

# TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

September 12, 2016

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

## **New item not on the agenda**

### **Sign Permit Application – 13399 Main Road – Green Kangaroo/Newstead Self Storage-Paul Stephen**

Paul Stephen appeared with a completed sign permit application for an 8' x 4' temporary unlit sign. He would like to place the sign about 30 feet west of his existing sign on Main Road. Paul owns the changeable letter sign where he would like to advertise his storage units through the end of October. An electronic photo was shared and will be emailed to Mike for the file.

John Olaf made a motion to approve the temporary sign for a maximum of 60 days, seconded by John Potera:

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

### **1-Lot Minor Subdivision – 8040 Cedar Street - Mark Sivecz**

Don recused himself. Theresa Mussell of Kelkenberg Construction appeared, representing Mark Sivecz. Mr. Sivecz owns a 41-acre parcel on Cedar where he is building a single family home. This approval will put the home on a 5.19-acre lot 400' x 565'. The drainage plan was approved by Wendel.

John Olaf made a motion to approve the subdivision, seconded by Erik:

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

### **Preapplication Conference - Major Subdivision – 11599 Howe Road - CMK Builders**

Kevin Stoldt and Steve Simme appeared. CMK Builders of Alden, Inc. recently purchased the 28-acre parcel at Howe and Barnum Roads. There is one single family home with outbuildings on the site. Tom reported that Kevin and Steve met with us on Thursday to discuss their plan for a major subdivision with four 1+ acre lots fronting on Barnum and five 4 to 5 acre lots on Howe. Tonight a preliminary sketch plan depicting 14 lots was discussed. Scott Rybarczyk of Wendel entered the meeting and was asked what obstacles he may foresee based on the sketch. Scott advised them to have their engineer, GPI, create a grading & drainage plan. A SWPP will be necessary based on the area of disturbance and they may need a drainage pond. The wetland area to the west should be addressed, and Erie County Health Dept. must be contacted regarding septic.

**Pending item: Major Subdivision – 4893 South Newstead Road – CMK Builders**

CMK recently purchased this 27.5 acre parcel and are currently building a home there. They plan to demolish the existing home at 4893. They also plan to divide up the land into five 5-7 acre building lots. Again Scott advised that a grading & drainage plan is necessary, but that they may be able to avoid a SWPP given the smaller disturbance area.

For both of CMK’s major subdivisions described above, the Planning Board will vote to accept them after official sketch plans and all appropriate content have been submitted. This includes existing drainage channels and any proposed new drainage channels be shown, according to Code section 360-10A. Then the Town Board would be notified that such applications have been made.

**2-lot Minor Subdivision – 4973 Ayers Road - Chuck Papke**

Chuck Papke appeared. He owns 39 acres south of Stage Road, north of the thruway. The irregular shaped lot has 150’ of frontage on Ayers, and on Stage there is 150’ x 619’ and 233’ x 300’ proposed as two building lots to be split off. Scott had advised the Board to obtain from Mr. Papke a grading & drainage plan for the proposed lots and for adjacent areas. A topographic survey would be beneficial as well. Tom relayed this request to Chuck, reiterating that we need existing and proposed elevations on the drainage plan. Mr. Papke stated the lots drain to Stage Road and that the ditches have just been cleaned. The Board relayed to Mr. Papke that an engineer needs to provide elevations on paper for documentation, and Tom suggested he seek advice from Scott Rybarczyk at Wendel. Mr. Papke stated he is capable of shooting his own grades. This item will be tabled when grading and drainage plans have been reviewed and approved by Wendel before it comes to the Planning Board again.

**New subject:**

Creating these lots will leave a large backland area with access at Ayers Road only. Mr. Papke shared that he is considering developing this area as a 20-lot major subdivision with public improvements. He asked what the Town’s road width requirement is, and Mike told him 66’. A drainage pond may be necessary, and a SWPP per the NYSDEC must be filed. Erie County Health Dept. will determine septic. Tom stated that the Town’s master plan promotes development of backland. Mr. Papke was advised to get an engineering firm to put together the major subdivision application.

