

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:30PM**  
**April 8, 2013**

**MEMBERS**

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

**ABSENT:** Andy Kelkenberg

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

**Work Session**

**Disclosure Notices** – Per the Town Clerk’s request, Christine distributed these forms to three Board members for completion.

**Minutes** – John Potera made a motion to approve the minutes of March 18, 2013 as amended, seconded by Terry:

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

**Sign law review** – tabled.

**Akron Animal Hospital C/O** – Tom explained that Andy Kelkenberg was contacted by Dr. Corrie stating that the pre-construction loan from her lender becomes a loan when the final C/O is received, thereby significantly reducing her interest expense. Tom also spoke with Dr. Corrie and discussed the situation with the CEO. The Final C/O has been issued but we still want to see the ditch taken care of by June 1<sup>st</sup>.

**Site Plan Application: 11891 Main - Braun’s Concert Cove - Ray & Andrea Braun**

Don recused himself. Robyn Cierniak of Schutt Engineering appeared. On March 22, 2013 she submitted a complete site plan application for Braun’s Concert Cove proposing a permanent outdoor stage structure and site improvements to create a public outdoor concert viewing area. The site plan was revised further and submitted at tonight’s meeting. Robyn explained that the bolded information on the plan represents what is being proposed. The Planning Board pointed out that the LED sign shown on the site plan was approved on June 4, 2012 with five conditions.

**Site Plan Application: 11891 Main - Braun’s Concert Cove - Ray & Andrea Braun (con’t)**

John Olaf made a motion to recommend the site plan application to the Town Board, seconded by Terry with the following conditions:

- (1) Planning Board hereby waives the Overlay zone requirement for shared access or cross-access driveway with an abutting parcel.
- (2) Planning Board hereby waives the Overlay zone requirement for no less than 5% of the interior of a parking area designated for 10 or more cars devoted to landscaping.
- (3) Planning Board hereby waives the Overlay zone requirement for front yard setback to be a minimum of 50 feet (for greenspace).
- (4) Each Concert Cove concert must adhere to Local Law #9 of 2012 - Special Events Law.
- (5) Each Concert Cove concert must cease no later than 11PM.
- (6) Roof signs must be removed within 15 days of the concert season end.
- (7) Handicapped parking must be labeled on the site plan

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

**Change in Level of Use/Occupancy – 11234 Main Road – Automotive Repair Grease Lightening**

Dan Komisarik appeared. His company, Grease Lightning, would like to occupy the old service department of the old Steve Baldo dealership. He will offer vehicle maintenance and repairs. He will not be selling vehicles. Mr. Komisarik stated he would also like to operate a rent-a-truck or U-Haul service to the east of this property. This is not indicated on his site plan application. Ralph checked the Town code and found that this is not an allowed principal, accessory or permitted use in the C-2 district. A recommendation will be made to the Town Board to consider adding this use to the C-2 zone.

Mr. Komisarik submitted three sign renderings with the Grease Lightning logo---a 6’ x 5’ pole sign (the old Meineke sign), an 8’ x 3’ bay door sign, and a 7’ x 31.5” monument sign at the bottom of the old Baldo LED sign frame. Dan indicated that Mr. Baldo may remove the LED sign or rent it to him. All signs are internally lit and on timers.

Erik made a motion to approve the application, seconded by Don with the condition that hours of operation for the lit signs be from 6AM – 11PM.

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

**Preapplication Conference: Site Plan & Special Use Permit – 12666 Main Road  
Used Car Sales – M. Shields Enterprises LLC**

Michael Shields and Bob Labenski, Engineer appeared. Bob distributed a preliminary sketch on a survey of 12666 Main Road, a 5.1-acre lot. Michael also owns the adjacent property at 12690 Main Road, and stated his attorney advised him not to merge the lots in order to avoid more restrictions. Ralph pointed out that leaving them as two separate lots is actually more restrictive since building side setbacks must be met for each parcel, which is 30'. Michael would like to remove two outbuildings and put up a new 40' x 80' building. Christine advised he apply for a demolition permit, thereby alerting the Assessor to remove the outbuildings from the file inventory.

In the past, Michael had a special permit to sell used vehicles at 12690 Main Road, and he would instead like to sell them at 12666. He stated that vehicles at 12690 would be customer parking only. Tom stated that Michael has created a parking lot in back and right up to the road, when a minimum 50' setback is required. Michael asked why he did not get cited if this was not OK. He asked about front setbacks for Braun's, Rite-Aid, McDonald's, Tom Blair, and Borderline and stated that there is no way he will put in 50' of greenspace. Tom stated one was before the Overlay, one got a variance, and some are grandfathered to the zoning code. Also, Ralph read from Town Code section 450-26 (G)(8) Waiver of Design Requirements: "The Planning Board may waive or modify any design requirement under this section, as long as it does not significantly diminish the intent and purpose of the district and does not infringe upon the authority of the Zoning Board of Appeals". Ralph stated that Main Road is a State road, thereby the building setback is 65'. Michael stated he will get a survey done and locate the edge of pavement. Regarding his tow truck business, Michael stated the tow trucks are housed inside his 3,000 sq. ft. building at 12690. Don suggested there be a buffer between the two separate parcels because currently it is stoned across both with no apparent separation. Terry stated he wants the businesses separated no matter whether the surface is paved or stone. The Planning Board suggested that the Dept. of Motor Vehicles should know that vehicles are being sold illegally without a permit.

There being no further business, John Potera made a motion to adjourn the meeting at 9:06PM, seconded by Erik and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk