

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:30PM
January 9, 2012

MEMBERS

PRESENT: Tom Cowan, Chairman
Erik Polkowski
John Olaf
Terry Janicz
Andy Kelkenberg
Don Hoefler
ABSENT: John Potera
OTHER: Ralph Migliaccio
Christine Falkowski, Recording Clerk

Work Session

Minutes from last meeting

Terry made a motion to approve the minutes of December 12, 2011, seconded by Andy:

Tom Cowan -Aye
Erik Polkowski -Aye
Terry Janicz -Aye
John Olaf -Aye
Andy Kelkenberg -Aye

Special Event Guideline

This item will stay on the agenda until the guideline is drafted over the winter.

Vacanti inquiry

The owner of the deer farm is interested in purchasing some back land that is not adjacent to his property. There is a property in between them that is zoned I-2 and that owner is not interested in selling a portion to Vacanti. An attorney inquired whether access through an easement would be sufficient, but without road frontage, that would be creation of a non-conforming lot, which is not allowed per Newstead code.

6-Lot Major Subdivision Application – Stage & Billo Roads -Kelly Schultz

Wendel Duchscherer completed their third review in a memo dated 1/5/12 and offered two comments. A deed covenant will be required and must be approved by the Town Attorney. The applicant must obtain NYS DEC approval. Christine forwarded the memo to Kelly Schultz and Mike Metzger on 1/6/12.

Akron Animal Hospital

Tom reported that the drainage pond is much too close to Main Road, which does not match the approved site plan. Also, the future sidewalk connection would interfere with the pond location. Ralph reported that he has issued the temporary C/O, and that he will not issue the final C/O until the drainage area is corrected and completed.

Training – Christine distributed information regarding the New York Planning Federation’s annual conference to be held in Saratoga Springs April 15th – 17th 2012. Also there may be a training opportunity available for all types of Boards that the Town Board is currently reviewing.

Temporary Special Use Permits – annual renewal

Ralph reported that it appears Michael Shields did not build the proposed 2,520 sq. ft. building 15’ from his rear lot line for which he received site plan approval from the Town Board in 2009. It also appears that he put up a smaller building directly behind his garage which is not on his approved site plan. Mr. Shields has not contacted the CEO, nor has he signed for certified mail. Tom made a motion to recommend that the Town Board not renew the permit to operate used auto sales at 12690 Main Road due to violations of building code and requirements of the C-2 and Overlay zones, seconded by Terry:

Tom Cowan -Aye
Erik Polkowski -Aye
Terry Janicz -Aye
John Olaf -Aye
Don Hoefler -Aye
Andy Kelkenberg -Aye

Christine reported that Lewistraum Kennels at 12472 Stage Road did not pay their 2011 renewal fee. Ralph and Andy reported that there does not appear to be activity normally associated with a dog kennel at the site. It was agreed that a written inquiry will be made.

Christine reported that Steve Baldo Meineke Car Care & Resale at 11234 Main received a special use permit for LED sign advertisements through 12/31/11 only. The site is vacant, and the sign frame only remains.

Christine reported that Outdoor Pleasures at 7463 Maple is a home based business in the RA zone that was approved in 2010, renewed in 2011 and will be billed for 2012. The home based businesses that were just recently approved or are soon to receive special use permit approval will not be billed for renewal until 2013.

Don made a motion to recommend to the Town Board the renewal of the following special use permits for 2012, seconded by Erik:

Triple G Small Engine Repair	12506 Buckwheat
Champion Auto Locators	11678 Main
T&T Tire & Auto	11720 Main
Destroyer Park Golf	7033 Sandhill
Outdoor Pleasures	7463 Maple

Tom Cowan	-Aye
Erik Polkowski	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Andy Kelkenberg	-Aye

1-Lot Minor Subdivision Application -V/L Steiner Road - Joe Matalone

Joe Matalone and his daughter appeared. Wendel Duchscherer completed their second review in a memo dated 1/4/12 and recommended approval. Christine will send Joe a copy of the minutes along with instructions for filing the plat with the Erie County Clerk. Joe requested a house number for this new lot, and Christine will relay this request to the Assessor.

John Olaf made a motion to approve this 1-lot minor subdivision, seconded by Don:

Tom Cowan	-Aye
Erik Polkowski	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Andy Kelkenberg	-Aye

Change in Use Site Plan – 13008 Main Road -EG Tax – Steve Jacobson

Steve Jacobson appeared. This site is owned by Mr. McConnaughey and was most recently used as a church. The lease is year round, but on April 18th it will be occupied only occasionally until the following tax season. There is no longer an EG Tax office in the Village of Akron. Mr. Jacobson came prepared with a site plan depicting the location for employee/customer parking along with the location of six signs. Off season maintenance is the landlord's responsibility. Ralph reported that Mr. Jacobson filed a building permit for a certificate of occupancy.

Don made a motion to approve the change-in-use application, seconded by Terry:

Tom Cowan	-Aye
Erik Polkowski	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Andy Kelkenberg	-Aye

Home Based Business in RA Zone – 6505 Draper Road - Gary's Turf Care

Gary Roth owns a 1.92-acre home site at 6505 Draper Road where he operates a lawn care business. He submitted a site plan on December 20, 2011.

Andy made a motion to recommend this home based business in the RA zone to the Town Board, seconded by Don:

Tom Cowan	-Aye
Erik Polkowski	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Andy Kelkenberg	-Aye

Home Based Business in RA Zone – 12663 McNeeley Road - Doug Matussek

Doug Matussek appeared. He owns a 1.9-acre home site at 12663 McNeeley Road where he operates a landscaping/storage business. Mr. Matussek uses his pole barn to keep his equipment in. He submitted a site plan on December 28, 2011.

Andy made a motion to recommend this home based business in the RA zone to the Town Board, seconded by Don:

Tom Cowan	-Aye
Erik Polkowski	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Andy Kelkenberg	-Aye

Home Based Business in RA Zone – 13546 Stage Road - Michael Borth

Michael Borth and his brother appeared. Mr. Borth owns a 5.7-acre home site at 13546 Stage Road where he operates sales and service of farm equipment and vehicles. He explained that he services and sells agricultural-type vehicles only. He submitted a site plan on 12/30/11.

Andy made a motion to recommend this home based business in the RA zone to the Town Board, seconded by Don, with the condition that one vehicle only be displayed for sale:

Tom Cowan	-Aye
Erik Polkowski	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Andy Kelkenberg	-Aye

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

Respectfully submitted,
Christine Falkowski, Recording Clerk