

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**

**Newstead Town Hall – 7:30PM**

**August 20, 2012**

**MEMBERS**

PRESENT: Tom Cowan, Chairman

Andy Kelkenberg

Terry Janicz

Don Hoefer

John Potera

Erik Polkowski

John Olaf

OTHER: Christine Falkowski, Recording Clerk

Ralph Migliaccio, Code Enforcement Officer

**Work Session**

**Minutes** – Don made a motion to approve the minutes of August 6, 2012, seconded by Andy:

John Potera -Aye

Erik -Aye

Terry -Aye

Don -Aye

Andy -Aye

Tom -Aye

John Olaf -Aye

**Temporary Sign Permit – Akron/Newstead Senior Center**

Marianne Morris appeared. The Senior Center would like to place a 25 sq. ft. portable sign on Route 5 at Cummings Road to advertise their Basket Raffle Fundraiser on August 23, 24 & 25<sup>th</sup>. The non-lighted sign will be placed on the Miller property on the southwest corner of Main & Cummings with Miller's permission.

Don made a motion to waive the \$100 fee, seconded by John Potera:

John Potera -Aye

Erik -Aye

Terry -Aye

Don -Aye

Andy -Aye

Tom -Aye

John Olaf -Aye

Terry made a motion to approve the temporary sign, seconded by Erik:

John Potera -Aye

Erik -Aye

Terry -Aye

Don -Aye

Andy -Aye

Tom -Aye

John Olaf -Aye

**Training** – Christine distributed a training opportunity offered by The Department of State to be held on September 25<sup>th</sup> at Niagara County Community College. Tom stated that most members have three training hours completed, and that we will most likely be able to offer one more hour of training in-house.

**Complaint** - The Board reviewed copies of a letter sent to Mr. Colligan on Utley Road, who feels his neighbor is operating a home based business in the RA zone, contrary to the opinion of our Code Enforcement Officer.

**Planning Board**

**August 20, 2012**

**Page 2**

**Violation** - Tom reported that he and Christine prepared an extensive timeline of events for the September 12<sup>th</sup> court date regarding used auto sales at 12690 Main Road.

**1-Lot Minor Subdivision – Greenbush Road – Cliff Albrecht**

On August 6<sup>th</sup>, the Planning Board approved this subdivision contingent upon receipt of final review memo from Wendel. At that meeting, Scott Rybarczyk stated that pipe sizes, lengths and types will be called out in his final review memo due to wetlands and streams per the Army Corps of Engineers permit and culvert report, which will be useful when building permit application is made. Tom inquired if Wendel's final memo has been received, and the answer is no. The applicant has not yet submitted to the Town and to Wendel a final site plan to include all revisions, structures, owner name and property address, along with location and sizes of culverts. Once this document is received and approved, the process for filing the subdivision plat with the Erie County Clerk must be followed, which begins with Mylar maps signed by Town officials.

**Special Events** -Tom reported that the Town Board is reconsidering a permitting process for special events. He and the Code Enforcement Officer attended Sunday night's concert where the music ended at 10:45PM.

**2-Lot Minor Subdivision – V/L Hunts Corners Road**

On August 12<sup>th</sup>, Ralph received a subdivision application from Paul and Aaron Muck. Ralph contacted Paul to request a master parcel plan vs. surveys of the 2 new lots only, which was readily available and subsequently delivered. Upon review, Ralph noticed an additional lot on the plan. Research revealed that Muck's sold a 5.97-acre lot from the 55-acre parent parcel to Schaefer on June 25<sup>th</sup> without subdivision approval. Ralph sent the Muck's a violation notice on August 15<sup>th</sup>. Apparently Muck had assumed that Schaefer would have his attorney file a merger deed since he owns adjacent land; but this had not been done. Therefore, the Muck's application has not been processed, nor has it been forwarded to Wendel for drainage review. Mr. Muck has contacted Ralph, and the merger deed is now in process which should satisfy the violation. The Planning Board will hold the public hearing at their next meeting on September 10<sup>th</sup> at which time action may or may not be taken as 30 days is the usual engineering review timeframe.

**6-Lot Major Subdivision – Stage & Billo**

On April 9, 2012, the Town Board approved Kelly Schultz's subdivision with four conditions, including "prior to building permit approval for any lot, the exception lot must be merged with one of the adjacent lots and a deed providing for such merger recorded in the Erie County Clerk's Office". Sale is pending of the first lot, and this condition has now been satisfied.

**Used Car Sales at WNY Event Center**

On August 14<sup>th</sup>, Ralph noticed a tent erected at 11145 Main Road along with several used cars for sale. Transitowne USA hosted a one-week offsite vehicle sale, renting 100 spaces. They provided a DMV permit, contract with landowner and insurance binder, plus Ralph approved a permit for their tent. They were advised that future events that involve used car sales on Route 5 in the C-2 and Overlay zones require a special use permit that begins with review by the Planning Board and approved by the Town Board.

**Local Law #6–2012 Subdivision Law Amendment**

- (a) Exempt from subdivision code if you create a 10+ acre parcel with no development anticipated
  - Don asked, in the future, what would make a lot buildable? Answer: Subdivision approval, including application + greenspace fees. Tom asked would it have to meet all other standards such as 150' of road frontage? Answer: Yes; we don't believe in the "never" clause.

**Local Law #6–2012 Subdivision Law Amendment (continued)**

- (b) Applicant must provide “satisfactory evidence” that subdivision is for purpose of a sale of all or a portion of property which is anticipated to result in payment of any past due real property taxes with proof. The Planning Board would like stronger language, such as “legal guarantee”; perhaps escrow account.

**Sign Law Restructure**

- Christine distributed an unfinished draft of sign law restructure.
- Tom passed around a sign schedule from Alden that we may wish to consider producing.
- It was decided that we would create two categories as follows:  
“Commercial” signs would include C1, C2, Overlay, I1 and I2  
“Residential” signs would include RA, R1, R2, R3, RC, MHP and RVP
- Regarding mobile home parks (MHP) and recreational vehicle parks (RVP), signs allowed at park entrances vs. inside the parks would be subject to Planning Board approval.
- Regarding any proposed changes, we may re-consider LED signs such as allowing more wording other than time, temperature and stock market only, plus setting minimum time limit for changeable signs to change to next image.
- “Banners, pennant ribbons, streamers, spinners or similar moving, fluttering or revolving devices” are not allowed, yet there are many of these displayed along Route 5. Discussion on whether or not to send out violation notices, and whether or not to allow in the law restructure.
- Christine will endeavor to re-draft for the next meeting.

There being no further business, John Potera made a motion to adjourn the meeting at 9:00PM, seconded by Erik and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk