

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:30PM

May 4, 2009

MEMBERS

PRESENT: Tom Cowan, Chairman
John Olaf
Erik Polkowski
Don Hoefler
Andy Kelkenberg

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

ABSENT: John Potera
Terry Janicz

Minutes from - Don made a motion to approve the April 20, 2009 meeting minutes, seconded by Erik:

Tom Cowan	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

Sign Law - review draft & off-premises signs painted on barns - tabled

Open Development – Christine had re-distributed the document “Open Development - Planning Board Proposal” dated August 2006. Tom reported he plans to get copies of some homeowner’s agreements from the Town of Clarence. Wendy Salvati, of Wendel Duchscherer’s Planning Department, advises that other towns are finding out they eventually end up taking over the private roads. Therefore, stipulations should be considered for road construction such as width, etc. School bus and firetruck turnaround will be a consideration.

John Good’s recommended changes to subdivision law - tabled

2008 Annual Building/Planning Report including new homes – distributed per John Potera’s request.

Public Hearing: 3-Lot Minor Subdivision – Billo Road

The public hearing to allow a three lot minor subdivision of the nine acre parcel located on Billo Road owned by Harold K. Frey, Sr. was opened at 8:10PM. The reading of the legal notice was waived as Harold Frey was the only person attending. Wendel Duchscherer completed their first review in a memo dated April 30, 2009, which John Good gave to Harold this morning. Harold immediately revised the site plan per Wendel’s recommendations and resubmitted to Wendel for reaction to satisfying comment #2, 3 and 4. Harold will add each lot’s legal description to the existing pond agreement from the major subdivision, of which this is a part of. Harold asked John Good to check whether he or the Town should do this. The provided plan was a photocopy, and an original stamped copy must be provided.

Don made a motion to close the public hearing at 8:15PM, seconded by Andy:

Tom Cowan	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

Don made a motion to approve the subdivision application, seconded by John Olaf subject to Wendel’s review and recommendation of the drainage plus Town Attorney recommendation on revising the pond agreement:

Tom Cowan	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

Public Hearing: 3-Lot Minor Subdivision – Crittenden Road

The public hearing to allow a three lot minor subdivision of the 62-acre parcel located on Crittenden Road owned by Crittenden Road LLC was opened at 8:20PM. The reading of the legal notice was waived as Al Hopkins was the only person attending. Wendel Duchscherer reviewed the plan with the comment that labels in the stabilized construction entrance are missing. Don noted that there is a gas well near the northeast corner of the north lot not shown on the plan. He also requested a grade shot due to 18” culvert. The 805’ elevation shown must be above the culvert in order to avoid bringing the ditch up.

Andy made a motion to close the public hearing at 8:25PM seconded by Erik:

- Tom Cowan -Aye
- John Olaf -Aye
- Andy Kelkenberg -Aye
- Don Hoefler -Aye
- Erik Polkowski -Aye

Don made a motion to approve the subdivision subject to verification of the invert and subject to the plat being filed immediately at the Erie County Clerk’s office, seconded by Andy:

- Tom Cowan -Aye
- John Olaf -Aye
- Andy Kelkenberg -Aye
- Don Hoefler -Aye
- Erik Polkowski -Aye

(1) Lot Minor Subdivision – Billo Road - Kelly Schultz

Kelly Schultz appeared and stated the lot was already split off as it was a wedding gift to his son, and he did not realize it required approval. The drainage plan was approved by John Good, and the Town engineer review fee will be refunded to Mr. Schultz. Mr. Schultz was made aware of the lateral restriction policy for public water service in district #10. John Olaf made a motion to approve the subdivision, seconded by Erik:

- Tom Cowan -Aye
- John Olaf -Aye
- Andy Kelkenberg -Aye
- Don Hoefler -Aye
- Erik Polkowski -Aye

Preapplication Conference -Special Use Permit – Child Care Center - 5149 Crittenden Road

Jeannine and Domenic Morlacci appeared. The existing dog kennel transforming into a day care center is of truss construction. They submitted a sketch plan of the building, prepared by Bill Cyprinski. Still needed is the survey of the parcel, the application/permit fee, and a letter from the owner granting permission for the Morlacci’s to apply. They received their NYS license for a maximum of 68 children, and they plan to have a maximum of 10 employees. The plan appears inadequate for parent, employee and school bus parking/drop-off. A horseshoe driveway was suggested to ease traffic flow. They are planning for new water service, and it was stated they will most likely need a hydrant. The Morlacci’s indicated the existing leach field is sufficient for their needs. An existing and proposed site plan was suggested in order to illustrate the improvements planned. They are looking to open for business September 1st.

Preapplication Conference –Subdivision - 11936 Rapids Road - Jeff Jendrowski

Jeff Jendrowski appeared. He owns 50 acres on Rapids Road with 649’ of frontage that has two single family houses on it. He wants to separate the parcel into two lots, with the driveway being shared by both houses. He offered that an easement could be created stipulating that if either property sold, Jeff would be legally responsible to install a designated driveway. He also requested a waiver from the greenspace fee, which is not possible unless he creates appropriate greenspace elsewhere. Jeff was advised to illustrate locations of septic systems and utilities for each house on his site plan. John Good will provide setback requirements and subdivision application to Jeff tomorrow.

Sign Review – Rite Aid Fascia Signs – 12963 Main Road - Moeller Sign & Service, Inc.

Don Moeller appeared. Benderson Development’s first tenant will be Rite-Aid Pharmacy, and they have applied for their sign permit as it was not shown on site plan at time of approval. Chuck McConnaughey has provided written authorization for this application, as he is still the owner. There will be 12 different fascia signs and all will be LED lit. Mr. Moeller stated he believes the store will not be open 24 hours.

Andy moved to approve the signage subject to review of hours of operation, seconded by John Potera:

- Tom Cowan -Aye
- John Olaf -Aye
- Andy Kelkenberg -Aye
- Don Hoefler -Aye
- Erik Polkowski -Aye

Andy made a motion to adjourn the meeting at 9:30PM, seconded by Don and all approved.

Respectfully submitted,
Christine Falkowski
Manager of Planning & Building