

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:30PM
November 19, 2012

MEMBERS

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

Work Session

Signage – Planning Board is noticing permanent type Kindred Creek off-premise signs that are not allowed and have no permit. Do they have permission from land owners? They would like the Code Enforcement Officer to send a letter to business owner that this is a violation of our sign code, suggesting they follow procedure for temporary sign approval.

Minutes – Terry made a motion to approve the minutes of November 5, 2012, seconded by John Olaf:

John Potera	-Aye
Don	-Aye
Terry	-Aye
John Olaf	-Aye
Erik	-Aye

Sign law review – tabled

Destroyer Park Golf

Kris Beyer appeared and presented new sign renderings with the final logo. She is requesting a logo on each side of the silo, signage across the front of the barn, and up to four directional signs for a total square footage request of 216.27. Ideally she would like up to four off-premises signs also.

Kris stated there are 1,021 park golf courses in Japan. This will be the first one in the U.S. After the course is certified, she will work on marketing. The Japanese will be coming to tour Buffalo, Niagara Falls, etc. Christine pointed out that John Potera's previous suggestion that 224 sq. ft. be the maximum signage allowed is from the C-2 zone, since the R-A zone has no benchmark. John Potera pointed out that the proposed barn signage is actually 120 sq. as measured in a rectangle; not 80.82 sq. ft. as stated in written request.

John Potera made a motion to recommend the following to the Town Board:

- No off-premises signs
- No directional signs
- Maximum 100 sq. ft. on barn as fits within a rectangle
- Only one logo on silo; instead of both sides

Motion seconded by Terry:

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

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Public Hearing: 1-Lot Minor Subdivision – 13523 Dorsch Road – Blaine DeFries

The public hearing was opened at 8:04PM. Blaine DeFries and Will Griffin appeared. John Potera made a motion to waive the reading of the legal notice, seconded by Terry:

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

Mr. DeFries owns a 48.5-acre parcel at 13523 Dorsch Road where he lives. He would like to separate the house with three acres and 297' of frontage, thereby creating 45 acres with 800' of frontage. Wendel Duchscherer reviewed the subdivision plat, and issued a memo dated 11/19/12 recommending approval.

John Potera made a motion to close the public hearing at 8:06PM, seconded by John Olaf:

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

Don made a motion to approve the subdivision, seconded by John Olaf:

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

Messrs. DeFries and Griffin were advised on the procedure and time frame for filing the subdivision plat with the Erie County Clerk. Christine will let Mr. Griffin know when the minutes are finalized.

Review of 2007 site plan – 13523 Main Road – Doug's Service Center

Doug Lewis was scheduled to come to the November 19th meeting to discuss with the Board his progress with site plan compliance. He called at 3:30PM today stating he could not attend. Photographs taken today were reviewed. This item will be rescheduled to December 10th.

2013 Meeting Schedule

A *draft* meeting schedule for 2013 was reviewed. One change will be made before it becomes final.

2012 Training Status

Two members need one more hour of training to fulfill the four hour requirement for 2012. Christine gave Don a notice about an upcoming opportunity on December 5th. Cheryl Esposito stopped in and gave Tom some training materials from an eight hour workshop she attended in Batavia. The Planning Board feels that excess hours should be carried over to the following year.

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

We are awaiting submittal of a Full Environmental Assessment Form. Five years ago Richard Anderson applied for and received change in use approval for a vehicle repair shop. His submittal included a Full EAF. John Olaf visited the site and stated the building is in bad shape with the walls and roof needing repair, lots of stuff lying around and many weeds. How could this be approved in its current state? John Potera wondered if we could require a bond to address this issue.

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Proposed Local Law #9 of 2012 – Special Events

The Town Board’s draft was reviewed. Erik noticed there is no mention of checking with the Fire Department; just Police Dept. Fire personnel on event site would be desirable. He tried to follow the procedure (without permit being required) for a race event, and found it to be difficult to do so. The Board wanted to know who decides when the permit fee will be waived per section 5 in the proposal. If Braun’s Concert Cove becomes a concert venue, albeit a concert business, does this law apply, or would nine concerts be placed on one permit, or would a permit be required for each concert? Fifty or more people attend funerals, sporting events at Veteran’s Park, charitable fundraisers such as Ride for Roswell, etc. How are these different from community based special events where the fee is waived? Why is the Airport’s Fly-in Days event called out in the law?

John Olaf made a motion to not recommend this law to the Town Board because they feel it is unnecessary, unenforceable and may cause unforeseen consequences if enacted, seconded by Tom:

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

Review Temporary Special Use Permits for 2013 Renewal

Terry made a motion to recommend renewal of the following temporary special use permits to the Town Board for 2013:

Permit Holder	Reason	Location
Lewistraum Kennels	kennel in RA	12472 Stage
Triple G small Engine Repair	not permitted in RA	12506 Buckwheat
Champion Auto Locators	used auto sales in C2	11678 Main
T&T Tire & Auto	used auto sales in C2	11720 Main
Destroyer Park Golf	atypical golf course in RA	7033 Sandhill

John Potera made a motion to recommend renewal of the following temporary special use permits for **home-based businesses in the RA zone** to the Town Board for 2013:

Outdoor Pleasures	landscaping	7463 Maple
Jason Schlabach	service heavy equipment	6453 Utley
Harold Frey	digging services	11187 Stage
Sutton Paving	paving	11174 Crego
James Marfurt	landscape/drainage/grading	4870 N. Millgrove
Christopher Milhollen	machinist	11734 Meahl
James Ames	topsoil/landscaping/tree nursery	11198 Hunts Crnrs
W.A. Peronne	small construction, septic/water install	6500 Draper
William D. Lorenz Construction	small construction	4231 Billo
Gary’s Turf Care	landscaping	6505 Draper
Michael Borth	sales/service of farm vehicles	13546 Stage
Doug Matusek	landscaping	12663 McNeeley
Muddy Paws Farm LLC	private dog training	11570 Clarence Ctr

There being no further business, John Potera made a motion to adjourn the meeting at 9:10M, seconded by Don and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk