

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 7:30PM - April 20, 2009

MEMBERS

PRESENT: Tom Cowan, Chairman
John Olaf
John Potera
Terry Janicz
Erik Polkowski
Don Hoefler
OTHER: John Good, Code Enforcement Officer
ABSENT: Andy Kelkenberg

Open discussion concerning:

- Harold Frey 3-lot subdivision at Stage and Billo Roads. Main topic of discussion was should this subdivision be considered a minor or major subdivision.
- Joe Frey subdivision at Crittenden and Main Road. Main topic of discussion was should this subdivision be considered a minor or major subdivision.
- Michael Shields site plan. He submitted information late to be put on the agenda, however Tom and John Good discussed the situation and Tom decided to put the item on the agenda.

Minutes – John Olaf made a motion to approve the April 6, 2009 minutes with changes as noted, seconded by Don:

Tom Cowan	-Aye
John Olaf	-Aye
John Potera	-Aye
Terry Janicz	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

Rite Aid Sign Request: Discussion of the upcoming sign permit request/review from Rite Aid. John Potera expressed concern that the full development of the site will require several zoning variances for the signs. John Good explained about the allowed amount of signage and that with Rite Aid putting in the first sign permit which allows them to take advantage of the initial sign allowance. This was primarily caused due to the project not having detailed signage included in the original site plan. The process for applying for these variances will require that the request first be reviewed by the Planning Board with a recommendation to the Zoning Board. With that recommendation the Zoning Board will review the request and send it back to the planning board with either approved or disapproved zoning variances. The Planning Board will have the final approval after the Zoning Board.

Open Development: Discussion of open development designs and proposed laws allowing open development. The Board tabled the discussion at this time and will open discussion again at the next meeting on May 4, 2009. Tom asked that the latest information which was covered by the board be mailed to them in their next information package.

County Planning Board: John Good informed the board of Local Law #1 (proposed) which is being presented at the county building at 92 Franklin Street in Buffalo at 12:00 on April 23, 2009. This law deals with the creation of a Planning Board at the Erie County level. At this point we only have a Planning Department at the county level with the creation of a County Planning Board this could create another level of approval for Town Projects. John Good explained the requirement of a supermajority vote at the local level being required to overrule a decision at the county level. John Good will be attending this meeting; Tom will also try to attend the meeting.

Sign Law Review/off-premises signs painted on barns. No Discussion on signs tabled.

3-lot subdivision Stage and Billo Road;

Harold Frey appeared to discuss his proposed subdivision of his lot. He purchased the lot about two years ago and built his own home on it. He has previously divided two lots off of his lot with a home being built for his daughter on one of them and a second home being built by a Drew Gundlach on the second one. He wanted to split three more lots off of his lot as his daughter sold her home and wants to build a smaller one and he has a buyer for a second lot and he is also applying for a third lot for a potential future sale. Tom discussed that the Planning Board could classify this as a major subdivision, however due to the lack of public improvements and the set up of the lots being all road frontage he will ask the board to vote to decide on classifying this as a minor or major subdivision.

Tom asked for a motion from the board regarding this subdivision. John Potera moved that this be handled as a minor subdivision and that a public hearing be scheduled at 8:00 on May 4, 2009, John Olaf seconded this motion:

Tom Cowan	-Aye
John Olaf	-Aye
John Potera	-Aye
Terry Janicz	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

3-lot subdivision Crittenden and Main Roads:

Al Hopkins appeared to discuss Joe Freys proposed subdivision. Al stated that at this time this is the only application which is being done for this lot; however Joe Frey does want to discuss future plans for the lot later. Each of the proposed lots are conventionally shaped and five acres in size. Tom discussed that the Planning Board could classify this as a major subdivision, however due to the lack of public improvements and the set up of the lots being all road frontage he will ask the board to vote to decide on classifying this as a minor or major subdivision.

Tom asked for a motion from the board regarding this subdivision. John Olaf moved that this be handled as a minor subdivision and that a public hearing be scheduled at 8:15 on May 4, 2009, John Potera seconded this motion:

Tom Cowan	-Aye
John Olaf	-Aye
John Potera	-Aye
Terry Janicz	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

Site Plan Revision Michael Shields Main Road:

Michael Shields appeared regarding his request to modify his site plan to build a new barn towards the rear of his lot. This barn is to be used to store vehicles which he tows to the site and to store his Tow Trucks. The barn will be the same color and style as the existing barn, however the faux stone at the bottom of the existing barn will not be installed on the new barn and there will be four doors at the front of the barn facing Main Road. Tom discussed that depending on future development around this lot there may be a requirement in the future for a privacy fence. Michael expressed concerns about this due to the damaging winds in the area and the difficulty this would present during winter for plowing. Tom emphasized that this would only be a potential for the future and not required at this time.

Tom asked for a motion from the board regarding this site plan. Terry moved that this be recommended for approval and moved to the Town Board, Don seconded this motion:

Tom Cowan	-Aye
John Olaf	-Aye
John Potera	-Aye
Terry Janicz	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

- John Good stated that Stan Tatara will be applying for final plat approval for phase I of Havenwood Subdivision; however we have not received the application as of this time.
- The Planning Board asked that they be provided with a report of number of homes built in the last few years. This will be provided in the next information package which is mailed.
- John Good passed out a proposal for change to the subdivision law concerning filing of Plats. He discussed that there are concerns with drainage easements not be properly filed which in the case of the Cummings Road subdivision could have caused significant issues with septic system approval. The attached proposal will be discussed at the May 4 Planning Board meeting.

John Potera made a motion to adjourn the meeting at 8:50PM, seconded by John Olaf and all approved.

Respectfully submitted,
John Good
Code Enforcement Officer