

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:30PM

July 20, 2009

MEMBERS

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

ABSENT: John Olaf

OTHER: Christine Falkowski, Recording Clerk
John Good, Code Enforcement Officer
Nathan Neill, Town Attorney
Dawn Izydorczyk, Town Clerk

Planning Board meeting minutes

John Potera made a motion to approve the minutes of June 29, 2009, seconded by Erik:

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

- Sign Law-review draft & off-premises signs painted on barns - tabled
- Open Development - tabled
- Nathan relayed that public hearings must be held by the Planning Board on all minor subdivisions per New York State law, including one lot. Historically, this has been done for two lots or more. This will increase our budget for legal notices, which run approximately \$36 - \$43 each. The other option is to increase the minor subdivision application fee on the Town fee schedule.
- Special Use Permit/Site Plan – Kennel in RA Zone - 5475 Barnum Road - tabled until proof of merger is received.
- Recommended changes to subdivision law plat filing – Nathan Neill explained that New York State Real Property Law takes precedence over our law, which states that we should charge \$25 - \$300 fine for each lot offered for sale prior to filing plat map. He distributed a copy to all. John Good added that without filing the subdivision plat prior to approval, there is no chance for easements to be filed. Dawn Izydorczak explained the tax billing cycles and the problem for consumers and the Town when plats are not filed properly and taxes are not apportioned timely. This proposed amendment was tabled until the next meeting.

Change in Use – Auditorium to Retail/Warehouse - WNY Event Center – 11163 Main Road

Jack Willert appeared. The current uses are auditorium (public assembly), residential and warehouse. Jack would like to lease out approximately 30,000 sq. ft. to Chapin Industries for warehousing bird feeders, along with approximately 2,000 sq. ft. for retail. Jack stated he will no longer be holding shows beyond “Wine, Wheels & Song” September 22, 2009. John Good stated that high stack shelving affects the sprinkler system and flammability per fire codes, and that he will work closely with Jack on this. Tom requested a site plan per Town Code section 458-83. Terry made a motion to approve the change in use request to retail/warehouse, seconded by John Potera:

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

Preapplication Conference – 4-Lot Major Subdivision - Main & Cummings Roads - Mike Urso

A survey was submitted showing the creation of four new lots in the C-2 zone on a 26-acre lot at the corner of Main and Cummings Roads. The old farmhouse on the corner will be demolished, and the Board wondered what is planned for the barn. Item tabled.

28-Lot Major Subdivision – Phase I Final Plat Approval - Havenwood

Preliminary plat approval for this project was granted in Fall 2008. Phase I (nine road frontage lots) approval is basically engineering. Wendel Duchscherer plans to have this review completed by the end of July.

1-Lot Minor Subdivision – 12425 Clarence Center Road

Douglas Kokonovich appeared. This 3.5 acre irregular shaped lot backs up to the bike path. Mr. Kokonovich also owns the 13.9-acre piece south of the bike path, which is an illegal non-buildable lot (no frontage). This is because both parcels used to be land-hooked and straddled the bike path as one 17-acre lot, and the prior owner sold the southerly piece without subdivision approval. This violation will be made legal in the near future when Mr. Kokonovich sells part of the 13.9 acres to Leisurewood and part to the Town, for merging with adjacent parcels respectively owned. This application is to create one new building lot from the 3.5-acres (prior house was demolished). Drainage was reviewed and approved by John Good. This item was tabled until the Planning Board holds the public hearing on August 3rd.

13-Lot Major Subdivision – Crittenden & Main Roads - Metzger Civil Engineering/Joe Frey

This major subdivision plan has been revised from the 12-lot plan submitted previously at pre-application. Wetlands have been delineated, but documentation is pending receipt. The Planning Board will review the site plan when engineering comments are received by Wendel, earmarked for end of July – August 17th.

Next Meeting: August 3, 2009

John Potera made a motion to adjourn the meeting at 9:20PM, seconded by Don and all approved.

Respectfully submitted,
Christine Falkowski
Recording Clerk