

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**July 7, 2008**

PRESENT: Tom Cowan, Chairman  
Rick Meahl  
John Olaf  
Andy Kelkenberg  
John Potera  
Christine Falkowski, Recording Clerk  
John Good, Code Enforcement Officer

ABSENT: Terry Janicz  
Don Hoefler

6:00PM – Joint meeting at Akron Village Hall with Town Board, Village Board and Village Planning Board for a presentation of the following:

Akron Village Commons – 25 single family homes + 83 patio homes on 48.48-acre parcel at Clarence Center and Hake Roads

- Representation by: Jack Willert, Bob Runge, Wes Schmidt, Clay Ertel and Joe David
- No apartments
- Patio homeowners own the footprint of land beneath the home only
- Limited homeowner’s association with fee charged to single family homeowner’s also
- Road cuts at Hake and at Clarence Center Roads
- Roads will be turned over to Village of Akron and maintained by them
- Easement to the Pixley’s plaza
- Some sidewalks
- Federal wetlands have been flagged and there will be deed restrictions “no development beyond this line”. No State wetlands.
- Detention ponds
- SWPP must be filed
- Electric service will be installed below ground
- Patio homes: 1400 – 2200 sq. ft.
- Single family homes: 2500+ sq. ft.
- Different home designs; hopefully no two alike; controlled by developer’s architect + builder
- Brian Perry reported that Village Planning Board is lead agent
- Project will be phased based on what will sell; 10 – 15 per year with a possible 10 year build out based on economy, interest rates, etc.
- Clayt reported project could bring \$26 Million in assessed valuation and that no tax exemptions will be applied for
- Typical buyer would be age 55+ with disposable income
- Next step is an information meeting; then public hearing

Cornerstone Subdivision – 23 single family homes on 15.4 acre parcel at Jackson and Hake Roads

- Developer not present
- Cul-de-sac
- Village sewer moratorium is up to 50 new units on a first come, first served basis
- Detention pond at corner of Jackson
- Developer will soon be proposing new project for multi-family housing south of bike path at Cloisters

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The Planning Board meeting was called to order at 7:15PM at the Newstead Town Hall by Tom Cowan.

**Work Session**

**Minutes Review** – Andy motioned to approve the June 16, 2008 minutes, seconded by Tom:

Rick Meahl	-Aye
Tom Cowan	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
John Olaf	-Aye

**Temporary Sign guideline draft**

- Newstead Town Code requires no minimum lot size or road frontage for commercial use in C-2 zone. Lot size should provide a site adequate for principal and accessory buildings, off-street parking, landscaping, yards and open spaces.
- If a parcel has a great deal of road frontage and contains commercial tenants, the Planning Board decided there can be one temporary sign at every 100' of frontage. Property owner must decide how signs are disbursed among tenant businesses.
- The draft document will be finalized and sent to the Town Board.

**Proposed Pharmacy, Restaurant & Retail – 12963 Main Road**

Matt Oates, Jim Rumsey and Kim Fidler of Benderson Development appeared. Wendel Duchscherer completed their review dated July 7<sup>th</sup> of Benderson's June 19<sup>th</sup> response letter and recommends plan approval with the following comments:

Construction Drawings – Building permit should not be issued until official response from Erie County Health Department is forwarded to Building Department.

Engineer's Report – Any correspondence received from the EPA should be forwarded to Wendel.

Newstead Town Code revision effective February 25, 2008 now calls for public hearings to be held for site plan approval. As this application began in 2007, this requirement will not apply. Matt stated he will pull the written plan for detention pond maintenance out of the SWPP. Emergency generator set-up and NYSDOT signal change out were discussed. John Potera is concerned about left hand turns into the plaza from the east. The pharmacy tenant will be Rite-Aid and they plan to open July 23, 2009. Construction is planned to begin September/October 2008. Matt will email civils and elevations to John Good for distribution to Town Board.

