

# TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall

March 30, 2009

## MEMBERS

PRESENT: Tom Cowan, Chairman  
Andy Kelkenberg  
John Olaf  
Terry Janicz  
Erik Polkowski  
John Potera  
OTHER: Christine Falkowski, Manager of Planning & Building  
ABSENT: Don Hoefler

---

7:30PM Work Session

**Minutes** - John Olaf made a motion to approve the March 16, 2009 minutes, seconded by Andy:

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.

### **Cummings Road 7-Lot Major Subdivision – Resurvey**

A revised survey was submitted for this development (approved in 2007). Lot #4 has been revised from one-acre to 7.91 acres. The remaining undeveloped acreage has been sold to Mike Urso including the 15-acre parcel on Main Road.

### **Training for 2009**

There are many training opportunities available for completing the four hour annual requirement such as: Genesee/Finger Lakes Regional Planning Council workshops, Southern Tier West Local Government Conference and on-line training by Department of State. Christine reviewed each member's status with them. Scott Rybarczyk of Wendel Duchscherer, is reviewing our Code requirements for major subdivision with public improvement (such as Havenwood) with the Town Board tonight, and Planning Board members indicated a desire for a session on this topic with Scott also.

---

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

### **Sign Review – 13428 Main Road – Phantom Garage**

Mr. Rybinski appeared. He is a partner in PSR Auto Sales at the above address across from Golden Pond Estates. They have been operating a licensed repair shop/inspection station in a garage at the rear of the property for the cars they sell for the last five years. They only have two cars for sale on the lot currently and wish to focus more on the repair shop/inspection station. They would like to put up a new three-post sign that says "Phantom Garage – Towing, Inspections, Complete Auto Repairs". Mr. Rybinski passed around photos of the old sign and photos of the new sign posts that are already up. He stated that the signage is made and ready to go. Mr. Rybinski was emphatic about keeping a clean operation and that no complaints have ever been made about his business or property. The Planning Board tabled this item for the next meeting.

### **Public Hearing – (2) Lot Minor Subdivision – Utley Road - Joe Frey**

The public hearing opened at 8:30PM, and Christine read the legal notice. Clayt Ertel and Al Hopkins attended. Wendel Duchscherer completed their review and recommended approval based on the condition that a 20' wide drainage easement to the Town of Newstead be provided encompassing the side lot swale to the north of Sublot 7. The Planning Board sent a memo to Joe Frey and Al Hopkins on March 18<sup>th</sup> requesting a wider 45' easement in addition to receipt of proof of filing with the Erie County Clerk. Clayt stated that they would not file with the County until approved. Messrs. Ertel and Hopkins argued the request for 45', when 20' is all that Wendel is asking. John Olaf replied that the 45' – 50' strip is attached to larger rear acreage and must have been planned that way for a purpose. Al stated that he did not produce drainage calc's; that they were created by previous engineer. Clayt added that if a driveway were to be created, it would require permit and engineering approval anyway. Most Planning Board members ultimately felt that the 20' easement was within reason. Tom expressed significant concern with the motive for said strip.

**Public Hearing – (2) Lot Minor Subdivision – Utley Road - Joe Frey (continued)**

The public hearing closed at 8:45PM. John Olaf made a motion to approval the subdivision with the condition that a 20’ wide drainage easement to the Town of Newstead be provided encompassing the side lot swale to the north of Sublot 7, seconded by John Potera:

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

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

Kelly Schultz appeared and provided the requested narrative response to Wendel’s concerns and site plan revision. He also passed around a photo of a proposed rendering. The Town Board will hold the public hearing. Terry made a motion to recommend site plan approval to the Town Board, seconded by Erik:

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

**Sign Review– 13399 Main Road – Green Kangaroo Storage - Paul Stevens**

John Potera disagreed with John Good’s view that this is just a repair, repaint and word change of existing sign requiring no permit just because the posts are the same. The photos indicate that the sign is up prior to review or approval. Also the “Addytude Salon” sign is free hanging off the post and the Board felt it should be contained within the posts and included in this review/application. This item was tabled until the next meeting.

**Change in Use – 13021 Main Road - Halcyon Day Spa & Salon**

Susan Zeliff and Megan Demblewski appeared. Do’s Pounder Shop went out of business. Halcyon Day Spa will be the new tenant. They will be cleaning up the exterior and dry walling the interior. The suggestion for a cross cut to the plaza would have to be referred to Mr. Buonnano, owner. Services are to include hair, manicure, pedicure, facial and body scrub. Mr. McConnaughey owns the sign post that already says “Subway” on it. This sign, attached below, would say “Halcyon Day Spa & Salon” and include the phone number and street number. There would be no secondary sign on the building itself. Mrs. Zeliff stated she would also like to include a line of changeable lettering below the phone #. The Board recommended that an accurate and complete sign rendering be submitted, including dimensions. The sign review was tabled until the next meeting.

Terry made a motion to approve the change in use from retail sales to personal services salon, seconded by Andy:

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

**Site Plan Application – 12690 Main Road – 2520 SF Pole Barn - Shields Enterprises**

Michael Shields applied for a building permit to build a 2,520 sq. ft. pole barn. This is an expansion of his used auto sales business permitted via special use permit in the overlay zone, therefore, requiring site plan approval. Site plan application depicts placement of the barn 15’ from rear property line and 5’ from west line. A drainage swale would require relocation. Wendel reviewed the site plan and recommends approval. Mr. Shields also operates an impound lot, and the barn is needed for housing those wrecked vehicles towed to this site. Christine was asked to pull minutes where the

**Site Plan Application – 12690 Main Road – 2520 SF Pole Barn - Shields Enterprises (continued)**  
special use permit renewal was reviewed. The Board had a list of questions that Christine will put in a letter to Mr. Shields as follows:

- Elevation/rendering of pole barn
- Specific use of pole barn
- Parking on stone between pole barns
- Vehicle pickup time limit for impound lot
- Privacy fencing due to proximity of residential neighbors and street view

This item was tabled until the next meeting.

John Potera made a motion to adjourn the meeting at 9:45PM, seconded by Terry and all approved.

Respectfully submitted,  
Christine Falkowski  
Manager of Planning & Building