

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:30PM – August 12, 2013

MEMBERS

PRESENT: Tom Cowan, Chairman
John Olaf
John Potera
Andy Kelkenberg

ABSENT: Erik Polkowski
Don Hoefler
Terry Janicz

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

Work Session

Minutes - Approval of minutes of July 29, 2013 was tabled as one attendee was unable to vote due to previous absence, which made the lack of a quorum.

Green Kangaroo Storage expansion

Town engineer review has revealed that the DEC must approve the drainage plan as submitted (which could take up to 90 days) or revise it. We are waiting to learn applicant's decision.

Arrowhead Settlement North & South

Tom reported that this proposed project is dead.

1-Lot Minor Subdivision – 7033 Sandhill Road

The applicant was notified by the Town Board that greenspace fee payment is required.

Dollar General – Redbox DVD vending machine

Tom stated that Ralph must send a violation letter to the owner if we do not receive a revised site plan within 30 days.

Sign law review

Tom reviewed the sign code revision draft that has been prepared thus far in an effort to simplify regulations by zone and eliminate the sign section in the overlay zone. He asked the Planning Board to review it and be prepared to make final recommendation at the next meeting. John Potera asked that the language be added back in that refers to a sign as measured within a rectangle.

Code revisions

The Board reviewed the prepared list of proposed Newstead code changes. John Potera reiterated that he feels the greenspace fee should be added to the building permit fee for a new home instead of an application for subdivision.

1-Lot Minor Subdivision – 12284 Tonawanda Creek Road – Kirst

Public hearing will be held at the next Planning Board meeting.

Braun's Concert Cove

Andy stated that the other night cars were parked in front of the wall on Main Road and wondered if that was OK and isn't it dangerous. The Board discussed the NYSDOT regulation that does not allow parking in the right-of-way, and wondered if NYSDOT could post no parking signs there.

Pre-Application Conference – 12411 McNeeley Road - Rosemary Gallagher

Applicant did not appear with her survey, which would show placement of structures on the property. Mrs. Gallagher owns a two-family home on a 5-acre parcel with 254' of road frontage. She would like to split off a lot, which requires a minimum of 150' of frontage. That would make the newly created lot only 104' wide, leaving it short 46'. The Board felt that this would vary the Code requirement too greatly, and wondered if she looked into purchasing 46' from her neighbor. John Olaf made a motion, seconded by Andy to not support an area variance to the Zoning Board, if Mrs. Gallagher applies for one:

- Tom - Aye
- John Olaf - Aye
- Andy - Aye
- John Potera - Aye

Application for Commercial Site Plan/Special Use Permit

Michael Shields – 12690 & 12666 Main Road

Applicant did not appear at the scheduled time of 8:15PM. Mr. Shields' written response to Tom's letter of July 22nd was reviewed. The Board agreed that discussing this issue further is moot until the applicant is willing to make the site legal. 12666 Main is a residence, and 50' setback is required from a commercial use to a residential use. The moment he purchased 12666, he was out of compliance.

At 8:50PM Mr. Shields entered the meeting. Tom pointed out to Mr. Shields that he could apply for a variance or he could move the lot line requiring no Town approval or fee. Tom also stated that an accurate and genuine site plan is required for the application. Mr. Shields indicated that he understood and that he will likely approach Mike Metzger for assistance. John Potera requested from Ralph a written list of what issues currently exist at the sites that are non-compliant.

Subdivision Exemption – 11044 Rapids Road – Gary Baker

The Planning Board met with Mr. & Mrs. Baker on May 13, 2013 where they requested exemption from Newstead's subdivision law. They want to separate a 10+ acre parcel from 87 acres where all resulting parcels are at least 10 acres, are for agricultural purpose and where no development is anticipated. On Friday, Mr. Baker submitted a survey of the 10+ acre parcel he would like to sell. The Planning Board agreed that the remaining 77-acre parcel will be flagged as non-buildable.

John Olaf made a motion to exempt this land separation from subdivision law per Code section 360-6(2)(a), seconded by Andy:

- Tom - Aye
- John Olaf - Aye
- Andy - Aye
- John Potera - Aye

There being no further business, John Potera made a motion to adjourn the meeting at 9:15PM, seconded by John Olaf and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk