

Newstead Town Board Meeting- July 27, 2015

A public hearing was called to order by the Newstead Town Board on Monday, July 27, 2015 at 7:40pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
James Mayrose – Councilman
Justin Rooney- Councilman
Donald York- Councilman
John Jendrowski- Councilman
Nathan Neill- Attorney for the Town
Mike Bassanello- Highway Supt
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present.

The Supervisor called the **public hearing** to order on the proposed site plan for a **Tim Horton's Café & Bake Shop** to be located on Main Rd.

The Clerk read the proof of publication. Supervisor Cummings explained this is proposed to be located on the west side of the Dollar General store. The Planning Board has reviewed it and made suggestions regarding the site plan. The Akron Fire Company has also reviewed and given comments and their approval if those comments are taken into consideration.

Robyn Cierniak of Wm. Schutt, engineers on the project, gave a presentation of the site plan.

Comments: Dave Wakeman of 5860 Crittenden Rd questioned if there will be a connection driveway between the Dollar General and Tim Horton's to keep less traffic from the Main Rd entryway, as there will only be one driveway. If not, he asked the Board to consider adding that for safety.

Jim Owen of 12931 Main Rd read a statement of concerns to the Board which included asking about the hours of operation, reducing the speed limit to 45 mph for 1 mile in each direction coming into the Rt.5 & Rt. 93 intersection, adding an egress road behind each of the businesses currently there to ease traffic flow and correcting the Main Rd signage that currently is labeled Main St. He understands many of these items are NYSDOT issues but is asking the Town to reach out to and advocate for these changes with the State.

Bob Scheib of 51 Brooklyn St stated he is sure the Planning Board has done their homework on this project but feels that connecting drives between these properties is necessary. A step ladder effect is being created here with the multiple driveways with only one way in and out onto Main Rd. He asked the Board to in the future look at the overlay zone as these businesses expand along Rt. 5 & Rt. 93. A rear service road is needed to connect these businesses as well as an increase in the length of the center turning lane in that area along Main Rd to facilitate left hand turns. He stated the lot for this business is coming off of a 45 acre parcel and feels this lot and all future lots sold for businesses should include enough land to accommodate a service road to the rear of the businesses. He suggested a moratorium on future business expansion until these issues can be addressed.

Dr. Ed Burke of 27 Crescent Drive concurs that the left turning lane needs to be extended and agrees that either a service road or connecting driveways need to be installed between these businesses.

Robyn Cierniak reminded the Board the NYSDOT has reviewed this plan and has not recommended any changes to the left hand turn lane.

Dr. Sandra Corrie, owner or Akron Animal Hospital, also worries about her customers turning left into her vet clinic. She agrees the town needs to ask the DOT to look at that issue all along Main Rd and she agrees that multiple driveway access to any business is important.

Councilman Rooney stated the town can only control what they have the authority to control and can only ask business owners to do what is within the town's limits.

Supervisor Cummings stated this will not be voted on tonight as the 30 day comment period is still open. They will discuss many of the issues brought up tonight at their next work session.

There being no further comments, a motion was made by Councilman Mayrose, seconded by Councilman York to close the public hearing at 8:10pm. Carried Unanimously

The Supervisor called the **public hearing** to order on the proposed site plan/special use permit request by **Dealer's Choice** for used car storage to be located at 12474 Main Rd at 8:10pm.

The Clerk read the proof of publication. Supervisor Cummings stated the Planning Board reviewed this project on July 24th and recommended approval with 4 conditions. Erie County Planning had no comments on the project.

Comments: Dr. Sandra Corrie of 12638 Main Rd read a letter of concern to the Board against any more used car facilities on Main Rd. There are several currently in her immediate area already and she feels this is not in accordance with the Town's Master Plan. She is not in favor of this.

Larry Fels of Dealers Choice spoke and stated this will not be a retail used car lot. It will only be used for storage of used cars he will be selling elsewhere.

Dr. Corrie questioned if the cars will be visually blocked from the road or in a building or outside of the building.

Adam Burg of Main Rd echo's Dr. Corrie's concerns and opposition to more used car lots. He asked the Board to proceed with caution and take steps to encourage better growth along Main Rd and not add another used car facility.

Warren Clouse, General Manager at ADESA spoke with concerns of where the storm water runoff would go and questioned if there would be paving at the site or just stone/gravel. The water in that area tends to run to the west right to ADESA's site.

Supervisor Cummings noted that Special Use Permits are up for renewal on an annual basis and if this passes the board tonight they can inspect the site annually and address any issues before a renewal is given.

There being no further comments, a motion was made by Councilman Rooney, seconded by Councilman Mayrose to close the public hearing at 8:20pm. Carried Unanimously

The Supervisor called to order the **regular meeting** of the Town Board at 8:20pm with all the same members present as listed above.

Highway Supt. Mike Bassanello led the pledge to the flag.

Minutes from the previous regular meeting held on July 13, 2015 were presented for approval. A motion was made by Councilman Rooney, seconded by Councilman Mayrose to approve as presented. Carried Unanimously

Agenda Changes – None

Communications – The Town Clerk presented the following correspondence:

A letter from Time Warner Cable notifying the town of the programmers and service providers they are currently in negotiations with for service.

A notification email announcing the real property tax levy cap inflation factor for the 2016 calendar fiscal year will be set at 0.73%.

A motion was made by Councilman Rooney, seconded by Councilman Mayrose to accept and file the presented correspondence. Carried Unanimously

Work Session: The Supervisor reported that at work session held last week the following items were discussed: water/sewer issues, buildings projects at town buildings, contract for the senior center & fire company, grant application items, IT services, planning issues, dog control truck, and any other matters brought before the Board.

Agenda Items Question Period: no one spoke

Budget Transfers: a motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to approve the budget transfers as requested by Bookkeeper Colleen Salmon in a memo dated July 27, 2015. Carried Unanimously

Approval of Bills – Councilman Mayrose reported that the Abstract(s) from Batch(es) #1523 and 1527 with wire for bond payment have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1530& 1532 plus wire transfer for BAN payoff for payment. Vouchers on this abstract(s) numbered from 743-789, totaling \$1,929,553.40. Councilman Rooney seconded to approve payment as follows:

Abstract Batch(es) #1530 & 1532 plus wire for BAN payoff:
General Fund (A) -\$45,990.27, General Fund- Outside Village (B) \$362.67, Highway (DA) -\$0, Highway: Outside Village (DB) \$60,476.05, CAP-Murder Creek (HM) \$43.56, CAP- Scotland Rd (HS)- \$303,000.00, CAP- Water Improvement (HW)- \$1,351,562.00, CAP Water-Downey (HW01)- \$145,611.04, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer Fund (SS) \$28.84, Sewer District #2 (SS02)- \$63.06, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$22,415.91, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0 Total: \$1,929,553.40 Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – Mike reported they have painted the park shelter & continue to mow the parks, 2 trucks were sent to assist Darien with a project, they trimmed & mowed the bike path, 40 feet of driveway pipe was installed on Roll Rd and 20 feet on Kathryn Dr. They did 120 feet of road ditching, boom mowed guard rails and trimmed, helped out the Newstead Fire Co. with a project, helped the Town of Clarence with shoulder work and then Clarence assisted us with shoulders on Utley Rd and Dye Rd for 1.92 lane miles of work. They hooked up the new waterline and are ready to install services this Wednesday.

Assessor – no report was presented.

Building Office –the building report was presented by Christine Falkowski of the Planning & Building Department:

Frank Pietrowski	7671 Moore	Solar panels
John Grandits	13895 Bloomingdale	Porch repair
James Tinklepaugh	13557 Stage	Shed
Dennis cummings	4499 S Newstead	Roof
James Hemphill	12673 Clarence Center	Shed
Cora Heukrath	11664 Rapids	Garage
Scott Gee	12588 Brucker	Repair of Decks

The Town Board accepted the report as presented.

Town Clerk- Dawn presented the 2nd Quarter Dog Control Officers Report. The state inspector was out for the annual inspection and was very pleased with all the updates done to the kennels. Dawn also thanked Marilyn & the Akron Bugle for their front page article on the new drug & syringe drop-off boxes that were delivered to the town hall by the Sheriff's Department. They are already getting a steady stream of use.

Attorney for the Town – nothing at this time

COUNCILPERSONS:

Rooney – he attended the Piece of Mind grand opening, attended the baseball tournament, spoke with County officials regarding youths diving off the Akron Falls and provided them with several pictures, met with Paul Winney on the town seal and they will be holding their first Indigenous Committee meeting this Wednesday. He also thanked Dave & Dawn for their work on getting the drug & syringe drop-off bins from the Sheriff’s Dept.

Mayrose – he attended a meeting on the IT proposal review and they will be meeting again sometime in the next week or so.

York – he once again thanked everyone involved with the celebration committee and the July 4th celebrations. He thinks the drug drop-off bins are a great idea and very needed and thanked Dave & Dawn as well. He asked for some work session time to discuss the possibility of extending the waterline to the northern part of Cedar St.

Jendrowski- he spoke with Amanda regarding the final costs of the July 4th celebration which apparently left the committee short by about \$1,500. He spoke with the CEO regarding windmill codes, put Marsha Pfeiffer in touch with local NYSDEC Officer Wilson to hopefully resolve some of her issues, spoke with Paul Winney on town seal design, spoke with Kristine on getting library projects done before winter, met with Dave DeYoung to look at a truck and spoke with a resident on McNeeley Rd that would like the signage spelling corrected.

Supervisor- the 2016 budget sheets have been distributed to employees and he went over the schedule of dates for the 2016 budget process. He met with the DCO on truck purchase options, addressed senior center issues, spoke with Kristine on library issues, spoke to Paul Winney, addressed Leisurewood issues and addressed several minor incidents over this past week.

UNFINISHED BUSINESS:

Buildings- senior center roof and library in process and town hall work is almost done.

Planning- code changes need to be finalized

Water- Scott reported he attended a FEMA training session this week that was very interesting. Erie County is still under floodplain maps from 1980. In 2009 new preliminary maps were designed and reviewed. Those preliminary maps are hopefully going to be finally approved in 2016.

Grants- all submitted, waiting for replies.

Other- none

NEW BUSINESS:

Approval- Site Plan/Special Use Permit- 12474 Main Rd:

A motion was made by Councilman Rooney, seconded by Councilman York approving the site plan and special use permit for the proposed used auto storage at 12474 Main Rd, subject to the 4 terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, York-Aye, Jendrowski- Aye
Carried Unanimously

Public Hearing- Site Plan- Kelkenberg Farms- 12607 Stage Rd:

A motion was made by Councilman York, seconded by Councilman Jendrowski approving the calling of a public hearing for a site plan/special use permit for the proposed expansion of Kelkenberg Farm of Akron, LLC at 12607 Stage Rd to be held on August 10, 2015 at 7:50pm at the Town Hall and authorizing the Clerk to publish the notice.

(Resolution Attached) Cummings-Aye, Rooney -Aye, Mayrose-Aye, York-Aye, Jendrowski- Aye
Carried Unanimously

Approval- Training Request:

A motion was made by Councilman Mayrose, seconded by Councilman York approving the request by Planning Board member Don Hoefler to attend greenspace training seminar.

Cummings-Aye, Rooney -Aye, Mayrose-Aye, York-Aye, Jendrowski- Aye Carried Unanimously

Privilege of the Floor/Question Period: no one spoke

Supervisor Cummings asked Marilyn to share the correspondence she received today from Legislator Ed Rath's office.

Marilyn reported that Legislator Rath's office stated the Brooklyn St bridge is on the fast track with the County for completion of work because the project is totally controlled by Erie County. The Swift Mills Rd bridge is hung up with multiple agencies which is slowing its progress. Legislator Rath states he knows it looks like the park bridge has received priority over the Swift Mills bridge but it has not, it is just the logistics of the projects. He continues to push for the Swift Mills bridge work to be kept on the front burner.

Supervisor Cummings added that the Brooklyn St bridge has actually been in progress for about 4 +/- years now so it really hasn't been "fast" tracked.

There being no further business to come before the board a motion was made by Councilman Mayrose, seconded by Councilman Jendrowski to adjourn the regular meeting at 8:43pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, RMC, Town Clerk