

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall - 6:30PM

August 24, 2020

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

Work Session

Minutes from last meeting

John Potera made a motion to approve the August 3, 2020 minutes, seconded by Terry:

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

Preapplication Conference – 13722 Main Road – Brandon’s Auto & Collision - Brandon Chittenden

Brandon Chittenden appeared. He will be renting this property to operate an auto body repair shop, which has a paint booth. Previously, the collision shop was operated by William Burd but has been vacant for several years. Therefore, this will be treated as a change-in-use site plan application. Brandon was advised to submit a non-professional site plan, such as a sketch of the site. Signage should be included which must include the street number 13722 in order to avoid needing a separate sign permit. Also, the parking location of wrecked vehicles to be repaired must be shown, and vehicles being dismantled should be screened. John Olaf advised to make any lease signing contingent upon Town inspection and approval for a certificate of occupancy that he will need for his DMV license.

Potential Code Revisions

Above ground gasoline tank

Newstead Code section 450-35B. (4) does not allow above ground storage of gasoline. The Board felt that this was an archaic requirement and that underground tanks are no longer used due to potential contaminant issues.

John Potera made a motion to recommend to the Town Board that Code 450-35B.(4) be amended by striking everything after the comma so that it reads “Storage of gasoline shall be as recommended by the National Fire Protection Association and approved by the New York State Department of Environmental conservation”, seconded by Erik:

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

Short Term Vacation Rentals, AirBnb, VRBO

The Planning Board sent a memo to the Town Board on April 12, 2019 recommending that the home-based business law be revised to add short term rentals as an allowed use with an annually renewable temporary special use permit. Last month we received an inquiry about purchasing property specifically for use as an AirBnb. The Board analyzed the draft law created by Brendan Neill for regulating short term rentals. A memo will be drafted encompassing the changes proposed by the Planning Board.

Mixed Use definition

In 2018 “mixed use” was added as a permitted principal use in the C-2 zoning district. It has been determined that we need to add a definition for “mixed use”. The Town of Clarence also allows mixed use, and copies of their Code were provided. John Potera wondered what the advantage would be for Newstead. Single family homes are not permitted in the C-2 zone, but this level of residential would be.

Erik made a motion to recommend to the Town Board that the “mixed use” definition be added to our zoning code as “the presence of residential and nonresidential uses within the same complex or same building”, seconded by Don:

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

Overlay Zone backland development

Sections of Clarence’s code that address shared access and interconnected parking lots were distributed. This item was tabled for future discussion.

Parking Garages

A written document that was provided by Dave Miller was distributed. Changes to the State code mandate that we change the Town Code to be consistent on the topics of operating permits and on parking garages. These changes will impact Newstead Code Chapter 150 Uniform Construction Codes. This item was tabled for future discussion.

Pending Items

- Site Plan Application - Arrowhead Hotel Addition: under review by Wendel.
- Site Plan Application – Arrowhead Golf – Solar Farm: under review by Wendel.
Wendel is waiting for revised drawings from the applicant to reflect the corrected septic system location on the site plans, before further review can take place.
- Site Plan Application - Niagara Specialty Metals – 32,400 + 667 sq. ft. additions: Wendel’s review memo #1 dated August 20th was forwarded to the applicant and distributed here tonight. Additional engineering fees are owed.

Scott Rybarczyk stopped in and reiterated the above.

There has been no action on the following:

- Site Plan Application - MGA Research - 13311 Main Road – new structure
- Site Plan Application – NOCO Energy – Above Ground Gasoline Tank
- Site Plan Application – Bedford’s Courtyard – Phase II development

There being no further business, John Potera made a motion to adjourn the meeting at 8:05PM, seconded by Erik and all approved.

Respectfully submitted;
Christine Falkowski, Recording Clerk