

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**June 18, 2007**

PRESENT: Tom Cowan, Chairman  
Terry Janicz  
Rick Meahl  
John Potera  
Christine Falkowski, Recording Clerk  
John Good, Code Enforcement Officer  
Don Hoefler

ABSENT: John Olaf  
Andy Kelkenberg

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

**Work Session**

Tonight's agenda items were discussed.

**Minutes Review**

Terry made a motion to approve the minutes of June 4, 2007, seconded by John Potera:

Terry Janicz	-Aye
Tom Cowan	-Aye
Rick Meahl	-Aye
John Potera	-Aye

**Preapplication Conference – Variance/Subdivision/Site Plan**

**12963 & 13001 Main Road – Charles McConnaughey**

Appeared: Chuck McConnaughey  
Duane Root, Attorney for Chuck McConnaughey  
Jim Rumsey – Benderson Development  
Lori Fitzgerald - Benderson Development

Mr. McConnaughey owns a 65-acre parcel at 12963 Main Road and adjacent to it a 198' x 198' parcel at 13001 Main Road where Subway lies. Benderson Development would like to purchase 600' of frontage from him for a commercial development. Mr. McConnaughey lives at 12963 Main Road. He would like to sell 502' from his 658' frontage and merge it with 98' which will be split off the 198' Subway parcel, for a total of 600'. This would leave Subway with a 100' frontage lot. According to Newstead Town code section 100-21 D. (2), minimum non-residential lot size in C-2 is "as required to provide a site adequate for the principal and accessory building, all required off-street parking, loading, stacking, landscaping, yards and open spaces". Therefore, as long as it can be proven that Subway meets these standards, a variance is not required, and the variance application will be withdrawn and the fee refunded.

All buildings will be demolished, including The Car Factory and the house with no driveway. Mr. McConnaughey stated he had a new septic system installed for Subway to the west side of the building. Will it interfere with the new boundary line? John stated that Subway has six parking spaces, but should have eleven. Five more parking spots must be earmarked and the distance of the garage behind Subway must be measured from the proposed boundary line. A new survey must be prepared identifying the septic system location, garage location, parking spots for Subway and include the proposed boundary lines. The Benderson Development representatives stated that a new road section would be the entrance to the development directly across from Buell Street for easy ingress and egress. John Good stated that the new P.I.P. specs must be adhered to. Mr. Rumsey requested a copy of the proposed C-2 zoning requirements for the Route 5 Rezoning project. John will ask Tom George if that information can be shared at this point. Mr. Rumsey would like to eventually hold a work session with all parties concerned. The steps are as follows:

- (1) Septic system location (new survey)
- (2) One-lot minor subdivision application
- (3) Site Plan application

Don Hoefler entered the meeting.

**Preapplication Conference – Change in Use – Auto Sales Adding Retail Sales of Carports**  
**13428 Main Road – P&R of WNY, Inc. – Roy Walter**

P&R of WNY is a used vehicle dealership across from Golden Pond Estates. They wish to retail B.P.O. Carports, which is a franchise. Roy Walter stated that one portable carport is up as a model, but that he plans on moving it back 55' from the edge of the road, as John Good requested. It will not be any closer to the property line than the existing building. If you were to buy a carport, you would order it through P&R at 10% down with installation provided. The model has three "for sale" signs bolted to it. John will require a building permit since it is a structure, though portable.

Rick motioned to approve the change in use of auto sales adding retail sales of carports, seconded by Terry with the following conditions:

1. Display one carport only
2. Maximum of three signs only on carport
3. Carport must be set back a minimum of 50' back from edge of road
4. No lights

Terry Janicz	-Aye
Tom Cowan	-Aye
Rick Meahl	-Aye
John Potera	-Aye
Don Hoefler	-Aye

Next meeting: July 16, 2007 (only meeting in July)

John Potera made a motion to adjourn the meeting at 9:02PM, seconded by Rick and all approved.

Respectfully submitted,

Christine Falkowski  
Recording Clerk