

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 7:30PM – August 26, 2013**

**MEMBERS**

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

**ABSENT:** Erik Polkowski  
Andy Kelkenberg

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

**Work Session**

**Minutes** – John Potera made a motion to approve the minutes of July 29, 2013, seconded by John Olaf:

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

Approval of the August 12<sup>th</sup> minutes was tabled due to lack of a quorum of members that attended that meeting.

**Green Kangaroo Storage expansion**

Wendel Duchscherer completed their first review of the site plan. In a memo dated August 21<sup>st</sup>, they could not recommend approval based on eight comments provided largely related to stormwater.

**Dollar General – Redbox**

Ralph sent letter to owner requesting revised site plan within 30 days in order to avoid a violation notice.

**Code revisions**

The Town Board is reviewing our list of proposed Newstead code changes. They would like to make amendments in one local law and hold the public hearing by the end of the year.

**12261 Rapids Road one-lot minor subdivision**

Tom reported that we received a survey and drainage plan for a lot on Rapids Road from Ottney & Miller. Christine asked them to let client know we need a complete application.

**Sign law review**

The sign requirements summary that Christine prepared was reviewed page by page, much progress was made, and we plan to wrap it up at the next meeting. The document will be revised per recommendations made tonight.

**Public Hearing: 1-Lot Minor Subdivision – 12284 Tonawanda Creek Road – Daniel Kirst**

The public hearing was opened at 8:05PM. Daniel Kirst and his buyer, Kathy Winkelman, appeared. John Potera made a motion to waive the reading of the legal notice, seconded by Don:

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

This applicant owns 22 acres on Tonawanda Creek Road near Greenbush. He wants to split off a 10-acre building lot. Engineering review was waived by the Code Enforcement Officer. The property backs up to Murder Creek and is 100% in the floodplain. When a building permit is applied for, a floodplain development permit will also be required. The buyer has met with Ralph and has requested #12288 as the new house number. Terry made a motion to close the public hearing at 8:15PM, seconded by John Potera:

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

Ralph reminded Mr. Kirst that he must file his subdivision plat within 30 days at the Erie County Clerk’s Office in Buffalo. Christine will send him an instruction sheet. Terry made a motion to approve the subdivision, seconded by John Potera:

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

**Pre-Application Conference–Change in Occupancy–13399 Main Road-Gloria Moretti**

Gloria Moretti and Bob Davis appeared. Addytude Salon, the tenant at Green Kangaroo Self-Storage, is no longer there. Gloria would like to open a new salon on September 10<sup>th</sup>, possibly with the name “Kut ‘N Edge”. She is not planning to make changes to the interior or exterior, and plans to put up two signs---one fascia sign and one utilizing the vacant space on Green Kangaroo’s two-pole sign that will include the phone number. Ralph stated that she will also need a Certificate of Occupancy inspection, which will happen when she takes out a building permit. Gloria needs to pay the \$100 fee and provide sign renderings for Planning Board approval, as this property is in the overlay and C-2 zones.

John Olaf made a motion to approve the change in occupancy, pending the two sign renderings and fee payment, seconded by Don:

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

Faith Fellowship Church Drainage Improvement Project

In April of 2012 Faith Fellowship submitted and paid for a fill/excavation permit. In May of 2012, they called to request that we hold up on the review until further notice. This month, they resubmitted a revised proposed drainage improvement project that includes a drilled stormwater injection well to Wendel. Wendel has asked how we want to handle their submission and recommends they also provide a maintenance agreement for the injection well. Site plan, public improvement permit or pond permit? Scott Rybarczyk entered the room, discussion ensued, and decision was made to keep it as a fill/excavation/pond permit.

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

Respectfully submitted,  
Christine Falkowski, Recording Clerk