

## TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

August 15, 2016

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

### Work Session

**Minutes from last meeting:** Don made a motion to approve the minutes of August 1, 2016, seconded by John Olaf:

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

### **Moratorium on Solar Farms**

Christine distributed “Solar Workshop: Planning and Zoning for Solar & Introduction to Shared Solar” to be held on August 25, 2016 from 9AM – 11Am in Rochester.

John Potera and Erik reported that they attended “Landowner Meeting – Leasing Your Land for Solar Energy” on August 3<sup>rd</sup> in Warsaw. It was geared toward property owners who are being solicited and educating them about the pros and cons. Dennis Vacco was a presenter who talked about protecting landowner rights. Michael Saviola was a presenter from NYS Ag & Markets, who mentioned his willingness to make free presentations. His card was given to Christine.

Tom reported that the Supervisor relayed the Town Board’s request for a recommendation from the Planning Board on a proposed solar farm ordinance by mid-September.

### **Training**

In addition to the above solar farm training topics, Michael Borth offered that a Stormwater management seminar will be held in Batavia that he may attend.

### **Additional Meeting on August 29th**

A poll was taken to see if a quorum could be met for a potential additional meeting on Monday, August 29<sup>th</sup> to review the following potential items and anything else that should arise before then:

- 4893 South Newstead Road – 5-lot major subdivision – CMK Builders
- 11478 Main Road – site plan application – Faith Fellowship Church

### **Preapplication Conference: 2-lot minor subdivision – 4973 Ayers Road - Chuck Papke**

Mr. Papke appeared. He owns a 39-acre parcel with 149’ of road frontage on Ayers Road and 233.37’ on Stage Road. His home is on this parcel. Brian Hake owns adjacent land fronting on Stage Road, and he is gifting a 150’ x 650’ piece to Mr. Papke. Then Mr. Papke would like to split off this same piece from Brian along with a 233.37’ x 300’ piece farthest east on Stage. This action would leave the only remaining frontage on Ayers Road at 149’. Mr. Papke was advised to split the 233.37’ piece furthest east a bit shorter thereby adding that shorter piece to the Ayers Road frontage rather than attempting an area variance. The Board advised him to go forward with his application as they see no reason why it would not be approved.

**Site Plan Application: 12474 Main Road – retail of Heritage sheds - Jerry Pasinski**

Bob Williams appeared, who will be renting the site and retailing the sheds at the corner of Main and Cummings Roads. A site plan was submitted showing 15 sheds stacked along Main Road and five sheds lined up in an open field storage area north of the barn. Average shed size is 10' x 16' and they will be placed 10' apart. An existing overgrown brush area may be cleared for an additional shed storage area. Customers can park just south of the barn, but north of the eight vehicle storage area that is also operated on this site by Dealer's Choice via special use permit. A customer parking sign will be placed here. There is a stone access area off of Main Road for farming, and Mr. Williams was advised to apply for a permit through NYSDOT should he desire a driveway there. Mr. Williams relayed that a 2' x 8' banner will be screwed to the side of a shed and that the shed manufacturers have a crew that maintain the grass.

John Olaf made a motion, seconded by Andy to recommend site plan approval to the Town Board with the following conditions:

1. No Route 5 access allowed.
2. Main Road and Cummings Road setback must be minimum 50' from edge of pavement.
3. Signs attached to sheds must not be fluttering or waving.
4. "No parking" signs must be posted on Main Road and on Cummings Road.
5. 10' spacing between sheds must be maintained.

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

Tom relayed that the property is on the market, and Bob stated that he was aware.

**1-lot minor subdivision: 7444 Sandhill Road (re-approval from 2008) - John Smith, Jr.**

Mr. Smith owns a 3.2 acre parcel with 313' of frontage on the west side of Sandhill just where it turns into Rapids Road. John never made legal separate lots by filing the plat with Erie County in spite of Planning Board approval in 2008, which included Wendel's approval of the drainage plan. John Olaf made a motion to re-approve the minor subdivision, seconded by Terry:

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

The subdivision plat must be filed with the Erie County Clerk within 60 days.

Tom asked that a letter be sent to John Smith Jr. asking him to remove a welding sign on Main Road that no longer serves a purpose.

**Pending:**

- Site plan: Niagara Label will be submitting an application soon for their expansion.
- V/L Cedar Street – subdivision approval from 2008 – Tucciarone: picked up application
- 1-lot minor subdivision – Ayers & Dorsch – Kidder: Wendel review memo #1 sent to Kidder.
- 1-Lot Minor Subdivision – 8040 Cedar Street – Sivecz: Wendel review memo #2 sent to Don.

**Pending (continued):**

- 2-lot Minor Subdivision – V/L Meahl Road – Wideman: need response to WD memo #1.
- Major subdivision – Clarence Center & Utley Roads – Thering: no action
- 7-lot major subdivision – 12089 Clarence Center Road – Rothlands: Tom reported that the sale of this property negates a subdivision per Kelly Schultz. It will be removed from agenda.
- Site Plan – (6) Storage Buildings – 11167 Main Road – Schultz: no action
- 5-Lot Major Subdivision – Havens Road - Stan Tataara: Schutt is conducting water feasibility study.

**Solar Farms**

Tom reviewed the following with the Board:

- Should the Town require a site plan application? **Yes**
- Would procedure for site plan be the same i.e. reviewed by Planning Board and approved by Town Board? **Yes**
- Allowed in what district? **RA only. All other zones should be preserved; they are minimal.**
- Maximum height? **Unknown**
- Power lines underground? **Yes.**
- Buffers to roads and adjacent properties? **Yes, but what kind?**
- Tree removal allowed? **No, unless replaced one for one.**
- Signage? **Danger signs plus emergency contact info signs.**
- Fencing? **Unknown**
- Landscaping? **Not sure if necessary if buffered.**
- Minimum setback to adjacent properties? **Same as structures**
- Decommissioning plan? **Bond required.**
- How to minimize glare? **Screening.**
- Pavement allowed? **No; so that once removed, property is in natural state.**

There being no further business, John Potera made a motion to adjourn the meeting at 8:50PM, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk