

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall - 7:00PM

August 26, 2019

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

2-Lot Minor Subdivision – V/L Cedar

Tammy Fox

John Potera made a motion to waive the public hearing, seconded by Terry:

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

Kelly Spurlock appeared, representing the applicant. An area variance was granted by the Zoning Board on July 25th. Dave reiterated that the minimum lot width is measured from the edge of the right of way, not the center of the road. Two new lots are being created from this 3.10-acre parcel. The survey/subdivision plat/drainage plan was prepared by Bob Fritschi at GPI, with engineering review waived by the Code Enforcement Officer.

Terry made a motion to approve the subdivision application, seconded by Don:

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

Kelly Spurlock was given the Erie County Clerk's subdivision plat filing instructions.

Change-in-Use Site Plan Application – 11520 Main Road - owned by KJP 11520 Main St., LLC (Kelly Pinto)

Robert Smith - Bottle & Can Recycling – “Recycle King”

Robert Smith appeared along with another person. The front building on this 30-acre parcel has three sections. Infinity Plumbing will occupy the rear third, Robert Smith plans to rent the middle third, and Dealer's Choice will rent the front portion. This is a change-in-use site plan application from auto repair to can/bottle redemption, with all business conducted inside the building. Mr. Smith is the only employee. His hand drawn site plan included photos that he submitted tonight. There will be eight parking spaces, with two cars at one time expected. A weekly truck pick-up to remove cans once a week, no automated equipment, all done manually. 1,200 – 1,400 square feet of space. His sign will be added to the sign frame at the road, plus he would like to put up a temporary sign by the road for two months when he opens. Dave advised Mr. Smith to call the office to schedule a fire inspection, and that a permit and sign rendering is required for the temporary sign. Mr. Smith asked about a dumpster, and Dave advised that it must be screened. Mr. Smith relayed that a NYSDEC permit is required for this business.

Don made a motion to approve this change-in-use site plan, seconded by Erik:

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

Site Plan/Special Use Permit Application- Solar Farm – 12963 Main

Adam Fishel and Ryan Jordaens of Marathon Engineering appeared, along with ReJean DeVaux of Borrego Solar. Charles McConnaughey owns a 60-acre parcel of land at 12963 Main Road. The proposed development is a 5 MW AC community solar farm. Copies of Newstead's solar law Chapter 180 were provided to the Board, along with the complete site plan application. Wendel reviewed the proposal and recommended approval in a memo dated August 20, 2019 with the following comment: "Any wetland removal requires permits from the USACE. Approved permits for this wetland removal from the USACE shall be submitted to the Town before a building permit will be issued".

- Prep site, road in, clearing, screws into ground a couple of feet=minimal disturbance + does not count as disturbance.
- Would like to start end of 2019; 12 months duration.
- If there is rock, they will drill. Test well pits in advance. Racking + panels.
- Landscape buffer between rear of Rite-Aid Pharmacy and the panels. Will replace any if need be after construction.
- NYSDOT permit required for 20' wide driveway off Route 5.
- No fill in or out.
- Leasing from Mr. McConnaughey 20 – 25 years plus option to extend. Tom requested copy of the lease per solar code, to be reviewed by Town Attorney.
- They will work with the Fire Company, Fire Code, Knox Box.
- One solar company; not two.
- Decommissioning Plan submitted per Code.
- Are the panels shatterproof, such as during a large hailstorm? They are like plexiglass.
- Connects to the grid at the road.
- Two existing structures on the site will remain.
- Don: Can a firetruck turn on the curve at the 16' gate on the 20' road?
- Panels rotate/tilt east-west automatically.
- Erik questioned panel height of 15' vs. 7' fence height. They have a glare study they can provide.
- Panels will be snow-loaded for our region.
- O&M group monitors maintenance and inspections multiple times a year.
- On the site plan, clearing of the hedgerow will only be to the extent of eliminating shading. Most trees on the boundaries will remain.
- The Board requested product photos.
- When asked about number of panels, ReJean explained that each unit is made up of multiple panels and that technically there will be 23,355 panels.
- The Board asked that Christine notify Akron & Newstead Fire Chiefs, and our Emergency Disaster Coordinator prior to SEQR Lead Agency/Coordinated Review notice.

This is the first large scale solar application in the Town of Newstead. Two Board members are not present tonight. The following four items are requested:

- (1) Copy of lease
- (2) Vegetative buffering on side
- (3) Product photos
- (4) Firetruck at curve through 16' gate

Terry made a motion to table the vote on recommending this site plan/special use permit application, pending receipt and review of the above four items, seconded by Don:

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

Work Session

Minutes from last meeting

Erik made a motion to approve the August 12, 2019 minutes, seconded by Don:

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

Pending

Site Plan Application – Distillery – 7010 Scotland Road: Complete application given to Wendel today for review.

Site Plan Application - Bedford Greenhouse Project – V/L Buell & Main: Use variance in R-1 zone was granted by the Zoning Board of Appeals on August 22, 2019. Complete site plan application is being reviewed by Wendel.

Site Plan Application – 11167 Main - Kelly Schultz – retail sheds: no action.

There being no further business, John Potera made a motion to adjourn the meeting at 9:00PM, seconded by Erik and all approved.

Respectfully submitted;
Christine Falkowski, Recording Clerk