

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall - 6:30PM
June 1, 2020

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

6-Lot Major Subdivision Application with Public Improvement – V/L Havens Road - CMK Builders

Jason Burford, Project Manger for GPI, and Kevin Stoldt appeared. CMK Builders owns a 6.91-acre parcel in the R-A zone on the west side of Havens Road. They would like to create six new residential road frontage lots as follows:

- Lots #1 – 5: Approximately 160' x 300'
- Lot #6: Approximately 205' x 300'
- 45' access easement will remain for Kreher's 119 acres

The Planning Board began reviewing this application in January 2020. Wendel has reviewed the drainage plan and submitted a second and final review memo dated May 20, 2020 recommending approval of the site plan with the following comment:

- (1) This approval is for subdivision of the lots. Erie County Department of Health will limit development of these lots due to the need for onsite septic. Coordination with ECDOH shall be completed by the developer before any construction begins.

This property is in water district #10 unserviced. The Havenwood Subdivision water line dead ends here, but CMK plans to extend the water line approximately 1,000' with hydrants. A Public Improvement Permit was submitted for the water line with the contractor to be determined, and at a cost estimate of \$45,000. This requires a 10% fee of \$4,500, which is due.

Jason stated that they have Erie County Health Dept. approval for the water line, but that they are waiting for Erie County Water Authority approval. He asked Christine to have Supervisor Cummings sign Form DOH-348 Application for Approval of Plans for Public Water Supply Improvement. Kevin stated he will approach Erie County Health Dept. relative to their septic system rules for major subdivisions.

John Potera made a motion to recommend the site plan application to the Town Board, seconded by Terry:

John Potera - Aye
Terry - Aye
John Olaf - Aye
Tom - Aye
Andy - Aye

Dave Miller entered the meeting.

Sign Permit Application – Summit Auto – 11672 Main - Cliff Albrecht

Cliff Albrecht appeared. Cliff applied for an illuminated 45.5 sq. ft. double sided pylon sign. Tom commented that the Planning Board has wanted a permanent sign here for years. Dave advised that our sign code allows total signage of 192 sq. ft. based on street frontage. Cliff did not know the total sq. ft. of all signs on his property but relayed that his roof sign is coming off. The sign rendering depicts three lines of 8" changeable copy. John Potera asked if each letter is changed electronically, or individual letters changed manually, or a panel that slides in, requiring a ladder to reach 12' height. Cliff did not know.

Sign Permit Application – Summit Auto – 11672 Main - Cliff Albrecht (continued)

John advised that manual letters can fly off in the wind and stated the sign cannot be lit at night. Dave asked what the sign setback distances are to the roads. Cliff did not know.

Erik entered the meeting.

Andy made a motion to approve the sign application pending research results of the following:

1. Sign setback distances to the roads
2. Type of changeable letters
3. Brightness/hours of lighting
4. Total square footage of all signs on the property
5. Street number must be on this sign

Seconded by Terry:

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

Work Session**Minutes from last meeting**

John Potera made a motion to approve the March 2, 2020 minutes, seconded by Erik:

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

Tom advised that our second meeting date in June has changed from June 22nd to June 15th due to conflict with Town Board meeting. Christine distributed a revised 2020 schedule.

Pending Items

Dave reported on the following:

- Site Plan Application – NOCO Energy – Above Ground Gasoline Tank: This will be bulk gasoline for distribution that will require an area variance as our code does not allow above ground tanks.
- Site Plan Application – Arrowhead Golf – Solar Farm: John Olaf stated that large scale solar and wind projects may be subject to a new permitting process controlled by the Cuomo administration in an effort to cut by years the time it takes for large renewable energy facilities to be approved in New York.
- Site Plan Application - Arrowhead Golf – Hotel Addition: No action.
- Site Plan Application - Niagara Specialty Metals – new structure: No action.
- Site Plan Application - MGA Research - 13311 Main Road – new structure: No action.

Pending Items (continued)

- **Site Plan Application - 11167 Main-Kelly Schultz -Retail Sheds/new 3,300 SF building:** This item began with a complaint late in 2018 about sheds for sale without approval. Kelly had submitted a drawing/GIS map, letter of intent and fee for temporary storage units and a 22' x 150' building.

The following is an excerpt from our September 16, 2019 minutes:

“Kelly Schultz appeared. He had submitted a new master plan dated June 12, 2019 adding “shed/storage area”. For this site plan application, he submitted a drawing dated August 29, 2019 with an area labelled “temporary shed sale area” along with a “proposed future building”. Noted on the drawing are:

1. Maximum of 50 units of varying sizes will be on display in the temporary shed sale area.
2. A 5-foot minimum separation will be provided between all units.

The drawing does not indicate a specific parcel, is missing dimensions and property line setbacks. The master plan shows the sheds straddled over a parcel boundary. Kelly stated the sheds are temporary for a few more years, and he owns both parcels. He also stated he wants the sheds 5' apart. Dave advised the following:

- Sheds must be 10' apart per Fire code
- Removing the parcel boundary by merging the two parcels would take care of setbacks required for proposed buildings and sheds.
- Talk to Attorney and or our Assessor, Tina.
- The Site plan needs to show actual parcel boundary, dimensions and setbacks.

John Potera requested fire lanes and fire lane signage at the auction building. Kelly agreed to all.

Tom made a motion to table this item, seconded by John Olaf:

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

On May 29, 2020 Mike Metzger sent us a rendering that omits the western property boundary, which may indicate the parcel has been merged with his adjacent parcel, though we have not received the typical notice from the County. The other difference is that it now depicts four proposed structures labelled “proposed classic car storage building” for a total square footage of 21,500 sq. ft. We have asked Mike for clarification and for the limit of disturbance for the four proposed structures area.

- 3-Lot Minor Subdivision Application – 4977 Ayers Road – Papke: No action.
- 1-Lot Minor Subdivision Application - 7906 Cedar Street – Allen: No action.
- 1-Lot Minor Subdivision Application - 12424 Nice – Sutton: No action.
- 1-Lot Minor Subdivision Application – Dorsch Road – Kidder: No action.

There being no further business, John Potera made a motion to adjourn the meeting at 7:35PM, seconded by John Olaf and all approved.

Respectfully submitted;
Christine Falkowski, Recording Clerk