

# TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:30PM

May 18, 2009

## MEMBERS

PRESENT: Tom Cowan, Chairman  
Erik Polkowski  
Don Hoefler  
Andy Kelkenberg  
Terry Janicz

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

ABSENT: John Potera  
John Olaf

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**Minutes from** - Don made a motion to approve the May 4, 2009 meeting minutes, seconded by Erik:

Tom Cowan	-Aye
Terry Janicz	-Aye
Andy Kelkenberg	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye

## **Day Care Center – 5149 Crittenden Road – Special Use Permit Application**

The Planning Board attempted to come up with a list of items needed on site plan revision. Firetruck access was discussed. Dan Kowalik, Deputy Disaster Coordinator/Akron Fire Co. member entered the room. Dan was given a copy of the site plan and was asked to provide feedback as soon as possible and prior to the next meeting on June 1<sup>st</sup>. Tom and John will visit the site; make notes and present ideas on June 1<sup>st</sup> to the Morlacci's. List of items are to include:

- Horseshoe driveway (firetruck access and minimize backing up of customer vehicles)
- Parking for all 10 employees plus 6 – 8 for parents/visitors (Code calls for one spot per classroom minimum, which equals only four, and this center is for 68 children)
- Hydrants
- Septic system
- Entire property site; not just building footprint
- Sidewalks
- Dumpster location
- Show property line on site plan
- Lighting
- Fencing

## **Change in Use – Warehouse to Retail - 11190 Main - Richard Czechowski, NAPA Auto Parts**

Dick Czechowski appeared. NAPA Auto Parts in Clarence Hollow plans to relocate to this site, formerly Upper Deck Construction and formerly Clarence Materials Supply, owned by Andrea Braun. There are two buildings on site, and they plan to lease the westerly building. There will be seven customer parking spots plus one handicapped. Employees will park to the rear. No vehicle repairs will be done; retail sales only. Dick stated the building will be painted the standard NAPA blue with a gold stripe. He was advised not to paint the brick, as brick is the preferred front façade in the overlay zone. Dick offered blue siding to cover the brick front façade instead, but was advised against this. Therefore, only the rear section will be being painted blue. Hours of operation will be 8AM – 6PM Monday – Friday, 8AM – 3PM Saturday, and closed Sunday. There will be one 60 sq. ft. fascia sign placed where the existing one is now. A freestanding 45.5 sq. ft. double pole frame with a 22 sq. ft. hanging lit sign face area will be placed at the road. John asked Dick to check with him about setback requirements before placing the sign. Dick agreed to landscape at the sign base, and he plans to open in 30 – 60 days.

Andy made a motion to approve this change in use with the condition that the lit ground sign be shut off no later than 11PM, seconded by Terry:

Tom Cowan	-Aye
Terry Janicz	-Aye
Andy Kelkenberg	-Aye
Don Hoefler	-Aye
Erik Polkowski	-Aye



**Preapplication Conference – Special Use Permit - Used Auto Sales - 11200 Main Road****Power House Auto Sales - George J. Principe**

George Principe appeared. This is the same parcel as 11190 Main Road above. The 30-acre parcel has 285' of road frontage, and 200' is the minimum frontage requirement in the Overlay Zone for used auto sales. All agreed that the frontage being shared with NAPA Auto Parts was not a problem since the buildings are leased only. George plans to lease the easterly building for the sale of late model cars, trucks and boats. He has an existing business buying vehicles at ADESA and wholesaling them in Chicago. Eventually he plans to repair vehicles also. George indicated he would like to pave the grassed area at the road for display, and was advised that this was not possible due to the 50' greenspace setback requirement in the Overlay Zone. He stated he wants 10 display spots, and his site plan needs to include those spots as well as customer, handicapped and employee parking. He also plans to park 20 wholesale vehicles per week on the blacktop at the rear. George will illustrate his fascia sign on the site plan. He also would like a temporary sign ---tall flapping figure to attract attention. Christine gave George a site plan packet including Planning Board meeting + deadline schedule.

**3-Lot Minor Subdivision – Billo & Stage – Harold Frey**

This application was approved by the Planning Board on May 4, 2009 subject to Wendel's review and recommendation of the drainage and Nathan's recommendation on revising the pond agreement. On May 14<sup>th</sup>, Wendel submitted a memo recommending approval commenting that (1) a drainage easement to the Town is recommended around the pond and (2) drainage plan at 4513 Billo may cause ponding in front of the house due to driveway impeding flow around house. John stated that #1 does not apply due to the homeowner's agreement established through the major subdivision from which these lots originated and that #2 has been worked out with Wendel.

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

**Open Development** – Discussion and review of document dated August 2006 and re-distributed May 4<sup>th</sup>. Christine will include the Town of Clarence's ordinance with the next agenda.

**John Good's recommended changes to subdivision law** - tabled**Training**

- Christine stated that Terry and Erik will be attending the "Training for Local Boards" presented by Wendel Duchscherer at NCCC tomorrow night.
- Christine provided the training credits as of 5/18/09 per the four hour annual requirement:
 

Potera.....	9.25
Polkowski.....	0
Olaf.....	1.25
Hoefler.....	0
Kelkenberg.....	0
Janicz .....	0
Cowan .....	.25
- Scott Rybarczyk, Town Engineer, Wendel Duchscherer, provided a 30-minute training session on:
  - Requirements for minor subdivisions, major subdivisions and major subdivisions with public improvement
  - 2008 Stormwater Regulations – These changing regulations can be difficult to keep up with, but it is New York State law. The definition of disturbing one or more acres of land now includes construction activity areas, not just the house and pond footprint. Although, this would usually only entail erosion and sediment control for a single family home. Anything adjacent to Beeman or Murder Creeks triggers a SWPPP.

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

Respectfully submitted,  
Christine Falkowski  
Manager of Planning & Building