

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall - 7:00PM**  
**September 16, 2019**

MEMBERS Tom Cowan, Chairman  
PRESENT: John Potera  
Erik Polkowski  
Terry Janicz  
Don Hoefler  
Andy Kelkenberg  
John Olaf  
David Miller, Code Enforcement Officer  
OTHER: Christine Falkowski, Recording Clerk  
Dan Kowalik, Emergency Disaster Coordinator  
Carl Klingenschmitt, Conservation Committee

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

Adam Fishel and Ryan Jordaens of Marathon Engineering appeared, along with Steve Long of Borrego Solar. This item was tabled at the previous meeting on August 26<sup>th</sup>.

A copy of the lease agreement signed by the landowner has been provided, which is exempt from disclosure under New York's Freedom on Information Law (FOIL).

Steve stated that the vegetative buffering is guaranteed for a year, but trees would be replaced if they die. Carl requested no spruce trees, since we have a fungus in the Western New York area that could eventually be detrimental. John Potera suggested white cedar, which was agreed upon.

Product photos were provided.

Dan Kowalik spoke about firetruck access, entrapment, volunteer companies with dual response = dual equipment, ambulance service, etc. He asked if the access roads will be snowplowed. Steve stated they will plow only if a problem is detected. Dan stated that transporting a patient via pickup truck to an ambulance staged at the entrance is unacceptable.

Regarding turning off the power, Steve stated it is a dead acquisition system, with emergency numbers on the gates as well, similar to a power transformer station. Borrego will provide Fire Department training prior to C of O. Dave expressed concern due to staffing turnover in volunteer companies. Steve offered a training video as an annual refresher.

Dave expressed concern over hydrants relative to 507.5 International Fire Code as the setback should be 600' vs. zero. Steve reports that they have three solar farms under construction in Lewiston, Medina and Ogden. Dave would like to know how those towns handled fire hydrant code requirements. He requested NFPA determination in order to establish a code path for utility occupancy.

Sound is made by the receptors which are near the center of the panels and produces only ambient noise. Soil is stockpiled on site for decommissioning in the future. Lighting is activated by motion sensors only. Vandalism is not a concern. Dave stated that any emergency related concerns would be handled at building permit application level.

John Potera made a motion to recommend this site plan/special use permit application to the Town Board, without the hydrant code issue being resolved, seconded by Terry:

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

Dave advised the Board that at Town Board public hearing, the Town Board can refer this proposal back to the Planning Board for further research or comment.

**Site Plan Application – 11167 Main– Retail Sheds & 3,300 SF Building - Kelly Schultz**

Kelly Schultz appeared. He had submitted a new master plan dated June 12, 2019 adding “shed/storage area”. For this site plan application, he submitted a drawing dated August 29, 2019 with an area labelled “temporary shed sale area” along with a “proposed future building”. Noted on the drawing are:

1. Maximum of 50 units of varying sizes will be on display in the temporary shed sale area.
2. A 5-foot minimum separation will be provided between all units.

The drawing does not indicate a specific parcel, is missing dimensions and property line setbacks. The master plan shows the sheds straddled over a parcel boundary. Kelly stated the sheds are temporary for a few more years, and he owns both parcels. He also stated he wants the sheds 5’ apart. Dave advised the following:

- Sheds must be 10’ apart per Fire code
- Removing the parcel boundary by merging the two parcels would take care of setbacks required for proposed buildings and sheds.
- Talk to Attorney and or our Assessor, Tina.
- The Site plan needs to show actual parcel boundary, dimensions and setbacks.

John Potera requested fire lanes and fire lane signage at the auction building. Kelly agreed to all.

Tom made a motion to table this item, seconded by John Olaf:

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

**Work Session**

**Minutes from last meeting**

Terry made a motion to approve the August 26, 2019 minutes as amended, seconded by Don:

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

**Pending**

**Site Plan Application - Bedford Greenhouse Project – V/L Buell & Main:** Application is under review by Wendel.

**Site Plan Application – Distillery – 7010 Scotland Road:** Application is under review by Wendel.

There being no further business, John Potera made a motion to adjourn the meeting at 8:45PM, seconded by John Olaf and all approved.

Respectfully submitted;  
Christine Falkowski, Recording Clerk