John Olaf made a motion, seconded by Rick to recommend approval to the Town Board with the following conditions:

1. Drainage easements must be provided
2. Written plan for maintaining detention pond must be provided
3. Fieldstone fence 2 – 3' maximum height is required as depicted on site plan dated February 2008
4. Elevations of three buildings (other than pharmacy) must be submitted to Planning Board
5. Compliance with Wendel Duchscherer comments of July 7, 2008 as stated above.
6. Developer must own the property

Rick Meahl	-Aye
Tom Cowan	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
John Olaf	-Aye

**28- Lot Major Subdivision with Public Improvement –Preliminary Plat – Stage & Havens Road**

The Town Board has agreed that for this project, payment of greenspace fees instead of setting aside 10% of the project as greenspace would be required. Pat Bittar, of Schutt Engineering, requested that Phase I fees for 11 lots equaling \$8,250 be paid now and 16 lots equaling \$12,000 be paid at Phase II. The depth of the ponds must also be addressed along with curbing. Town subdivision code "Section 360-23 Street Design" states that streets shall be graded and improved with pavement, curbs, gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights, signs, street trees and fire hydrants, except where waivers are requested. The Planning Board may waive without jeopardy to public health, safety and welfare. These decisions will be tabled until the next meeting.

**Home-Based Business in RA Zone**

This draft document was modified again on June 27<sup>th</sup>. Current property owners with a home-based business in the RA zone, which is not addressed in our Code, will be invited to step forward with a minimal site plan at no fee. The purpose is to document and monitor the site use, so as to avoid neighbor disputes. The Board agreed that this action must be marketed well to the public for a full understanding before the Town Board public hearing for Code modification.

Andy made a motion to recommend approval of this proposal to the Town Board, seconded by John Potera:

- Rick Meahl -Aye
- Tom Cowan -Aye
- Andy Kelkenberg -Aye
- John Potera -Aye
- John Olaf -Aye

**Golden Pond Estates – self storage units**

John Good stated that self storage units are not allowed in any zone, according to Town code. Also, Golden Pond Estates is not entirely in the manufactured home park (MHP) zone; the first 500’ of depth from Main Road is zoned C-2.

John Good stated that self storage units could be allowed by special permit in the (MHP) zone as an accessory use as follows: “Restaurant and/or dining hall, newsstands or other incidental services in connection with the operation of the MHP designed primarily to service the needs of residents of the MHP. The MHP operator shall clearly establish that the facilities are designed primarily for the use of the residents of the MHP. Facilities may be open to the general public, but more than 60% of the use of the facilities must be by residents of the park”. This item was tabled.

**Change in Use Site Plan – K-1 Properties, Inc., 5725 Davison Road - Unit #14**

**Car Repair Shop – Ken Morgan**

There are 16 storage units on this 9.5 acre parcel. Ken Morgan would like to open a registered repair shop in one of the storage units at this property under the name Automotive Unlimited. He stated the repairs will be limited to light duty work on autos and trucks such as inspections, oil changes etc. There will be no welding, torches, gasoline or flammable liquids on site. His sign would be added to the existing sign board.

Tom made a motion to approve this change in use, seconded by John Olaf, subject to the following conditions:

1. Zero unlicensed vehicles
2. Provide site plan depicting parking spots designated for this business
3. No dismantling or welding allowed
4. Proper disposal of hazardous materials
5. Provide copy of NYS license once obtained

- Rick Meahl -Aye
- Tom Cowan -Aye
- Andy Kelkenberg -Aye
- John Potera -Aye
- John Olaf -Aye

**Newstead Self Storage - 13399 Main Road – Paul Steven**

Applicant submitted revised site plan dated June 27, 2008, which is incomplete as it needs contours. Also the preliminary stormwater pollution prevention plan and engineer’s report is incomplete. Although self storage units are not allowed in C-2 zone, John Good will consider this project as no expansion if development stays within this “legal non-conforming use” footprint. Development of Phase II would require a variance approval. The Planning Board is not in favor of a detention pond within the 50’ greenspace setback or overlapping onto the next lot. They may consider it within the greenspace if the design and maintenance are aesthetically pleasing--good example: Brawdy’s Construction on County Road.

**Preapplication Site Plan + Special Use Permit– Doggwylld Kennels**

**5475 Barnum Road - Patrick Galla**

Patrick and Linda Galla own a 7.24-acre parcel bordering the bike path and an adjacent 2.34-acre parcel. They would like to open a 30 – 50 kennel facility to include grooming, holistic/spa treatments, exercise and supplies. A section this land was spot-zoned C-2 in the past, but the remainder of it is R-A where a kennel is allowed with a special use permit. The site plan depicts a large bermed area. Will this fill be imported, or is pond construction planned? The Planning Board had no objection to the use of this site for a kennel. There have been neighbor disputes in the vicinity, which may draw interest to the public hearing to be held by the Town Board. The applicant is advised to proceed with formal site plan application.

**Next meeting - Monday, July 21, 2008 at 7:30 PM**

John Potera made a motion to adjourn the meeting at 9:36PM, seconded by Rick and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk