on a tentative proposal from Solar Power Network for a 2.4MW system for exporting power to the grid on a 13.7-acre parcel. A tax map was distributed showing the proximity to the solar farm just a few parcels west of this lot. Preliminary discussion concluded that the first 500' in the C-2 zone be excluded from panel coverage. Therefore, an alternate proposal may be in order. Dave offered to draft a response to Solar Power Network.

Shipping Containers - tabled

There being no further business, John Potera made a motion to adjourn the meeting at 8:30PM, seconded by Andy and all approved.

Respectfully submitted; Christine Falkowski, Recording Clerk