

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall

March 16, 2009

MEMBERS

PRESENT: Tom Cowan, Chairman
Andy Kelkenberg
John Olaf
Terry Janicz
Erik Polkowski
John Potera

OTHER: Christine Falkowski, Manager of Planning & Building
John Good, Code Enforcement Officer

ABSENT: Don Hoefler

7:30PM Work Session

Home Based Business draft law

John Olaf made a motion to recommend the draft document dated February 5, 2009 "Home Occupations, Home Based Businesses & Daycare Operations" to the Town Board for adoption, seconded by Erik:

Tom Cowan	-Aye
John Olaf	-Aye
Terry Janicz	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Erik Polkowski	-Aye

Sign Law Review/off-premises signs painted on barns

Tabled until next meeting

Minutes

Terry Janicz made a motion to approve the February 16, 2009 minutes, seconded by Andy:

Tom Cowan	-Aye
John Olaf	-Aye
Terry Janicz	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Erik Polkowski	-Aye

8:00PM – Tom brought the regular meeting to order.

Preapplication Conference – Downey Road Subdivision - Gary & Marie Baker

Gary & Marie Baker appeared. They own 28.2 acres fronting on Downey Road and on Rapids Road. Over the last nine years they have split off and sold three building lots, and next year they would like another. They could potentially split off six additional lots as well. It was suggested that they submit a major subdivision application to encompass all future development. Mr. Baker replied that they do not wish to do that at this time as he still farms the field including the rear of the three lots already sold. Therefore, Tom advised the Baker's on the minor subdivision process, and Christine will send them a packet.

(1) Lot Minor Subdivision Application – 13230 Martin Road - John Bruning

John Bruning appeared. Mr. Bruning owns 30 acres on Martin Road with a house on it. He has already sold the house and 1.5 acres without subdivision approval. He recently submitted a subdivision application and paid the fee. John Good reported that drainage review by Wendel is not required, and the Code Enforcement Officer is responsible for enforcing Chapter 349 Stormwater Management & Erosion Control. He also stated that Mr. Bruning's \$225 engineering review fee will be refunded. Terry made a motion to approve the subdivision, seconded by Andy:

Tom Cowan	-Aye
John Olaf	-Aye
Terry Janicz	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Erik Polkowski	-Aye

Temporary Sign – 12963 Main Road - Benderson Development/Rite-Aid

Don Moeller did not appear. A sign application, site plan showing location of proposed Rite Aid pylon sign with reader board, and sign rendering were submitted. Rite Aid would like a 32 sq. ft. temporary ground sign with wood posts that says “Rite Aid 1hr. photo, drive thru, food mart coming soon. For employment opportunities call 1-800...-....”. John Potera made a motion to approve the temporary sign with the condition that it be removed by their targeted opening day of October 1, 2009 and that it be removed when and if the project is delayed or cancelled, seconded by Erik:

Tom Cowan	-Aye
John Olaf	-Aye
Terry Janicz	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Erik Polkowski	-Aye

Lit Sign – 11478 Main Road - Faith Fellowship Church

Brett from Faith Fellowship appeared. They have had a double sided 36 sq. ft. lit sign up for approximately three months. John Potera explained that temporary signs are usually allowed for only 30 days, and that displaying a sign long term would make it permanent. Brett explained they already have a permanent sign, and that this sign is temporary for approximately six special events per year. It was donated and their budget does not allow acquisition of a second permanent sign. Erik pointed out that this sign is on Main Road in the Overlay District and that approval for more than 30 days of a temporary sign would set precedence for others, and that they have already exceeded the time limit by 60 days. Brett stated that February 1st is the church’s new budget year. Brett was asked if granting six 30-day display periods until March 1, 2010 would work, and he replied the sign is difficult to move every time, especially December – February. John Olaf stated that is a good reason to make the sign permanent. Tom stated that consistency in how sign permits are handled is important. Tom promised a letter that Brett can share with his Board of Trustees stating the conditions for a temporary sign for six events:

- display not more than three weeks prior to event date
- Sign must be removed two days after event date
- Sign must not be lit after 11PM
- Consider budgeting for a permanent sign
- This arrangement will expire March 1, 2010

Site Plan Application - 9,000 SF Special Events Building– 11187 Main Kelly Schultz Antiques/Pumpkin Farm

Kelly Schultz appeared. Wendel Duchscherer’s review memo was presented to Kelly and the five comments were reviewed. Kelly was asked to respond to each comment narratively. The Planning Board meets again on March 30th. The site plan shows a “previously approved 10,000 SF building, which Kelly stated is on the master plan. John Potera stated that does not mean it is approved; the master plan is just a concept. Kelly stated that 50’ was just deeded back to him from the WNY Event Center parcel so he could build this proposed building. Those boundaries must be shown on the site plan along with a new survey provided.

(2) Lot Minor Subdivision – Utley Road - Joe Frey

Al Hopkins, Clayt Ertel and the buyers appeared. Joe Frey would like subdivision approval for two more 150’ x 333’ building lots off of this 46.8-acre parcel owned by Gwen Frey. The parcel has 378’ remaining frontage on Utley Road and 845.5’ of frontage on Hunts Corners. The plan indicates there is 45’ - 50’ of remaining road frontage on Utley to the corner, and neither Al nor Clayt knew why. A drainage easement for this area will be recommended by the Board. Drainage is planned to flow to the rear of the lots. Tom stated that the Board needs Wendel’s recommendation along with a public hearing held before taking action. We meet again on March 30th. Wendel’s review memo will be forwarded to Al Hopkins as soon as possible.

John Potera made a motion to adjourn the meeting at 9:20PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski
Manager of Planning & Building