**Work Session**

**Minutes from last meeting:** John Olaf made a motion to approve the minutes of August 15, 2016, seconded by Andy Kelkenberg:

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

**2016 Training**

- Christine distributed seven different training opportunities available September – November.
- Christine contacted Jackie Bacher of Pace Law School – Land Use Law Center and has not heard back yet. She was a presenter at the Planning & Zoning for Solar presentation attended by the Supervisor, Tom and Erik.
- Christine will also contact Michael Saviola of NYS Ag & Markets, a presenter at a seminar attended by John and Erik.

**Town of Clarence Comprehensive Plan 2030**

The Town of Newstead received this document as a potential interested agency. Comments for this SEQR Type I action are due by September 30, 2016. Tom stated he will review it.

**Pending:**

- **Special Use Permit – Used Auto Sales: 13634 Main Road @ Crittenden:** Tom stated that this property is owned by Charles McConnaughey. Also owned by Mr. McConnaughey are two Main Road properties that we have received email requests for solar farms. Tom would like a letter sent to Mr. McConnaughey stating we will not entertain review of any of these pending applications due to the fact that we have had no response to our letter of June 27, 2016 regarding outdoor sales at his 13008 Main Road property.
- **Site Plan Application: Accessory Building – 11478 Main-Faith Fellowship Church:** Mike stated he expects their application next week.
- **1-Lot Minor Subdivision: V/L Cedar Street-Noel Tucciarone:** no action.
- **Site Plan Application: Niagara Label expansion:** Tom reported they are currently addressing septic, drainage and wetlands.
- **1-lot Minor Subdivision: Ayers & Dorsch – Kidder:** no action.
- **Subdivision: Utley Road – Thering:** Tom stated Mr. Thering may sell one larger rear area to a farmer for now vs. a major subdivision application.
- **2-lot Minor Subdivision: V/L Meahl Road – Wideman:** no action.
- **Site Plan – (6) Storage Buildings: 11167 Main Road – Schultz:** Mike reported he expects this application to be submitted very soon.
- **5-Lot Major Subdivision: Havens Road – Tatara:** no action.
- **Special Use Permit – Agribusiness: Bedford’s Greenhouse:** Tom reported that we met with Steve Bedford, who is considering various locations for relocation of his Cedar Street nursery.
- **2-lot subdivision – Carney Road – Stanbury:** Christine reported that the splits Mr. Stanbury was approved for in 2009 and 2010 no longer count for the minor/major subdivision timing rule. His most current split was in 2015. Therefore, he can proceed with a minor subdivision application for another split.
- **11200 Main – backland recreational development – Braun:** Tom reported that we met with Ray Braun, who is exploring the idea of building cabins behind this property for wrestlers and rockers to utilize. This is a 29-acre parcel with 160’ of frontage that widens to 1,499’ up to the bike path. The building on Main Road is rented to Fastenal, and Ray uses the rear portion himself. Ray was advised that septic, utilities, etc. would be necessary.

- **Solar Farm moratorium/research**

Christine distributed New York State Model Solar Energy Law & Toolkit provided by Sustainable CUNY of the City University of New York, its primary author. Tom, along with Erik and the Supervisor attended a Solar Workshop and shared the following thoughts, asking the Board to think about them for the next meeting:

- Minimum lot size: would we consider adjacent neighbors going in together to meet minimum acreage?
- Review procedure: Planning Board, Town Board or both?
- Appeal procedure: to Planning Board or Town Board?
- Application include: sketch plan, manufacturer’s spec’s and Town Engineer review?
- No blacktop or cement?
- Require bond as decommissioning plan?

There being no further business, John Potera made a motion to adjourn the meeting at 9:15PM, seconded by John Olaf and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk