

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall

January 5, 2009

PRESENT: Tom Cowan, Chairman
John Olaf
Terry Janicz
Don Hoefler
John Potera
Andy Kelkenberg
Christine Falkowski, Manager of Planning & Building
John Good, Code Enforcement Officer

7:30PM Work Session

- Tonight's agenda items were discussed.
- **Minutes from December 15, 2008 meeting**
Andy made a motion to approve the December 15, 2008 minutes, seconded by Terry:
Tom Cowan -Aye
John Olaf -Aye
Terry Janicz -Aye
Don Hoefler -Aye
John Potera -Aye
Andy Kelkenberg -Aye
- **Special Use Permit 2009 Renewal – Michael Shields
12690 Main Road - used auto sales in C2**
John Good stated that Mr. Shields is running a towing business. He has two wrecked vehicles on site, but cannot tow them away as he is waiting for his State Itinerant Vehicle Collector's License, which will allow him to tow the vehicles to a salvage yard. Don asked how long this would take. John Good stated he didn't know, that he will not allow Mr. Shields to run a junkyard, and that it is kept fairly clean. John Potera asked if all permit conditions have been met, and John Good replied that the lot is not striped.

Tom made a motion to recommend that the Town Board renew the above special use permit for 2009, seconded by John Olaf:
Tom Cowan -Aye
John Olaf -Aye
Terry Janicz -Aye
Don Hoefler -Aye
John Potera -Aye
Andy Kelkenberg -Aye
- **Sign Law Review**
Our Code needs to be corrected where it states "allow 6 sq. ft. of free standing signage" as it is probably a typo and should say "allow **64** sq. ft. of free standing signage". John Good recommended that the Planning Board approve all new signs, and they agreed. But they would like some written guidelines. John Good offered to draft a law, and Tom Cowan agreed.
- **Expiration of Site Plan Approval options.** The following options were suggested at the last two meetings:
 - 1) One year period given to commence construction after site plan approval, but after one year applicant must meet any additional requirements enacted after approval.
 - 2) Approval valid for 18 months, with one extension allowed 12 months thereafter via written request. Any longer would require re-application to the Planning Board, but with a reduced fee of \$100 (vs. \$250).
 - 3) John Potera proposed the following option:
18-months to commence construction after site plan approval. One 12-month extension granted after review of the original plan by the Planning Board for a reduced fee of \$100 (as opposed to \$250). Site plan must be updated to reflect compliance with any code changes since initial application. Significant changes to the site plan will require applicant to re-apply. Applicant must re-apply after 30 months if significant construction has not commenced.

The Board liked option #3 and again John Good offered to write the law and Tom agreed.

Work Session (continued)

• **Buffalo Shooting Club (BSC) – Billo Road Site Plan/Special Use Permit Application**

The Conservation Advisory Council reviewed BSC's lead management plan, and issued a report. The report was reviewed with Nathan, John and Christine, who itemized additional concerns/questions in a letter to BSC. A revised plan should be forthcoming. Also needed is ACOE's jurisdictional determination on the ponds, which may need a SWPPP. This will generate Wendel's final review and final action by the Planning Board. The Town Board declared lead agency, is conducting a coordinated review (to expire on January 30th), and will conduct the public hearing on January 12th.

The Planning Board meeting was called to order by Tom Cowan.

Site Plan Application – Warehouse - 13661 Main Road – Fancher Properties, LLC

Randy Fancher appeared. He met with the Board on August 18th for a preapplication conference. He owns a 2.6-acre lot (behind Kaboodle's Café) that has 30' of road frontage opening up to the rear (essentially a "flag-shaped lot"). He would like to build an 11,200 sq. ft. pre-engineered steel warehouse for temporary storage of mass quantities of materials, such as lockers, window blinds, toilets, etc. before and during installation into schools. He submitted a site plan with drainage elevations, a color brochure of the building and the drainage review fee. Signage is not included at this time, and he knows that a separate sign permit and fee would be required in the future. Wendel's review memo recommends (1) proposed contours should be shown (not just existing) and (2) First floor elevation of the proposed building (not just existing building) should be shown on the plan.

Terry made a motion to recommend approval of this site plan to the Town Board with the condition that a revised site plan include Wendel's recommendations, seconded by John Olaf:

Tom Cowan	-Aye
John Olaf	-Aye
Terry Janicz	-Aye
Don Hoefler	-Aye
John Potera	-Aye
Andy Kelkenberg	-Aye

**Site Plan Amendment – 2,925 SF Addition (previously 1,200 SF) - 12264 Main Road
Buffalo Well Drilling**

The Planning Board approved a 1,200 SF lean-to (roof only) addition in 2007. John reported that he recently discovered the building as completed, he did no inspections, that the building has a solid wall and that the size is 2,925 SF. He placed a stop work order on the site. The Board was not happy with this company's history of violations and lack of cooperation. John stated that he also expressed his displeasure to Jim Barron and that they paid the \$250 site plan review fee, will have to pay additional building permit fee of \$518 for the additional 1,725 SF. John Potera asked if John would double this amount per our fee schedule. John Good stated that he cannot as this would appear to be punitive. He also stated that Court is not an option as they cannot order a correction, just financial penalties. John Good stated that he will share the Board's displeasure to Mr. Barron. Drainage review was not necessary as it is already built and over an existing stone lot.

Don made a motion to recommend approval of the larger building addition, seconded by John Olaf:

Tom Cowan	-Aye
John Olaf	-Aye
Terry Janicz	-Opposed
Don Hoefler	-Aye
John Potera	-Aye
Andy Kelkenberg	-Aye

John Potera made a motion to adjourn the meeting at 8:45PM, seconded by Andy and all approved.

Respectfully submitted,
Christine Falkowski, Manager of Planning & Building