

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall
January 19, 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

ABSENT: Erik Polkowski

7:30PM Work Session

- **Erik Polkowski, new member** – unable to attend due to vacation.

- **Minutes**
Don made a motion to approve the January 5, 2009 minutes, seconded by Terry:
Tom Cowan -Aye
John Olaf -Aye
Terry Janicz -Aye
Don Hoefler -Aye
John Potera -Aye
Andy Kelkenberg -Aye

- **Sign Law Review**
Tom Cowan asked the Board to review, mark up and comment at the next meeting on John Good's draft law.

- **Expiration of Site Plan Approval**
Dollar amounts will not be called out in the Code amendment, but the fee schedule can be amended with the new reduced fee for site plan approval extension. This amendment would become a local law requiring the Town Board to hold a public hearing. John Potera made a motion to recommend his proposal to the Board which John Good drafted into law format, seconded by Terry:
Tom Cowan -Aye
John Olaf -Aye
Terry Janicz -Aye
Don Hoefler -Aye
John Potera -Aye
Andy Kelkenberg -Aye

- **Subdivision Law Review**
The subdivision law previously defined minor subdivision as creating not more than three new lots within five years. When the subdivision law was re-written last year in conjunction with the codification project, the timing omitted. The Board discussed whether to put it back in or leave as the Code stands. The Planning Board has always had the authority to determine that a minor application be processed as a major subdivision, and still does. Andy made a motion to recommend to the Town Board to leave the Code as it is now, whereby subdivisions are defined into major or minor with no timing stipulated, seconded by John Olaf:
Tom Cowan -Aye
John Olaf -Aye
Terry Janicz -Aye
Don Hoefler -Aye
John Potera -Aye
Andy Kelkenberg -Aye

- **Lit signs at 12963 Main Road – Rite-Aid Pharmacy**
John Good reported that Rite Aid plans to open October 1, 2009. Blair Companies submitted sign drawings for all of Rite-Aids proposed signage. John stated that he will not count directional signs against them, that the total square footage of signage is OK, but does not allow any additional signage for the other tenants of this plaza. A variance application to the ZBA may be an option. The proposed freestanding sign at the plaza entrance is a 20' high pedestal type. The height limitation for any sign in the Overlay Zone is 12' unless approval is granted by the Planning Board. Also, the overlay recommends ground level or monument signage. Christine suggested the Board review the Overlay Zone design book that was prepared for applicant and Planning Board use. As the site plan is already approved, the applicant will be submitting payment for Planning Board sign review and responding to John's initial concerns. Also, we are waiting for a coordinated sign plan from Benderson Development for the freestanding sign.

- **Doggwyld Kennel site plan & special use permit application – 5475 Barnum Road**
It has been determined that the applicant does not have to perform wetland delineation, as confirmed by Wendel Duchscherer. Wendel's three other concerns are being addressed by Bill Henderson, and a site plan revision will be submitted in the near future.

- **Buffalo Shooting Club (BSC) – Billo Road Site Plan/Special Use Permit Application**
Tom reported on the public hearing conducted by the Town Board on January 12th. The pending issues are lead management plan revision, ACOE's jurisdictional determination on the ponds, which may need a SWPPP, Wendel's final review and Planning Board recommendation. The coordinated review period expires on January 30th. The Board made a list of potential conditions to consider recommending to the Town Board for the special use permit as follows:
 - 1) Hours of operation (shooting)
 - 2) Number of shooters?
 - 3) Must pay for future noise studies if deemed necessary by Town Board
 - 4) Any existing features that aid in noise abatement, such as the natural berm at the north wall, must remain.
 - 5) Provide annual event schedule to Town Hall
 - 6) Provide name of employee in charge of recordkeeping
 - 7) Provide a bond to the Town
 - 8) Shotguns only; club loads only
 - 9) Wendel Duchscherer approval
 - 10) Lead Management Plan must show how ionization will be slowed down from entering groundwater due to the 2-1/2' to groundwater proximity
 - 11) Where is fill coming from?

If fill is obtained off-site, will a fill permit be required? John Good will check into. Tom stated he will ask Christine to email the Planning Board with any new information that may come out of the January 29th court date concerning a legal issue between BSC members.

John Potera made a motion to adjourn the meeting at 9:07PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Manager of Planning & Building