

# TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

August 1, 2016

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

## **Outdoor sales - 12474 Main – Jerry Pasinski**

On June 27<sup>th</sup> Michael Borth sent a letter to Mr. Pasinski, the property owner of this 24 acre parcel, advising him of the Town regulation on garage sales. Tom stated this is a primary commercial corner of Newstead. Mr. Pasinski reported that he would like to display for sale Heritage sheds at this location, which is the northwest corner of Cummings & Main Roads. Currently at this site on Cummings Road is Dealer's Choice, operated by Larry Fels. Jerry stated that when one vehicle is displayed for sale at the road, it is his, not Larry's. Regarding the sheds, Jerry stated he would be leasing the shed sales to a guy working out of one of the sheds, basically operating as a storage facility. The sheds displayed for sale on Main Road near the Pumpkin Farm are legal due to the exclusion for auction barns and flea markets. Code section 450-39 intends to prevent outside sales of equipment and materials as a business enterprise in any zoning district unless within completely enclosed buildings or screened from public view. John Olaf suggested this use could be "retail sales". John Potera brought the Overlay zone to Jerry's attention. Mike Borth suggested we create a permit for regulating sheds and the placement thereof. Appropriate setback to Route 5 was discussed. Tom advised Jerry that the Planning Board would have an answer for him by August 15<sup>th</sup>.

## **Preapplication Conference: 5-Lot Major Subdivision – Havens Road - Stan Tatara**

Stan and Sheila Tatara appeared. They own the 6.7-acre parcel on Havens Road that was not included in the Havenwood 28-lot major subdivision. They sold most of this land to Kreher's except for this road frontage piece, which they would like to split into 5 – 6 building lots. Stan reported that the water line infrastructure is cost prohibitive on his own. Last year he asked the Town Board for help and received a rejection email from the Supervisor. When asked if the lots would perc, Stan replied the inland area did not perc well, but that he thinks the frontage lots will. He has a \$4,000 proposal from Schutt Engineering to do a water assessment. Michael Borth suggested Stan consult Erie County Health Dept. first as the lots may not be large enough for sand filters. Stan has a building permit application pending for converting an existing barn into a single family home. Tom advised that the Planning Board cannot make a recommendation without Town Engineer review. Stan stated they would think about it.

## **Site Plan Application: 13661 Main Road – Pole Barn & Driveway - Fancher Properties**

Jeff Fancher appeared. They own a 2.6-acre irregular-shaped parcel behind Kaboodles Restaurant. To the east, they have purchased and merged 4.55 acres for a total of 7.15 acres. This additional land gives them closer proximity to the nearest fire hydrant and secondary road access. They have outgrown their existing building and have proposed to build an unattached 11,776 sq. ft. cold storage building. Wendel has completed four reviews of the site plan and in a memo dated July 27, 2016 recommends engineering approval.

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

Tom	- Aye
John Potera	- Aye
John Olaf	- Aye
Don	- Aye

Mr. Fancher was advised to obtain a highway work permit from NYSDOT for the new road cut.

**Pending:**

- **Niagara Label:** Calamar has requested a meeting to discuss an expansion proposal. Tom, Christine and Mike will be meeting with them on Wednesday morning.
- **1-Lot Minor Subdivision – 8040 Cedar Street – Sivecz:** Don Hoefler submitted a grading/drainage and erosion/sediment control plan dated July 15<sup>th</sup> to Christine, who will forward it to Wendel.
- **2-lot Minor Subdivision – V/L Meahl Road – Wideman:** no action
- **Major subdivision – Clarence Center & Utley Roads – Thering:** no action
- **7-lot major subdivision – 12089 Clarence Center Road – Rothlands:** Since the golf course was allegedly sold, it is possible this item is moot, unless area was excepted out for the creation of building lots. To date, we have not received the transfer from Erie County. Christine was advised to call Kelly Schultz and ask him.
- **Site Plan – (6) Storage Buildings – 11167 Main Road – Schultz:** no action
- **Change-in-Use Site Plan – The Witches Brew - 11199 Main – Schultz:** Mike Borth reported that this is not a change-in-use action. Beer and wine is being added to refreshments already being sold. A seasonal liquor license is needed from the State Liquor Authority. Since we could not locate the Certificate of Occupancy, Mike issued a Certificate of Compliance for 11199 Main Road referring to the barn known as the Pumpkin Palace with the note that “building appears to be in compliance with the Building Codes in place in 1995 upon its completion”. New exit signs and lights will be installed before opening in the fall and a fire inspection will be completed.

**Work Session**

**Minutes from last meeting:** Don made a motion to approve the minutes of July 11, 2016, seconded by John Potera:

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

- Six-Month Moratorium on Solar Farms – Christine distributed:
  - Town of Lockport’s ordinance proposal
  - From John Potera:
  - Article about Avon School District’s solar array
  - Article about Genesee County – deciding how to regulate solar farms
- Training – John Potera stated he may attend a landowner meeting on solar leasing in Warsaw, NY on Wednesday, August 3<sup>rd</sup> at 7PM.

**Subdivision approvals from 2008 where plat was never filed with Erie County Clerk**

We have had two landowners approach us about lots they wish to sell now, but never made legal separate lots in spite of prior Planning Board approval. Tom reported that in both cases, the Supervisor advised that we not collect any more fees, but that the applicant completes new subdivision applications so that we have up to date paperwork for the file.

There being no further business, John Potera made a motion to adjourn the meeting at 8:21PM, seconded by John Olaf and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk