

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall – 7:30PM

August 3, 2009

MEMBERS

PRESENT: Tom Cowan, Chairman
Erik Polkowski
John Olaf
Andy Kelkenberg
John Potera
Terry Janicz
ABSENT: Don Hoefler
OTHER: Christine Falkowski, Recording Clerk
John Good, Code Enforcement Officer

Minutes - Andy made a motion to approve the meeting minutes of July 20, 2009, seconded by Terry:

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

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

Recommended changes to subdivision law plat filing –John Good reiterated that without filing the subdivision plat with the County prior to Town approval, drainage easements cannot be enforced. When plats are not filed properly, taxes are not apportioned timely. Do other towns enforce this? What is cost to file plat? Planning Board members will research these questions for the next meeting.

PUBLIC HEARING 1-Lot Minor Subdivision – 12425 Clarence Center Road

The public hearing was opened at 8:08PM to consider allowing a one-lot minor subdivision of the 3.5-acre parcel located at 12425 Clarence Center Road owned by Douglas Kokonovich. Douglas and Mike Kokonovich appeared. The reading of the legal notice was waived. Tom briefly described the application, which was discussed at the last meeting. No one had any questions. John Potera made a motion to close the public hearing at 8:10PM, seconded by Terry:

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

John Potera made a motion to approve the minor subdivision, seconded by Terry:

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

PUBLIC HEARING 1-Lot Minor Subdivision – Schutt & Stage Roads

The public hearing was opened at 8:15PM to consider allowing a one-lot minor subdivision of the 3.6-acre parcel located at Schutt and Stage Roads owned by Stanley R. Tatara. Stan & Sheila Tatara appeared. The reading of the legal notice was waived. This is the eighth lot of a major subdivision approved in 2002 that Stan now wishes to split again. John Good approved the drainage. Andy made a motion to close the public hearing at 8:17PM, seconded by Erik:

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

PUBLIC HEARING 1-Lot Minor Subdivision – Schutt & Stage Roads - (con’t)

John Potera made a motion to approve the minor subdivision, seconded by John Olaf:

| | |
|-----------------|------|
| Tom Cowan | -Aye |
| Andy Kelkenberg | -Aye |
| John Olaf | -Aye |
| Erik Polkowski | -Aye |
| John Potera | -Aye |
| Terry Janicz | -Aye |

Havenwood - 28-Lot Major Subdivision – Phase I (nine lots) Final Plat Approval

Tom relayed to the Tataras that an informal meeting will be held with the Town Engineer and Town Attorney on Thursday, August 6th to review drainage plan alternatives for this project.

Preapplication Conference – Special Use Permit - 12638 Main Road – Akron Animal Hospital

Phil Silvestri appeared and presented schematic drawings for his client, Dr. Corrie. An animal hospital is allowed in the C-2 zone with a special use permit. A kennel is not allowed in this zone. The existing building is referenced as “dog day care” and “kitty kennel” on the floor plan. The existing animal hospital lot has just been merged with Dr. Corrie’s adjacent vacant lot, making the lot size 3.1 acres. Currently, there are houses bordering this property to the east and to the west. Cross-access driveway for interconnected parking in the future should be considered (minimum 20’ width per Overlay). The plan has already been adjusted to include 50’ of greenspace per the overlay zone requirement. Parking is depicted at the front of the building in addition to the rear. Mr. Silvestri offered front screening such as a berm or stone fencing. The plan shows two free standing signs, and it was suggested they have one free-standing and one fascia sign.

The plans call for a new 4,300 sq. ft. hospital with brick and hardiplank façade (not vinyl). There is no color scheme as yet. A request was made to create a compatible façade on the existing building. John Good stated that the building must be a minimum distance of 400’ to the hydrant from any point. The existing building has two driveways for separate ingress and egress. The new building will require a new driveway cut on Route 5 via the NYSDOT. An approximate 4,000 sq. ft. retention pond to the rear will handle runoff that will then flow through pipes back to the road ditch. Mr. Silvestri was advised to go forward with the full site plan application.

Rezoning Request – 12526/12566 Clarence Center Road - Niagara Specialty Metals – Bob Shabala

Bob Shabala appeared. He is requesting that 12526 (2.13-acres) & 12566 (32.43 acres) Clarence Center be rezoned from RA to I2 for future expansion needs. 12566 Clarence Center has 250’ of road frontage and is 562’ deep up to the bike path, but land-hooks over the bike path for the majority of the 32 acres (with some Federal wetlands to the rear lot line). Bob is requesting that only the piece south of bike path be re-zoned. Niagara Specialty Metals does not have use of the north piece at this time. They also own an adjacent strip of land (50’ x 66’ zoned RA) that Tom suggested they merge with the other two pieces.

Terry made a motion, seconded by Erik to recommend this rezoning request with the condition that the parcels south of the bike path ultimately be merged:

| | |
|-----------------|------|
| Tom Cowan | -Aye |
| Andy Kelkenberg | -Aye |
| John Olaf | -Aye |
| Erik Polkowski | -Aye |
| John Potera | -Aye |
| Terry Janicz | -Aye |

- Christine distributed Wendel’s review memo and Erie County Planning’s comments regarding the 13-lot major subdivision at Crittenden & Main Roads.
- Terry inquired about the status of Michael Shields’ display of five vehicles instead of four, as regulated by his special use permit. John Good stated the fifth vehicle was sold, but not marked.

Next Meeting: August 17, 2009

John Potera made a motion to adjourn the meeting at 9:07PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk