

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:00PM

September 26, 2016

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

Work Session

- Reviewed agenda items
- Minutes from last meeting
Andy made a motion to approve the minutes of September 12, 2016, seconded by Erik:
Tom - Aye
John Potera - Aye
John Olaf - Aye
Don - Aye
Andy - Aye
Erik - Aye
- Solar Farm moratorium/research – tabled
- 2016 Training – Christine relayed that Ms. Bacher of Pace Law School replied that a free workshop on municipal solar ordinances is being offered on October 13th in the morning and the evening in Orchard Park. We then offered a fee for services if she were able to present in Newstead, as we would include Town Board, Planning and Zoning, and invite same from the Village of Akron. We are awaiting a reply. Mr. Saviola of NYS Ag & Markets directed us to a solar landowner meeting in Orleans County.
- Junkyards
Myron Prystajko owns a parcel at 4005 Wahl Road on the Newstead/Alden border on the north side at Billo. He also owns the parcel on the south side of Wahl Road where he operates an approved Alden business. Mike reported that there are 100+ cars stored for the Alden business on the Newstead lot. Mike gave the property owner 30 days to move the vehicles from Newstead to Alden, and he will check on this periodically.

Michael Shields has accumulated 30+ vehicles to the rear of his land on Main Road. There is an ad on page 81 of the 2016-2017 Akron-Newstead Telephone & Business Directory that states “Always Buying Junk Cars”. His special use permit will be reviewed, and a memo to the Town Board will be prepared. John Olaf suggested the EPA be notified.
- Radon
Mike reported radon is being addressed in new construction, such as radon-mitigation units due to the high levels in this area.

Site Plan Application: 2,020 sq. ft. Accessory Building – 11478 Main - Faith Fellowship Church

Erik Hall and Cliff Albrecht appeared representing the Church. They wish to amend the site plan by constructing a 2,020 sq. ft. storage shed. John Olaf made a motion to recommend approval of the amended site plan to the Town Board, seconded by Terry:

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

2-lot minor subdivision application – 4973 Ayers Road - Chuck Papke

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

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

Wendel recommended engineering approval in a memo dated September 20th. Andy made a motion to approve the 2-lot minor subdivision, seconded by John Potera:

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

Christine gave to Mr. Papke the subdivision plat map filing requirements per Erie County Clerk.

Lot separation exempt from subdivision – Carney Road - Doug Stanbury

Doug Stanbury appeared. He owns an irregular-shaped 40-acre parcel that fronts on Maple Road and on Carney Road. He has split off lots in the past---2009, 2010 and 2015. 2009 and 2010 no longer count toward the “within a five year rule”. Nevertheless, this action is a lot separation of a piece on Carney with 620’ of frontage that will be 17+ acres thereby exempt from subdivision approval due to Code section 360-6 A. (2) (a). Don made a motion that the determination by the Planning Board is that the lot separation is to be for agricultural purposes where all resulting parcels are 10 acres or larger and where no development is anticipated, seconded by Terry:

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

The lot created will be marked in Town files as not an approved subdivision lot.

1-Lot Minor Subdivision: 7999 Cedar Street - Noel Tucciarone (sold to John Grainy)

In 2008 Mr. Tucciarone transferred a 1.8-acre parcel of land to John Grainy without minor subdivision approval. Erie County Clerk processed the sale, changed the map and made 1.8 acres a separate lot. This left Mr. Grainy’s parcel with a zoning violation thereby making it unbuildable for him. Our law states that subdivision approval becomes null and void if the subdivision plat is not filed with the Erie County Clerk within 60 days of Planning Board approval or if any lots are sold prior to filing the plat. Therefore, since eight years have passed and since the lot has already transferred, we requested a completed subdivision application for our record. Fee payment was waived. This allows us to remove the zoning violation, and in turn, allows Mr. Grainy to apply for a building permit.

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

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

1-Lot Minor Subdivision: 7999 Cedar Street - Noel Tucciarone (sold to John Grainy) continued....

John Potera made a motion to approve the 1-lot minor subdivision application with the condition that no building permit be approved until a drainage plan is provided and approved by Town Engineer, seconded by Don:

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

Pending:

- 1-lot Minor Subdivision: Ayers & Dorsch – Kidder: Response to Wendel review memo #1 sent to Wendel 9/20/16.
- Major Subdivision – 11599 Howe Road - CMK Builders: Mike reported he has agreed to allow a permit for one new home (one other home is existing) at this time.
- Major Subdivision – 4893 South Newstead Road - CMK Builders: no action
- Special Use Permit – Used Auto Sales: 13634 Main Road @ Crittenden: Tom sent a letter to property owner Chuck McConnaughey on August 19th stating that the Town would not review any pending applications for his properties because we’ve had no response to a June 27th letter regarding what appears to be a new business, custom woodworking shop with outdoor sales of picnic tables at 13008 Main Road (owned by Mr. McConnaughey). A pending application for used auto sales at 13634 Main was never submitted, yet numerous vehicles were displayed for sale. Mike reported that he put a stop to that, notifying the tenant that only one vehicle for sale at a time is allowed per property in Newstead. A letter was delivered to the Town today from Jeff Little stating that he had attempted to start a business selling outdoor furniture at the northeast corner of Main and Buell which he rented from Mr. McConnaughey, that his plans have changed, and that he is using the building for personal storage.
- Site Plan Application: Niagara Label expansion: Tom reports they are working on septic, drainage and wetland issues prior to applying.
- Subdivision: Utley Road – Thering: no action
- 2-lot Minor Subdivision: V/L Meahl Road – Wideman: no action
- Site Plan – (6) Storage Buildings: 11167 Main Road – Schultz: no action
- 5-Lot Major Subdivision: Havens Road – Tatara: Tom reported that this will not be moving forward.

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

Respectfully submitted,
Christine Falkowski, Recording Clerk