

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:30PM**  
**December 10, 2012**

**MEMBERS**

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

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

**Work Session**

**Minutes** – Erik made a motion to approve the minutes of November 19, 2012, seconded by John Olaf:

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

**Sign law review** – tabled

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

**Public Hearing: 1-Lot Minor Subdivision – V/L Hunts Corners/Keller**

**Hunts Corners Development LLC**

The public hearing was opened at 8:05PM. Don Hoefler recused himself. Mike Young 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
Andy	-Aye

Mr. Young owns a 40.6-acre parcel with road frontage on Hunts Corners and on Keller Roads. He would like to separate a 2.87-acre building lot with 225' of frontage on Keller road. Don stated that the swales/grading to the rear were pulled out of a wetland area per suggestion by Wendel Duchscherer during their review. Don stated this is really farmland anyway. Wendel issued a memo dated 11/29/12 recommending approval.

John Potera made a motion to close the public hearing at 8:07PM, seconded by Terry:

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

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

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

Don Hoefler re-entered the meeting.

**1-Lot Minor Subdivision: 12433 Clarence Center Road (resubmittal) - Michael Kokanovich**

In 2009 Douglas Kokanovich received approval to split a 3.5-acre lot into two lots, but did not file the subdivision plat with the Erie County Clerk within 30 days. Recently he sold 1.614 acres to his son, Michael which, according to our code, should be flagged as illegal and a new subdivision application shall be required.

Mike Kokanovich appeared. He submitted a new application and paid the \$200 application fee. The public hearing was waived since it was already held on August 3, 2009. Don made a motion to approve the subdivision, seconded by Andy:

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

**Pre-Application Conference: Newstead Self Storage - 13399 Main Road - Phases 2 & 3 Expansion**

Douglas Klotzbach and Paul Stephens appeared. This site was approved in 2008 for Phase I expansion. They submitted tonight a revised concept plan for Phases 2 and 3 that adds a fire access road. Paul stated there is a need for 10' x 20' units, which will not be the flea market type that you sell out of. Phase 2 includes new units in the same style as existing and may require a new hydrant due to distance from hydrant on north side of Main Road. Phase 3 includes more storage units, an open storage area to the rear, along a 2,000 sq. ft. retail building with a new retention pond within the 50' greenspace.

**Public Hearing: 1-Lot Minor Subdivision-V/L Hunts Corners/Keller-Hunts Corners Dev. LLC**

At 8:40PM Barbara Miller of 10979 Keller Road, Maria Pecora of 10983 Keller Road and Charles Chilcott of 10980 Keller Road appeared. They missed the public hearing at 8:00PM because they were in the court room by mistake where the Town Board was meeting. Concerns stated were (a) heavy traffic; Keller Road is used frequently as shortcut to Hunts Corners (b) water; she and all her neighbors have two sump pumps going all the time (c) gas line runs through adjacent lot (d) future subdivision with a road would further ruin the beautiful farmland in this area where the soil is exceptional (e) New homes cost the taxpayers more to sustain vs. the income from tax revenue.

**Pre-Application Conference: 1-Lot Minor Subdivision-11174 Miland Road - Jodi Mapes**

Mrs. Mapes lives at 11174 Miland Road and requested this conference in order to gain a clear understanding of the process. She would like to separate a 1.72-acre building lot with 151.52' of road frontage from her 6.9-acres, leaving 5.38-acres with 150' of frontage. The Code Enforcement Officer has waived Town engineering review, but is requiring a swale be created on the lot with the house prior to public hearing, review and approval. Mrs. Mapes inquired about the difference between a swale and a ditch. A swale is a gentle ditch. She has three estimates, one of which is \$4,000 and stated the work will be done by December 28th. Also a propane tank must be moved, but she explained it was just filled and cannot be moved until it is 20% full. Mrs. Mapes requested a refund of the \$950 fee paid via credit card so that she would not incur interest charges until the public hearing. She stated that the Akron Bugle deadline to receive the legal notice for publication on January 3<sup>rd</sup> for the January 7, 2013 edition is noon on December 28<sup>th</sup>. Christine explained that the \$200 application fee is non-refundable but that a check for \$750 representing greenspace fee will be prepared. Mrs. Mapes will then re-pay the \$750 greenspace fee by the 28<sup>th</sup>. Christine also explained the subdivision plat filing requirement upon approval.

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

Mr. Lewis was appeared and reported that progress is slow as his business is like the stock market. Tom stated the biggest concern is curbing around the horseshoe grassy area in order to avoid parking vehicles in the mud. The 50’ greenspace setback required in the Overlay zone is about aesthetics; perhaps Mr. Lewis could add some shrubs there. Mr. Lewis stated he plans to build up that area prior to curbing with soil excavated from side parking area. The sign is not up because his sign vendor disappointed him. Regarding tree removal, he had a guy willing to cut the trees in exchange for wood, but that did not happen. He has an estimate from Donny Kreher for \$2,300. He has another estimate for \$1,000 to remove the big tree leaving the stump. Tom advised that every effort must be made toward progress by July 1<sup>st</sup>.

This site plan was approved in 2007 with a condition that site plan compliance be achieved within three years. The Board discussed the fact that there is no recourse for conditions not met when made part of sit plan approval.

There being no further business, John Olaf made a motion to adjourn the meeting at 9:23M, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk