

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:30PM
January 28, 2013

MEMBERS

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

ABSENT: John Potera

OTHER: Christine Falkowski, Recording Clerk
Ralph Migliaccio, Code Enforcement Officer

Work Session

Minutes – Don made a motion to approve the minutes of January 7, 2012, seconded by Erik as amended:

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

Sign law review – Tom would like to hold a special work session on Monday, March 11, 2013 solely to work on revising the sign ordinance. Christine will check with Dawn about Town Hall availability, arrange for publication of notice in the Akron Bugle and arrange for posting notice on the Town’s website.

Site Plan/Special Use Permit - 11372 Main Road – Smith Auto Sales & Service – need Full EAF.

Site Plan – 13399 Main Road-Phases 2&3 Expansion – Newstead Self Storage – not applied for.

1-Lot Minor Subdivision- 11174 Miland Road – Jodi Mapes – not re-applied for.

Public Hearing: 2-Lot Minor Subdivision – 11114 Keller Road – Joe Frey

The public hearing opened at 8:05PM. Joe Frey appeared. Don made a motion to waive the reading of the legal notice, seconded by Terry:

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

Joe Frey’s wife, Gwen, owns a 43.2-acre parcel, where they live. It has frontage on three roads: Keller, Utley and Hunts Corners. Joe stated they want to sell a 10-acre parcel with 300” of frontage on Keller Road to Kurt Schie. Kurt will merge this with his 1.49-acre parcel on Utley. Joe stated the 300’ width is by design so that Kurt could further split into two five-acre parcels in the future. ...”. Ralph asked Joe if Kurt knows he has to merge. Joe replied yes, it’s in his contract. The second lot (4.6-acres) on the corner of Keller and Utley is created by default. This lot could be sold or developed in the further. Christine read the July 18, 2011 Planning Board minutes when the pre-application conference for this action took place, excerpted as follows: “...Mr. Frey stated that this corner lot could sell as one lot, or it could become three lots. Tom stated that potential 3-lot application would be a continuation of the Major subdivided lots on

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Public Hearing: 2-Lot Minor Subdivision – 11114 Keller Road – Joe Frey (continued)

Utley. The Planning Board will treat this 2-lot application as a Minor subdivision. If Mr. Schie merges within 90 days of subdivision approval, the Town will refund Mr. Frey the \$750 greenspace fee for the second lot...". Wendel Duchscherer reviewed the site plan and recommended approval in a memo dated January 10, 2013.

Terry made a motion to close the public hearing at 8:11PM, seconded by Andy:

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

John Olaf made a motion to approve the subdivision subject to:

- (1) proof of payment of real property tax bills (SBL #46.00-1-25.111, 46.00-1-24.1, 46.00-1-25.1) or a document acceptable by the Town Board and Town Attorney and
- (2) refunding one greenspace fee of \$750 to Joe Frey if merger deed copy is provided within 90 days of today's date as proof that Kurt Schie has merged 10-acre lot with his own ,
seconded by Terry:

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

Public Hearing: 1-Lot Minor Subdivision – 12287 Clarence Center Road – Joe Frey

The public hearing opened at 8:15PM. Joe Frey appeared. Don made a motion to waive the reading of the legal notice, seconded by Andy:

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

Bright Meadows Golf Course is an 83.39-acre parcel located on the north and south sides of Clarence Center Road. The portion on the south side has a brick ranch home on it. Joe would like to split off a 1.25-acre parcel in the northeast corner to include the house. He would like to sell it to Doug Kokanovich's daughter, Tiffany. Joe is not sure who owns the easement on the east lot line that allows access to a golf course pole barn, so he added 20' to the survey. Joe stated there is not enough of a market for Par 3, and he may be selling or developing it. Wendel Duchscherer reviewed the site plan and recommended approval in a memo dated January 10, 2013.

Terry made a motion to close the public hearing at 8:17PM, seconded by John Olaf:

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

Public Hearing: 1-Lot Minor Subdivision – 12287 Clarence Center Road – Joe Frey (continued)

Don made a motion to approve the subdivision subject to proof of payment of real property tax bills (SBL #46.00-4-39.1) or a document acceptable by the Town Board and Town Attorney, seconded by Erik:

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

Review of Area Variance/Open Development – 5982 Crittenden Road – Richard Manns

On January 7, 2013 the Planning Board met with Mr. Manns and his daughter. No one appeared tonight. Mr. Manns may or may not apply for an Open Development plan in the future, or if he sells it, a buyer may do so. At the current time, Mr. Manns desires subdividing the land resulting in inadequate frontage and thereby requiring area variance approval by the Zoning Board.

Discussion ensued about allowing a shared driveway if the land is split approximately in half. If a home is built on the southerly lot, a driveway easement must be obtained from owner of the northerly lot, as the Planning Board will not support a driveway through the 43' frontage segment. Also, according to our map, there appears to be an area of Federal wetlands in the 43' segment, which may require NYSDEC approval for any type of action.

Tom made a motion to recommend Planning Board support of an area variance to the Zoning Board of appeals with a common driveway through the 65' frontage segment, and against a driveway through the 43' frontage segment, seconded by John Olaf:

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

There being no further business, Terry made a motion to adjourn the meeting at 8:30PM, seconded by Erik and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk