

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall - 6:30PM
September 14, 2020

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

Change in Use/Ownership Site Plan – 13722 Main Road – Brandon’s Auto & Collision

Brandon Chittenden

Brandon Chittenden appeared, and the Planning Board reviewed his application which included signage. He will be renting this property to operate an auto body repair shop, which has a paint booth. Tom stated that we don’t want damaged vehicles visible to the public. Brandon shared that he can keep damaged vehicles behind the fence or inside. He is the only employee. No loose parts will be laying around making it look like a junkyard. Dave Miller stated he will need to do a fire inspection and a certificate of occupancy.

Don made a motion to approve this application, seconded by Erik:

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

Site Plan Application – 12292 Clarence Center Road - Arrowhead Hotel Addition

Clint Holcomb appeared. Clint Holcomb and Lucas James plan to build a 22,836 sq. ft. hotel addition to The Sterling banquet facility. An additional fire hydrant is not necessary, per Dave Miller. Wendel completed two reviews and recommended approval in a memo dated September 8, 2020 with six comments. Clint reacted that some of the comments are somewhat preliminary, for example submitting a construction schedule is difficult due to COVID-19 restrictions, travel and shipping restrictions, and weather. He hopes to break ground in the Spring of 2021.

The Zoning Board of Appeals granted a use variance for the hotel on February 21, 2020 due to a hotel not listed as an allowed use in the R-A zone.

John Olaf made a motion to recommend the project to the Town Board for SEQR review, public hearing and final determination, pending Wendel’s comments, and seconded by Don as follows:

1. That the topographic survey be signed and sealed prior to any Board approval of this site plan.
2. That all plans provided be signed and sealed by a registered professional prior to any Board approval of this site plan.
3. That an estimated project construction schedule be provided prior to any Board approval of this site plan.
4. That Erie County Department of Health (ECDOH) approval of onsite septic be obtained before any construction begins.
5. That site disturbance shown on the approved site plan be strictly adhered to, as additional site disturbance may trigger additional stormwater regulations and/or NYSDEC requirements.
6. That applicant be aware that any changes to the plans may require a response to comments from ECDOH or due to an increase in the site disturbance area may generate additional site plan reviews.

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

Work Session

Minutes from last meeting

Terry made a motion to approve the August 24, 2020 minutes, seconded by John Olaf:

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

Training

Dawn Izydorczak disseminated information on a Comp Alliance ZOOM Training in September which is NYS mandated for all employees annually. This is worth two hours of training. Also, Christine distributed a flyer from New York Planning Federation announcing that the annual training requirement can be met through their live sessions, online webinars and recorded programs for free, and that webinars are offered once or twice a month on current planning and zoning topics with the best speakers.

Potential Code Revisions

Short Term Vacation Rentals, AirBnb, VRBO

The changes proposed by the Planning Board and by Dave Miller have been made to the draft proposal in **red**. These changes were reviewed tonight, and the revised memo of recommendation will be sent to the Town Board for determination.

Andy made a motion to recommend the revised "Local Law No. 2 of the Year 2020" -Short-Term Rental Law", seconded by Terry:

John Potera - Aye
Terry - Aye
Tom - Aye
John Olaf - Aye
Don - Aye
Erik - Aye
Andy - 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 & Operating Permits

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, which Dave stated are mandatory. These changes will impact Newstead Code Chapter 150 Uniform Construction Codes.

Terry made a motion to recommend the proposal to the Town Board, seconded by John Potera:

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

Pending Items

- Site Plan Application – Arrowhead – Solar Farm: Wendel’s August 31st review memo was distributed.
- Site Plan Application - Niagara Specialty Metals – 32,400 + 667 sq. ft. additions: Wendel’s August 20th review memo was distributed.
- Site Plan Application - MGA Research - 13311 Main Road – new structure: no action
- Site Plan Application – NOCO Energy – Above Ground Gasoline Tank: no action
- Site Plan Application – Bedford’s Courtyard – Phase II development: expect in 2021.
- Site Plan-12474 Main-vacant barn-Absolute Property Maintenance-Wozniak: We anticipate site plan application from Absolute Property Maintenance, who wishes to rent the barn for storage and a satellite office. John Olaf reminded us that the vacant office has no bathroom. Dave stated that all work vehicles would be stored inside except for two dump trailers.
- Home-Based Business in RA Zone-Special Use Permit-11300 Hiller-Slowinski: Dave stated that B&D Concrete plans to apply for a home-based business in the RA zone, once Jim merges his home parcel with his adjacent vacant land where he wishes to locate his business.
- Home-Based Business in RA Zone-Special Use Permit-6653 Dye – Haskell: Dave stated that the Haskell’s plan to apply for a home-based business in the RA zone for their mill operation and food processing.

There being no further business, John Potera made a motion to adjourn the meeting at 8:06PM, seconded by John Olaf and all approved.

Respectfully submitted;
Christine Falkowski, Recording Clerk