

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

June 20, 2016

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

Minutes from last meeting: John Potera made a motion to approve the minutes of June 6, 2016, seconded by Terry:

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

Local Law #1–2016 Six-Month Moratorium on Solar Farms – The Town Board has scheduled the public hearing for June 27, 2016 at 7:45PM.

Pre-Application Conference: 11478 Main Road – 2,020 SF Accessory Building Faith Fellowship Church

Cliff Albrecht and another gentleman appeared representing Faith Fellowship Church. They wish to build a 1,280 sq. ft. accessory structure 124' north of their parking lot for vehicle storage along with an attached 740 sq. ft. porch for 8 – 10 picnic tables. Mike relayed that NYS Code requires public assembly structures to have a bathroom and probably a separate septic tank in order to be compliant. Two bathrooms are required once you exceed 50 people, plus you need to be ADA compliant as well. Or they could place it a minimum of 75' to the main building. Or they could call it seasonal and install a full-service port-a-pottie that requires a hand-washing station. Building the garage only is an option, or they could include the porch as well labelling it "no public assembly". Nevertheless, site plan approval is required being that it is in the C-2 and Overlay zones. A drainage plan would be required as part of their site plan application submittal.

New Topic: Summit Auto – 11672 Main – Cliff Albrecht

Cliff stated his building is in the ROW now, and he would like to rip off the front and rebuild it 12' deeper into the property producing an added benefit of opening up the site line a bit. Mike advised that it may contain asbestos and that if so, there is a process to follow for commercial demolition.

Pending:

• **12666 Main Road – Michael Shields**

Michael Shields attended the June 16th agenda meeting. He owns 12666 Main Road in the C-2 zone with a single family house and a 1,800 sq. ft. barn. He would like to build a 6,000 sq. ft. addition to the barn for dry storage of antique cars. Mr. Shields also owns adjacent property at 12690 Main Road for which he has a temporary special use permit for used vehicle sales. The discussion centered on whether this expansion of a residential (legal, non-conforming) use in the commercial zone would require site plan approval. Mr. Shields had pointed out that two other nearby properties simply obtained building permits for barns (Beck & Owen), which was confirmed by Andy (the builder). Concern was expressed over potential commercial use of the barn addition. It was agreed to not require a site plan application, but instead a building permit application to include a note such as "not for commercial use". Mr. Borth stated the building permit would need to include stamped drawings due to the large free span, gutters, and a drainage plan to be reviewed by Town Engineer.

- **2-Lot Minor Subdivision – V/L Meahl Road – Wideman:** Bob Wideman has applied for a 2-lot minor subdivision of a 126-acre parcel on Meahl Road that is land-hooked. The plan is to create a 5.02-acre lot to the north and a 4.47-acre lot to the south. The drainage plan as prepared by Ottney & Miller was sent to Wendel for review. A first review memo dated June 16, 2016 that did not recommend engineering approval was sent to Bob Fritsche and to Bob Wideman.
- **1-Lot Minor Subdivision – 8040 Cedar Street – Sivecz:** Wendel completed first review of drainage plan dated May 31st, which is not approved and was sent to Ottney & Miller and to Mr. Sivecz same day. On June 16th the building permit was approved, and a letter was sent to Mr. Sivecz stating subdivision is not approved and that construction would be at risk due to the potential for modifications to the site plan during subdivision and that the final certificate of occupancy inspection would not be conducted without subdivision approval.
- **Site Plan - 13661 Main Road – Pole Barn & Driveway - Fancher Properties, LLC:**
 - 4/27/16 – Wendel 1st review memo not recommending approval based on 11 comments
 - 6/07/16 – K2 Architecture response (revised site plan, grading plan & 6/2/16 drainage report)
 - 6/13/16 – Wendel response – no review of 6/7/16 response provided due to insufficient information including request of itemized letter format.
 - 6/16/16 – K2 Architecture letter response sent to Wendel along with SP-2 & survey.
- **Site Plan – (6) Storage Buildings – 11167 Main Road – Kelly Schultz:** no action.
- **Site Plan - Bar/Tavern - 11199 Main – Schultz:** no action.
- **Major subdivision - Clarence Center & Utley Roads – Thering:** no action.
- **Major subdivision – 12089 Clarence Center Road – Rothland’s:** no action.

Garage Sales at Main & Cummings

There have been several garage sales at 12474 Main Road owned by Patricia Demblewski-Pasinski. The Planning Board recommends a letter be sent to the owner that code section 450-39(C.) potentially has been violated and enclosing a copy of such code section. There have also been sales of displayed picnic tables at the northeast corner of 93 & Main.

There being no further business, John Potera made a motion to adjourn the meeting at 8:15PM, seconded by John Olaf and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk