

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

September 23, 2013

Newstead Town Hall – 7:30PM

MEMBERS

PRESENT: Tom Cowan, Chairman

John Olaf

John Potera

Don Hoefler

Erik Polkowski

Andy Kelkenberg

Terry Janicz

OTHER: Christine Falkowski, Recording Clerk

Ralph Migliaccio, Code Enforcement Officer

Work Session

Minutes

John Olaf made a motion to approve the minutes of September 9, 2013, seconded by Andy:

Tom - Aye

John Olaf - Aye

John Potera - Aye

Don - Aye

Andy - Aye

Erik - Aye

Green Kangaroo Storage Site Plan – 13399 Main Road

No update since Wendel Duchscherer's first review memo of August 21st, which was sent to the applicant.

Minor subdivision public hearings

Newstead Town Code section 360-11(D) states that the Planning Board can waive holding a public hearing for minor subdivision application. Town Attorney was consulted to see if there is any other law requiring hearings that may supersede Town law. State law does not consider each land separation a subdivision like Newstead's law does. Therefore the Planning Board agreed that they will first consider each application at a pre-application conference and determine any need for a hearing. This will allow sufficient time to create the legal notice, publish it, send written notification to neighbors, and then vote at subsequent meeting (usually two weeks later) when a public hearing may or may not be held.

Code Revisions

Tom agreed that it would be beneficial to meet with the Supervisor and Town Attorney to review each area of Town Code to be amended. Each section has to be drafted and put into one local law. The next Planning Board agenda meeting is scheduled for October 3rd, which may be the ideal time to meet.

Dollar General propane

We received a request for approval from DOT Development, the owner of Dollar General, for a Red Box DVD machine and an AmeriGas Propane exchange cage installed on the front sidewalk area. Christine reported that in 2011 Uni-Mart installed a propane exchange cage via a building permit vs. site plan as advised by the Planning Board. The Board had suggested which side of the store would be best at Uni-Mart. The Board would like a letter be written to DOT Development to include the following:

- No site plan approval/referral to Town Board/public hearing required.
- Building permit approval required.
- Redbox machine has already been installed on front sidewalk; but electric must be inspected and a light must be installed overhead for security, since the machine is accessible 24 hours whereas the store property is not lit after closing.
- Propane cage and bollards must be installed on the west side of the building instead of front sidewalk. The parking lot and parking spots extend down the west side making the cage accessible. It is assumed that propane exchanges can only be made when the store is open; therefore no need for extra security lighting at the cage area.
- Request that outdoor display of merchandise be within the entry cove only, and not along the sidewalk or next to the DVD machine.

Revised subdivision application

Most applicants do not completely or properly fill out or understand our subdivision application. Christine has revised it in an effort to make it more user-friendly and condensed. She will distribute it upon completion. John Olaf requested that applications accessed through our website be the Adobe-kind that you can type onto. Christine will inquire of our web host.

Ralph reported that since building permits are valid for one year from issue date (except for pools); the issue date will no longer be the date of approval. Instead he will fill in the issue date on the permit upon completing the first inspection. That way if someone does not start their project immediately, but wants to get the permit approval out of the way, and they do not complete their project within one year, this gives them more time thus possibly avoiding having to renew an expired permit and paying the renewal fee.

8:00PM Public Hearing: 12261 Rapids Road one-lot minor subdivision

Joe and Ellen Olaf appeared. John Potera made a motion to waive the reading of the legal notice, seconded by Terry:

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

8:00PM Public Hearing: 12261 Rapids Road one-lot minor subdivision (continued)

The Olaf's own a 5.6 acre irregular-shaped parcel on Rapids Road with 785' of frontage near Greenbush. They want to split off a 1.4 acre parcel with 200' of frontage where their son plans to build a house. Wendel reviewed the drainage plan and recommended approval in a memo dated September 16th with the comment that there is an existing brick house within 10 to 20' of the existing property line near the southern edge; and that care should be taken when constructing the proposed swale to ensure drainage from existing house is not blocked. The Olaf's have a copy of Wendel's memo. John Potera made a motion to close the public hearing at 8:05PM, seconded by Terry:

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

Don made a motion to approve the subdivision, seconded by Erik:

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

Erie County Clerk's requirements for filing a subdivision plat were given to the Olaf's.

Sign law review

Christine prepared and distributed the sign draft with changes agreed upon to date, along with the current sign code, overlay zone signage requirements and Town of Clarence sign law. Each Board member will bring their documents with them next time. Progress was made with further review tabled until the next meeting.

There being no further business, John Potera made a motion to adjourn the meeting at 9:05PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk