

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
January 28, 2008

PRESENT: Tom Cowan, Chairman
Terry Janicz
Don Hoefler
Rick Meahl
John Potera
Christine Falkowski, Recording Clerk
John Good, Code Enforcement Officer

ABSENT: Andy Kelkenberg
John Olaf

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Buffalo Shooting Club - Tom stated they may be making site plan application. Since they were turned down in Pembroke, it was suggested that we obtain a copy of Pembroke's meeting minutes.

Michael Shields - Christine stated he dropped off a revised site plan this afternoon, saying that his attorney feels it is still not sufficient, but that John Good should review it. John Good made copies and distributed it. He stated that even though dimensions are not shown, it is drawn to scale. The duration of the leased land with Mr. Draper must be addressed, because if the lease ends, the business cannot exist. The septic system location is missing and the paved customer parking spots must be addressed. February 22, 2008 is the deadline for receipt of a complete site plan set by the Planning Board in a letter to Mr. Shields dated January 9, 2007.

Local Law No. 2 of 2008 – Codification – Christine distributed Notice of Lead Agency and public hearing (February 11, 2008) notice to the Planning Board for comment by February 14, 2008.

Niagara Specialty Metals – submitted a letter to the Village and Town Boards requesting their property that borders Hake Road be annexed into the Village of Akron. This was discussed, and the Planning Board had no objections.

Site Plan – Insurance Auto Auctions/ADESA Auto Auction - 12200 Main Road

Pat Bittar, of Schutt Engineering, and Bruce Culligan of ADESA attended. An additional \$500 for engineering review has been paid. Pat stated that the potential merging of parcels is being addressed with management. Wendel Duchscherer completed their second review of the site plan and commented in a memo dated 1/24/08: (1) Only the capacity of the Jackson Street pump station was analyzed. Design engineer should comment on capacity of Leisurewood station in Sewer District No. 1 and provide calculations as necessary (2) Locations of outfall pipes from the retention ponds should be confirmed at the time of construction (3) the design engineer states that 30,000 c.y. of fill will be stored on site. Location of stockpiles and erosion protection should be checked for adequacy and conformance with the prepared SWPPP at time of construction (4) As stated in the Engineering Report for the ADESA addition, waterline pressure calculations must be submitted and are subject to review by our office before being issued a building permit and confirm that no permits are required from the ECWA.

John Good stated that pump station calculations can probably be gotten from Cati Knab at Wendel, and Pat stated she will call her. Terry made a motion to recommend site plan approval to the Town Board with the condition that Wendel's concerns stated above be satisfied, seconded by John Potera:

Terry Janicz	-Aye
John Potera	-Aye
Don Hoefler	-Aye
Tom Cowan	-Aye
Rick Meahl	-Aye

Minutes Review

Don moved to approve the minutes of January 7, 2008 as amended, seconded by Rick:

Terry Janicz	-Aye
John Potera	-Aye
Don Hoefler	-Aye
Tom Cowan	-Aye
Rick Meahl	-Aye

The Links at Ivy Ridge – John Good is ready to issue the final Certificate of Occupancy and asked the Planning Board if they are in agreement that the site plan is in full compliance. Rick made a motion to recommend that John issue the final Certificate of Occupancy, seconded by Terry:

Terry Janicz	-Aye
John Potera	-Aye
Don Hoefler	-Aye
Tom Cowan	-Aye
Rick Meahl	-Aye

Temporary Signs (i.e. WNY Event Center) - temporary sign permit based on frontage, square footage of buildings, etc. John Good is looking at developing a process for handling numerous temporary signs at larger sized properties. This item was not addressed as John is attending the Niagara Frontier Building Officials Association conference this week, and has not had the time to prepare his presentation.

Home-Based Business in RA Zone – John Good prepared a draft law incorporating home occupations, home based businesses and daycare operations. This was distributed for review and discussion at the next meeting.

Subdivision discussion – John Good explained the situation where Frey purchased only a portion of land from Cummings, resulting in an illegal split. This also created a non-buildable lot because it has zero road frontage. This land is split by the bike path, with Frey now owning the 13.9 acre piece south of the bike path, and Cummings owning the 3.5-acre piece north of the bike path with 381’ of road frontage which they now want to subdivide. This 3.5-acre piece has a 20’ easement to the back piece over the bike path. Will the Planning Board allow Cummings to split land again that has already been illegally split? John Good recommended the Planning Board use their power to make the first split legal by deeming the 13.9-acre piece “uninhabitable” per Town Code section 79-16 (B) (4). This makes it legal, though non-buildable. The Board did not object and told John he could advise Cummings to proceed with subdivision application.

Next Planning Board meeting: Monday, February 11, 2008 at 7:30PM

John Potera made a motion to adjourn the meeting at 9:00PM, seconded by Tom and all approved.

Respectfully submitted,

Christine Falkowski, Recording Clerk