

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:30PM**  
**March 11, 2013**

**MEMBERS**

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

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

**Work Session**

Tom reminded the Board that we have back-to-back meetings, with the next one being held on Monday, March 18, 2013.

**Minutes** – Don made a motion to approve the minutes of January 28, 2013, seconded by Terry:

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

**Sign law review** – Tabled

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

Mr. Smith did not appear. In November of 2012 the Planning Board requested that Mr. Smith prepare a Full EAF to supplement his application. That was submitted on February 13, 2013. Andy made a motion to recommend the site plan/special use permit application to the Town Board, seconded by John Potera with the following conditions:

- (1) Must meet site plan completely, including the seven landscaping notes, before opening for business
- (2) Clean up materials on site
- (3) No external storage

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

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### **Preapplication Conference: 11891 Main - Braun's Concert Cove - Ray & Andrea Braun**

Ray and Andrea Braun appeared. The first Concert Cove concert is scheduled for June 15, 2013, and the complete summer schedule is not final yet. Sometimes they will be double booked on a weekend. Mr. Braun inquired about building a bigger stage. Tom stated that he needs to submit a full site plan application, stating that final approval usually takes a minimum of 60 days which includes a Town Board public hearing and SEQR review. The Board went through the following items with Mr. Braun:

Port-o-potties – the Board requested that none of them be located in the front lot. Mr. Braun wanted to leave two of them in front for handicapped accessibility. He stated he would try putting them all down below and see if that caused a problem.

Parking lot – Ray would like to leave the stoned area stone, which the Board did not have a problem with. Ray said he would like to pave an area to access the stage for easier equipment loading from trucks. The Board encouraged him to show what he wants on the site plan.

Ingress & Egress – the Board would like to see one or two dedicated access ways to and from Main Road with curbing/wall or landscape/berm. Ray stated he would like to go with one level of his wall blocks with a cap. The Board didn't seem to have a problem with that (preferably not painted orange). The Board would like the created greenspace to be maintained as a lawn area.

Parking – the board believes that parking on havens road will be restricted to one side in the near future in order to provide safer pedestrian and vehicular conditions. Parking across the street seems to be implemented and managed. Ray stated he has no direct control of the operation of that adjacent property owner; he can make requests that the owner can choose to follow or not. Ray wants to keep more cars parked on HIS property, and the Board cautioned him that this may require more fill and wetland impact.

Hours of operation – the board stated the concert cove would be restricted to no later than 11PM. Ray wanted clarification that his smaller functions, which he has done on the deck be allowed to continue later operation. Board stated that the 11PM restrictions would apply to the Concert Cove only.

Stage location - the board asked if relocating the stage would improve noise conditions thereby reducing complaints. Ray did not seem to think so, and stated he is formulating thoughts for a new stage. Whether the stage (40' x 36' perhaps) is temporary or permanent does not matter. The board encouraged him to consult a sound engineer, show the stage on the site plan and know that any revisions after approval would require a site plan revision/update.

Signage – Signs on the roof were discussed. Old signs should at least be taken down. Board was somewhat mixed as to whether they liked the idea of future roof sign placement. On June 4, 2012 sign permit approval was requested by Kyle Scritchfield of Grey Line Signs. A 78 sq. ft. electronic LED/digital sign was approved with (5) conditions.

Site Plan – the board encouraged Ray to submit an updated site plan for consideration at the March 18<sup>th</sup> meeting. Submitting the site plan application in a timely manner would start what is likely to be a minimum two month process. Missing the March 18<sup>th</sup> meeting would delay initiating this application until the April 8<sup>th</sup> Planning Board meeting.

Ray stated that he will be on vacation March 18<sup>th</sup>, but that he would engage Schutt Engineering to represent him, prepare the site plan, and ask Robyn to attend the meeting on Monday night.

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**Site Plan Revision: 12638 Main Road - Akron Animal Hospital**

Dr. Corrie appeared. She had submitted a new landscaping site plan due to the following:

- (a) She refused to cut down mature trees
- (b) She refuses to impact the brine line located at the westerly ditch due to the slope along with surveillance by the brine line company.
- (c) She does not plan to add the shrubs to the rear.

The Board advised that landscaping stone could be used to cover the ditch after piping it, but recommend she check with the Brine Company. Dr. Corrie stated that weeds will come up, and if she sprays with Round-Up, it could kill her pine trees.

Don made a motion to accept the revised landscape plan, seconded by John Olaf, with the condition that as long as the ditch is finished off (we don't care if it is piped), Ralph can issue the Certificate of Occupancy:

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

John Smith appeared at 9:20PM, and the Board shared with him the action they took earlier in the meeting.

**Preapplication Conference – 3-Lot Minor Subdivision: 11594 Rapids Road - Terry Janicz**

Terry owns an 18.9-acre corner lot at Rapids and Moore Roads. There is 908' of frontage on Moore Road, and he would like to subdivide three lots on Moore. There is a ditch near the south line and floodplain to the west, which would not appear to have any impact on this application.

There being no further business, John Potera made a motion to adjourn the meeting at 9:45PM, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk