

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:30PM**  
**April 23, 2012**

MEMBERS

PRESENT: Tom Cowan, Chairman  
Erik Polkowski  
Terry Janicz  
John Olaf  
Don Hoefler  
John Potera  
Andy Kelkenberg

OTHER: Christine Falkowski, Recording Clerk  
Ralph Migliaccio, Code Enforcement Officer  
Matt Plunkett, Esq.  
Akron Fire Chief Dan Kowalik  
Newstead Fire Chief Scott Zitzka  
Newstead Disaster Coordinator Glenn Joachimiak  
Newstead Firefighter John Wideman

**Work Session**

Minutes from last meeting

Terry made a motion to approve the minutes of April 9, 2012, seconded by Andy:

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

Executive Session

John Olaf made a motion to enter executive session to review the court ordered compacted site plan review process with Special Counsel Matt Plunkett, seconded by John Potera at 7:31PM:

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

John Potera made a motion to exit executive session at 8:00PM, seconded by John Olaf:

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

Don Hoefler recused himself.

**Special Event Review: Temporary Amphitheater – Braun’s Restaurant**

Ray Braun, Andrea Braun and Robyn Cierniak of Schutt Engineering appeared. Robyn distributed a special events temporary layout plan and temporary grading plan. Throughout the summer weekends, Ray would like to have live bands playing outdoors in the evening. A temporary stage would be placed in the southeast corner of an 11,000 sq. ft. fenced courtyard area. The fence would be 6’ high stone blocks with bug lights at every cap. Four exits would also be lit and manned by security. He is not sure if he will have tables and chairs or standing room only. A beer truck would be placed inside the

**Special Event Review: Temporary Amphitheater – Braun’s Restaurant (continued)**

courtyard. He has already purchased port-a-potties. He anticipates 1,000 ± concert-goers. Parking would be on the restaurant property plus Ray’s adjacent 4.6-acre parcel on Main & Havens Roads. He is proposing to create a temporary 20’ wide stone driveway off of Havens Road, which requires approval by the Planning Board. This property is in the Overlay and C-2 zones. Town Code section 450-26 G (6) [2] requires that access be determined by Planning Board for properties with frontage on two or more roads. Mr. Hickey owns a 111-acre parcel directly across Main Road and has offered his property for parking overflow at a nominal cost. Dan Kowalik asked whether the site would be ADA compliant relative to viewing, parking and bathrooms.

Tom Cowan stated that this item will be treated as a special event and must follow those guidelines per the Code Enforcement Officer.

The Planning Board re-convened to the Court Room due to space limitations. Don Hoefler returned to the meeting.

**Site Plan Review: T-Hangar & Maintenance Hangar – Akron Airport**

Mary Kay Genthner, Shawn Gray and Jeff Palumbo appeared. Several others attended this part of the meeting, including the Newstead Town Board. Tom Cowan summarized that fire protection is a significant concern that both Newstead and Akron Fire Chiefs have been requesting since 2002, sprinklered buildings with a water suppression system and hydrant within 400’, buildings have been built without these things in the past, the Code changed in 2007 and now there is a water line available on Scotland Road. A building permit will not be issued until the New York State Fire Code has been satisfied. Mary Kay stated that an approved water system is in place via the Akron Airport bringing water to the site. Ralph showed her the NFPA Code exemption to aircraft hangars. Relative to the water line available on Scotland Road, Scott Rybarczyk related that Erie County Water Authority would conduct a water flow test to see if the line is sufficient.

At 9:05PM Mary Kay thanked Scott for his timely engineering reviews and distributed her response to his April 20<sup>th</sup> second review memo. Items discussed included: area of disturbance, potential conflict with condition regarding stormwater in the Conditioned Negative Declaration, possible amendment of, rate of water draining into rock, stormwater maintenance + flooding escrow amount and purpose of.

Per the Conditioned Negative SEQR Declaration, Andy made a motion to recommend that a \$5,000 escrow fund be established for maintenance completed by Christian Airmen, Inc. to reduce permeability if storage areas are not detaining water to elevations provided in the drainage report submitted with site plan, and to assist in mitigating flooding concerns of documented flooding problems that increase in the five years after improvements are completed at the airport, seconded by Don:

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

Don made a motion, seconded by Andy to recommend site plan approval to the Town Board subject to the following conditions: (1) Approval by Wendel Duchscherer and

(2) Fire protection per New York State Fire Code:

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

**Site Plan Review: T-Hangar & Maintenance Hangar – Akron Airport (continued)**

Chief Kowalik asked is Akron Airport has applied for funding to install a water system. Shawn Gray from Passero replied that they have been denied grant funding for aviation improvements and that a water system is an ineligible improvement per the FAA.

Scott Rybarczyk pointed out that if water line installation is addressed at time of building permit application, the area of disturbance is increased which would trigger re-opening the site plan, as this site plan does not reflect proper stormwater regulations for greater than one acre disturbance.

**Special Event Guideline**

John Olaf made a motion to recommend the special event guideline draft to the Town Board, seconded by Terry:

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

There being no further business, John Potera made a motion to adjourn the meeting at 9:42PM, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk