

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

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

Work Session

Minutes from last meeting: John Potera made a motion to approve the minutes of April 23, 2018, seconded by John Olaf:

John Olaf	- Aye
Tom	- Aye
John Potera	- Aye
Erik	- Aye

Nathan Neill entered the meeting at 7:10PM. David Cummings entered the meeting at 7:15PM.

Joe Frey Turf Mowing Equipment business: request to relocate from 12287 Clarence Center to 12690 Main as tenant on Special Use Permit for M. Shields Enterprises

Discussion ensued about outdoor storage of equipment and materials, which is contrary to Code 450-39 the intent which states: "...to prevent outside sale of equipment and materials as a business enterprise within the Town while allowing residents to dispose of their own surplus equipment and materials". Nathan stated the situation that caused the creation of 450-39 was the outdoor storage and sales of appliances on Main Road in front of Ivy Ridge, which is still a problem today. 450-39 states "such outdoor storage in any zoning district must be within completely enclosed building or if left open to the sky must be effectively screened from public view and of sufficient height and density to completely hide the storage from public view and must be maintained in a neat and orderly fashion, with no storage is allowed in any front yard..."

A document was prepared with six conditions listed in order for Joe Frey to become a tenant with a used turf mowing equipment business at Mike Shields' property. The conditions were discussed at length, and all agreed that we cannot allow and equipment displayed or stored in view unless the law is changed to amend 450-39 to allow public view.

Therefore, the document will be reduced to five conditions to be signed on Wednesday by Joe Frey, Mike Shields, Tom Cowan and Michael Borth. Also, the Planning Board will draft a local law amending 450-39 to require a temporary special use permit would be required to allow unscreened quantity and quality of outdoor storage/display with a limit on quantity and quality.

Supervisor Cummings left the meeting at 7:40PM and Nathan Neill left the meeting at 7:50PM.

1-Lot Minor Subdivision Application: V/L Moore Road

Craig & Amanda Nice, Robert & Michele Taylor

The applicants were not present. John Potera made a motion to waive the public hearing seconded by John Olaf:

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

The Nice's and the Taylor's own a 13.3-acre parcel of vacant land on Moore Road. NYSEG owns land that bi-sects this property toward the rear that created a small land-hooked portion. They plan to divide the lot in half, creating two building lots. Wendel completed one review and recommends approval with three comments about NYSDEC checkzone for wetlands relative to location of proposed structures along with tree removal that is the applicant's responsibility to check into. Christine will forward Wendel's memo to the applicants along with instructions for filing their plat map with Erie County.

Andy made a motion to approve the one-lot subdivision, seconded by Erik:

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

Preapplication Conference: Subdivision – Hiller Road

Tamara Gerace, 11240 Hiller Road

Mrs. Gerace was not present. Her home is on a 4.8-acre parcel on Hiller Road, where two adjacent 5-acre lots are for sale. She had inquired about purchasing them, adjusting property lines and perhaps building another home.

Site Plan Application – 12715 Lewis Road – Niagara Label

17,440 sq. ft. Addition – Warehouse and Offices

Wendel's fourth and final review memo was received this afternoon. The applicants were unable to attend this meeting. The Zoning Board approved two area variances for the project on March 22, 2018. Site plan application was received March 26, 2018 for this proposed two-story warehouse/office addition to Niagara Label's existing structure in the C-2 zone.

Andy made a motion to recommend approval to the Town Board with the condition that since wetland disturbance is proposed as part of the site plan; required permits from the US Army Corps of Engineers must be obtained before construction begins.

Seconded by John Olaf:

Erik	- Nay. In favor of expansion project, however there are too many red flags including multiple Wendel reviews (current approval still has several conditions), lack of parking, building/dock low grade points related to site drainage flow, wetlands piping under the building, area of disturbance, large building/development footprint given size of available site.
John Potera	- Nay. Shares the same concerns as Erik, plus he would like to see a landscaping plan.
Andy	- Aye
John Olaf	- Aye
Tom	- Aye

Quorum is four of a seven-member Board. Therefore, with three ayes and two nays, a recommendation of the site plan to the Town Board fails.

Pending:

- **Clarence Secure Storage expansion:** A letter to Jim Bola was mailed May 2nd inviting him to the Planning Board to compare his plans for proposed phase II with the previously approved site plan. Tom and Mike visited the site today to view the outdoor storage of Joe Frey's equipment at that location. Mr. Bola relayed that Mr. Frey's equipment will be removed by June 1st.
- **J&R Specialties (Fancher) expansion:** no action.
- **11372 Main – John Smith, Jr. - change in use/occupancy:** Another letter was sent to John on April 27th requesting that he submit a document distinguishing what part of the building and the outdoor space each of the three businesses at this site utilize by May 9th to avoid court action.
- **11520 Main – KJP 11520 Main St, LLC - change in use/occupancy:** A change-in-use/occupancy by a new tenant needs site plan approval. Owner has not responded. The plan is for the new CEO to send a violation notice.
- **13123 Main - Willert/Schultz** – change in grading: Mike reported that Mike Metzger is preparing a site plan. Court was postponed.
- **Rezone RA to PUD - 12287 Clarence Center Road:** no action
- **PUD training session:** no action. A session on injection wells is also planned.
- **12396 McNeeley Road junkyard:** A letter signed by Nathan and Scott was sent to the owner today reiterating the need for an environmental prior to any discussion about development.

There being no further business, John Potera made a motion to adjourn the meeting at 8:45PM, seconded by John Olaf and all approved.

Respectfully submitted;
Christine Falkowski, Recording Clerk