

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:30PM**  
**May 13, 2013**

**MEMBERS**

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

**ABSENT:** Andy Kelkenberg

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

**Work Session**

**Minutes** – Erik made a motion to approve the minutes of April 8, 2013 as amended, seconded by John Olaf:

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

**Braun’s Concert Cove** – Mr. Braun has indicated that he may cover the concert cove with a dome which would extend his season and avoid cancellations due to inclement weather. If so, there would be no need for a Special Event Permit, which is only for outdoor events.

**Kelly Schultz – 11061 Main Road approved site plan** – This project was recently approved for four buildings with the condition that fire protection infrastructure and equipment be installed and fully operational before approval of a building permit. One of the buildings on the site plan is within 400’ of an existing hydrant. Tom reported that Kelly has requested that phase 1 be that building only and phase 2 be the remaining three buildings. It was determined that Ralph could accept the site plan depicting these phases with the engineer’s stamp without Planning Board involvement.

**Sign law review** – tabled.

**Pre-Application Conference: 1 Lot Minor Subdivision – 11044 Rapids Road**

**Gary Baker**

Mr. & Mrs. Baker appeared. They own an 87-acre parcel at 11044 Rapids with 632’ of frontage along Rapids with 2,150’ of frontage on Burdick. They want to split off the house and continue farming the remaining 77 acres. 100% of the property is in the floodplain with a small portion to the north having Federal wetlands. Mr. Baker would like this request to be exempt from the subdivision procedure as he has no plans to sell or build. The Assessor met with Mr. Baker last week where she explained the penalty for converting the 10 acres to non-agricultural land. According to local

**Pre-Application Conference: 1 Lot Minor Subdivision – 11044 Rapids Road (con't)****Gary Baker**

law #6 of 2012, the Planning Board wanted to know if both the 10 acres and the 77 acres should be flagged as non-approved subdivision lots. Nathan will be consulted. Ralph recommended that the Planning Board request a survey before making the determination to exempt from subdivision, and the Planning Board agreed.

**Pre-Application Conference: 1 Lot Minor Subdivision – 7619 Scotland Road****John Braunscheidel**

John Braunscheidel appeared. John owns 5.8 acres at 7619 Scotland Road where he and his wife live. He wants to divide the 300' of frontage in half, creating a new 150' lot that narrows to 60' and then widens to 300'. This would leave the existing house on a smaller lot that he wishes to sell. Eventually, John would like to build a new, smaller house toward the rear of the new lot. John indicated that he previously owned the adjacent lot which he then sold with deed restrictions. That lot was sold to the current owner who is unhappy about the deed restrictions and has expressed his opposition to this subdivision idea. Ottney and Miller is preparing John's site plan for his application. Once we receive the complete application, the public hearing will be scheduled.

**Pre-Application Conference: Clarence/Akron Self Storage - 11234 Main Road****Jim Bola**

This is the site of the old Steve Baldo Chevrolet dealer. Jim Bola stated he represents himself and Steve Baldo. Mr. Bola met with Ralph last week where a sketch depicting seven mini-storage buildings for 350 – 400 units was reviewed. They also discussed required zoning setbacks, fire lanes, moving the septic system, fencing, gates, tenant agreements and indoor storage. Currently there are two indoor tenants—Affolter & Evens and Grease Lightning. The sketch Mr. Bola displayed tonight showed at least three additional buildings along with fencing. Ralph advised that the front zoning setback is 65' and the side yard setback is 50' (from residential use). Ralph also stated that NYS Fire Code mandates 20' between buildings plus he would like to see at least 8' additional for parked vehicles that load and unload between buildings. Or post "no parking". Also discussed was:

- Septic may go up front
- Drainage ponds may be up front
- Architectural gate
- Working with Mike Metzger to design
- Sunoco gas pipeline runs through the property with a fenced valve station
- Paving entire lot is preferred vs. existing gravel areas
- (2) tenants could continue renting

Mr. Bola stated the units are very nice, sold by Betco, and should be appealing to the housewife coming to rent them. Mr. Bola stating that the required setbacks may kill the project. He could apply to the Zoning Board of Appeals for an area variance.

**Pre-Application Conference: 1-Lot Minor Subdivision – 6263 Scotland Road****Peter Henley**

This 3.92 acre parcel in the R-C zone is owned by 6263 Scotland Road, LLC. Rattles to Reading Day Care Center is located on the northern portion. Peter would like to split off a 1.2 acre parcel with 459' of frontage on Indian Falls Road and 316' on Scotland. He provided a proposed site plan showing a 3,080 sq. ft. building with a parking lot for 25 vehicles and ingress/egress from both roads. Peter asked whether he had to state the use of the building in order to subdivide. He would like the building use "to be determined". The Planning Board advised Peter this would be satisfactory, and could apply to re-zone if necessary. Ralph disagreed as he feels that the building use should be determined in advance so that a potential buyer knows it is an approved use in the R-C zone.

On another note, Peter would consider selling his business park or develop it further, if he could annex it into the Village of Akron. He was cautioned that annexation may not come with electric.

There being no further business, John Potera made a motion to adjourn the meeting at 9:30PM, seconded by John Olaf and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk