

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:30PM

July 23, 2012

MEMBERS

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

OTHER: Christine Falkowski, Recording Clerk

Work Session

Minutes – John Potera made a motion to approve the minutes of June 18, 2012, seconded by Terry:

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

Code Changes to Town Board:

- Special Events -Tom reiterated that he will be meeting with the Town Board at one of their work sessions about this topic.
- Signage – Goal is to re-write the code into a more user-friendly document.
- Subdivision – Town Attorney has drafted Local Law #5 of 2012 that exempts the creation of 10+ acre lots from subdivision requirements if no new development is anticipated. The Planning Board reviewed it and had some questions. Why was this law proposed, would other code requirements still apply such as minimum frontage, what is the definition of development and what happens if the new owner decides to develop eventually? More detail is desired.

Red Box DVD Vending Machine

Hunter Development Group out of Dallas, Texas is proposing to place a Redbox DVD Vending Machine on the exterior of Dollar General at 12968 Main Road. They are proposing to anchor-bolt it into existing sidewalk preserving ADA accessibility to and around the unit, as well as not disturbing parking, landscaping or site circulation. A dedicated 20Amp circuit would be run from existing panel board to the unit. Unfortunately, the sample site plan provided was inadequate as it did not reflect Dollar General's actual site, thereby making it difficult to ascertain placement of the box. Christine has requested a realistic site plan and a \$100 review fee. The Planning Board indicated they would like the Redbox in our Town but would not be happy with the box placed at the front of the store, and would like to ask the applicant questions about lighting and security, and to consider Pixley's as potentially a more appropriate site.

Temporary Special Use Permit – 11720 Main

This property is for sale which includes a temporary special use permit to sell used motor vehicles. The Code Enforcement Officer received an inquiry from a potential buyer asking if the temporary permit could become permanent before making such an investment. The Board felt that this would not be consistent with the other used motor vehicle sales permit holders on Main Road and that it could only happen if the Town Board changed the Code.

1-Lot Minor Subdivision - Pohl & Buckwheat Roads – Marlo Biernacki

Terry Biernacki appeared on behalf of his daughter Marlo, the property owner. The public hearing was held on June 18th. Nussbaumer & Clarke resubmitted the subdivision plan to Wendel with the additional information requested. Upon their third review, Wendel Duchscherer recommended approval. John Olaf made a motion to approve the subdivision application, seconded by Don:

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

1-Lot Minor Subdivision - Pohl & Buckwheat Roads – Marlo Biernacki (continued)

Mr. Biernacki came prepared with all required plat copies including Mylars, which were signed immediately, allowing him to file them with the Erie County Clerk tomorrow.

Public Hearing: 3-Lot Minor Subdivision - Stage Road – Charles Papke

This public hearing was called to order at 8:15PM. John Potera made a motion to waive the reading of the legal notice, seconded by Terry:

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

Charles Papke appeared. Mr. Papke owns a 43-acre irregular shaped parcel that fronts on Ayers Road and on Stage Road. He would like to create three 1.5-acre building lots on Stage. Wendel reviewed the drainage plan and issued a first review memo on July 6th resulting in some required modifications. The revised plan was submitted to the Building Dept. on Thursday afternoon, July 19th and given to Wendel that day for review. Mr. Papke was very upset that approval could not be given tonight as his buyer wants to close on the transaction. The Planning Board plucked Scott Rybarczyk from the Town Board meeting and asked him to review the revised plan with the hope of immediate approval. Scott has not had the revision long enough to review thoroughly, stating that all comments are regarding drainage and grading. He then returned to the Town Board meeting.

John Potera made a motion to close the public hearing at 8:29PM, seconded by Don:

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

Don made a motion to approve this subdivision application pending Wendel's final review memo, as the August 6th Planning Board meeting is too long for the developer to wait, seconded by Andy:

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

Public Hearing: 1-Lot Minor Subdivision – Greenbush Road – Cliff Albrecht

The public hearing was called to order at 8:30PM. John Potera made a motion to waive the reading of the legal notice, seconded by Terry:

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

Cliff Albrecht and his buyer, Scott VanWyk, appeared. Cliff owns a 43-acre parcel with frontage on Greenbush and on Brackett Roads. According to our maps, this parcel encompasses State wetlands, Federal wetlands and floodplain. Cliff has an agricultural exemption; and his application states the exemption is not relevant to the lot he is creating as it is wooded, hence no crops. He would like to

Public Hearing: 1-Lot Minor Subdivision – Greenbush Road – Cliff Albrecht (continued)

split off a 20.71-acre building lot on Greenbush utilizing the full 389.4 feet of frontage. Mr. Van Wyk has obtained a permit from the NYSDEC dated 6/21/12 – 6/21/15 to install a 12' x 1,163' stone driveway through wetlands and for pole barn construction 350' from the State wetland boundary. The proposed house shown on the site plan is not mentioned in the permit as Mr. Van Wyk does not plan on building it for several years. Wendel Duchscherer reviewed the plan and issued a memo dated 7/11/12 with several comments, including that Federal wetlands and FEMA floodplain also exist and should be shown on the plan with a comment on the need for an Army Corps of Engineer permit also.

Cliff commented that Newstead's subdivision law is overboard and that he is not a developer. He stated that this process began in February and has taken way too long. Christine added that the date of application was June 25, 2012 to which Cliff replied that February is when Ralph gave him a list of our subdivision application requirements. He also stated that his engineer/surveyor is taking way too long. Tom stated that the Town Board is considering exempting the creation of 10+ acre lots from the subdivision process if structures are never built, which would not pertain to this application since Mr. VanWyk wants to build. Messrs. Albrecht and VanWyk complained that part of the application of submitting a drainage plan depicting a fictitious house to show how the runoff will be addressed is wrong and that Wendel is wrong in requiring it. Scott stated he has 20 years in the military including combat and that this process is ridiculous and worse than combat. Christine read Wendel's six comments and summarized that only #3 and #4 require action, which is to add to the site plan the proposed pole barn, Federal wetlands and FEMA floodplain. August 6th is the next Planning Board meeting.

John Potera made a motion to close the public hearing at 9:00PM, seconded by John Olaf:

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

John Potera made a motion to table this application, seconded by Andy:

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

Ralph Migliaccio, Code Enforcement Officer, entered the meeting.

Terry commented that he would like the Planning Board to consider proposing that the Town Board amend our subdivision law to make the application process easier for the developer (seller). Other members commented that they would like to eliminate the requirement for a drainage plan as it is an undue financial burden to the developer. Instead, they would like to see the drainage plan required as part of the buyer's building permit application. The drainage plan would still require review by the Town Engineer, as determined by the Code Enforcement Officer, and that the review fee would then be added to the building permit fee. Ralph disagreed with this idea. Tom asked Christine to add this topic to the August 6th meeting agenda as a main item.

There being no further business, John Potera made a motion to adjourn the meeting at 9:21PM, seconded by John Olaf all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk