

## TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:30PM

June 17, 2013

### MEMBERS

PRESENT: Tom Cowan, Chairman

Erik Polkowski

John Olaf

Andy Kelkenberg

Don Hoefler

John Potera

ABSENT: Terry Janicz

OTHER: Christine Falkowski, Recording Clerk

Ralph Migliaccio, Code Enforcement Officer

### Work Session

**Minutes** – Erik made a motion to approve the minutes of May 20, 2013, seconded by John Olaf:

Don -Aye

John Olaf -Aye

Erik -Aye

Tom -Aye

**Training** – Tom reported that he, Ralph and Christine attended a free seminar on electric vehicle equipment supply at the Gates Vascular Institute, where he received his four hours of annual training credit. A few members have registered for Land Use Training for Municipal Officials on Monday, June 24<sup>th</sup> 5PM – 9:30PM at Albion Middle School. Topics will be farmland protection/agricultural viability and sign regulations, presented by Orleans County Department of Planning & Development and Niagara County Dept. of Economic Development with no cost to attend.

### **Clarence/Akron Self Storage - 11234 Main Road**

Ralph reported that Mike Metzger is working on this application. Ralph met with Mike regarding the site layout where Ralph made some suggestions. The applicant wishes to vary the setback code requirements, therefore, the Zoning Board of Appeals will hear the area variance requested at a public hearing on Thursday, June 27, 2013 at 7PM.

### **Akron Animal Hospital**

Tom sent Dr. Corrie a letter on June 3<sup>rd</sup> regarding the ditch that was to be finished by June 1<sup>st</sup>. Dr. Corrie replied in a letter dated June 6<sup>th</sup> stating that she is waiting for contractor estimates and that it will be done by end of summer.

### **13523 Main Road – Doug’s Service Center**

Tom sent a letter to Mr. Lewis on June 10<sup>th</sup> asking him to meet with the Planning Board on July 15, 2013 regarding progress on his site plan requirements.

**Sign law review** – temporary signs and banners need to be reviewed along with defining “public”.

**1-Lot Minor Subdivision – 7033 Sandhill Road**

Kris Beyer has submitted an application along with the fee for the application only. She does not feel that the greenspace fee is warranted with this application; therefore, the application has not been processed. Kris has been invited to meet with the Town Board to discuss this matter during a work session when she returns from Japan.

The grand opening of Destroyer Park Golf at 7065 Sandhill Road will be held Sunday, July 7, 2013.

**Public Hearing: 1-Lot Minor Subdivision – 6263 Scotland Road**

Peter Henley appeared. The public hearing opened at 8:00PM. John Potera made a motion to waive reading of the legal notice, seconded by John Olaf:

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

The details of this application were discussed at the pre-application conference on May 13, 2013. Wendel Duchscherer reviewed the application and recommended approval in a memo dated June 11, 2013 with the following comments:

- Approval is only for subdivision of land. As per subsection 450-83 of Town Code, site plan review and approval will be required for any project proposed on this subdivided parcel.
- No review of this submission for conformance with the Town’s site plan review standards was completed. The lack of comments does not imply that the proposed building and parking areas will be acceptable during site plan review.
- This property is currently zoned R-C. A restaurant is not an allowed use in the R-C zone, so a variance will be required.

The memo was given to Mr. Henley. John Potera made a motion to close the public hearing at 8:03PM, seconded by John Olaf:

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

John Potera made a motion to approve this subdivision application, seconded by Don:

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

Peter stated he may request re-zoning vs. a variance request. The Board questioned why restaurant is not an allowed use in R-C and wondered if that use could be added.

**Rezoning Request + Site Plan Pre-Application – 12715 Lewis Road**  
**12715 Lewis Road (Niagara Label)**

Chris Whitmarsh appeared. The Niagara Label facility has been located for many years on a .78 acre parcel and a 1.72 acre parcel in the C-2 zone. In 2012 they purchase the adjacent 10.4 acre parcel with frontage on Hake Road in the R-A zone from Hunts Corners Development LLC. Even though the parcels have been merged, they remain multi-zoned. The purchase was for expansion of their facility, but due to construction costs, the expansion will be phased. Phase I will be a 2,100 sq. ft. bump-out at the back of their building which will partially fall into the new R-A property. The purpose is to house two pieces of equipment they have purchased and which is scheduled to arrive in August, along with employee bathrooms. A request to re-zone the R-A portion to C-2 has been made.

The site plan for the 2,100 sq. ft. expansion was submitted today and will be forwarded to Wendel for engineering review.

John Potera made a motion to recommend to the Town Board that they approve the R-A portion to be rezoned to C-2 so that the entire 12.9 acres be consistently zoned C-2, seconded by John Olaf:

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

Chris stated that Phases II and III will be a 10,000 – 12,000 sq. ft. addition to the west toward Hake Road either late 2014 or early 2015. They currently employ 41, with 32 of those employees being local. They had considered moving to other towns, but have decided to stay local and hire more employees. Chris is aware that there are Federal wetlands here and that their future expansion will encompass less than 1/10<sup>th</sup> of those wetlands. They plan to obtain wetland permit approval.

There being no further business, John Potera made a motion to adjourn the meeting at 8:20PM, seconded by Erik and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk