

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
August 6, 2007

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

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

Work Session - Tonight's agenda items were discussed.

2-Lot Major Subdivision Application – 11187 Stage Road – Harold Frey

Harold Frey appeared. He owns a 15-acre parcel on Stage Road near Billo. This parent parcel was a minor subdivision split in 2006, and was further split as a 10-lot major subdivision recently. Thus, all further splits are majors. Mr. Frey purchased a 5-acre lot south of his 10-acres (giving him access to the pond) and merged it. He is currently building a home for himself, and is planning a home for his daughter. He now wishes to split off two building lots. Since the first split, Mr. Frey has brought in large amounts of fill, thus changing elevations and contours. He submitted a hand-drawn drainage plan signed by Roy McCready, Registered Landscape Architect. Wendel Duchscherer reviewed the application and commented (1) The applicant must review Section 100-81 of the Code and provide all necessary information for site plan requirements and (2) Existing and proposed contours should be shown on the plan. The Town Board will hold the public hearing.

Terry made a motion to recommend approval to the Town Board pending an acceptable drainage plan, seconded by Andy:

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

Sign Review – Antique World – 11163 Main Street – Jack Willert

Joe Calleri, Promotions Coordinator of Olde Orchard Shoppes at Antique World appeared. This review is warranted due to the desire for more than one temporary sign on this parcel. The maximum number of signs they have is 12, which advertise products sold at the Farmer's Market on Sundays. The signs sit on a berm approximately 12' from road edge with 10' – 20' in between each one. Signs are no larger than 2' x 2' on wire stanchions. They are put up each Saturday and taken down on Sunday for no more than 48 hours. His season is May 1st – October 1st. It is thought that other commercial property owners will seek similar approval as a result of this action.

Don made a motion to approve more than one temporary sign, seconded by John Olaf with the following conditions:

- (1) Maximum number of signs = 12
- (2) Signs must be for "Farmer's Market" only
- (3) Signs for Farmer's Market displayed between May 1st and October 1st annually
- (4) Signs displayed Saturday morning through Sunday evening; maximum of 48 hours each occurrence.
- (5) Signs must be professionally made with a maximum size of 2' x 2'.
- (6) Sign placement cannot impair traffic visibility
- (7) Signs cannot be lit
- (8) If the Farmer's Market ceases to operate or goes out of business, signs shall not be displayed.

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

Pre-Application – Special Use Permit/Site Plan–Used Auto Sales – 12690 Main Road – Michael Shields

Michael Shields and Attorney, John Garas appeared. Mr. Shields' property has 131' of road frontage. He submitted an application for special use permit and site plan to allow the sale of used cars. His application includes a survey showing a leased area of 69' west of him owned by Edwin Draper, thus giving him the minimum 200' of frontage required for used vehicle sales and service in the Overlay Zone. Nathan Neill advised that leasing land for this purpose is OK. A copy of the lease agreement was provided. A site plan needs to be submitted showing use of existing buildings, 20' between buildings for fire lane, number of cars, how cars are to displayed, customer parking, signage, etc.

Pre-Application – Special Use Permit/Site Plan – Auto Repair Shop – 13523 Main Road – Doug Lewis

Doug and Denise Lewis appeared. He is the owner of Doug's Automotive at Route 5 & 93, which he rents from Charles McConnaughey. Mr. Lewis's offer to purchase 13523 Main Road was accepted this afternoon, and he would like to move his business there. The "old schoolhouse" property is 144' x 153' and is currently zoned C-2. Future rezoning of Main Road in this area will be R-C where a public garage will not be allowed. The 3,000 sq. ft. shop at this site is twice the size of Mr. Lewis' shop. He would like to provide all phases of auto repair up to one-ton pick-up trucks. He does NYS inspections, no collision, and would like to retail tires and batteries. A site plan would be necessary including septic location and all requirements of Overlay Zone. Tom Cowan will confer with the Town Board on August 13th before advising applicant.

Site Plan Application – Mini Self Storage Facility

13775 Indian Falls Road (Knapp Road frontage) – John Randall

Fred Pask appeared, agent for John Randall. Mr. Randall owns a 52-acre parcel that has an address of 13775 Indian Falls Road that land-hooks across Knapp Road. He would like to build a 96-unit mini cold storage facility on a five-acre section fronting on Knapp Road. This property is zoned RA, and the Zoning Board granted a use variance in September 2006 for commercial use in the RA zone with the following conditions:

- (1) No outside storage at all
- (2) Must adhere to all Planning Board recommendations
- (3) Signs are limited to the current restrictions in the RA zone. Anything larger would require another variance.

There was a misunderstanding as to whether site plan was needed vs. just a building permit, and Mr. Randall had planned on construction beginning in July. The site has been cleared and stone put on site with John Good's approval. The plan calls for a total of eight pre-engineered steel buildings with approximately 12 units in each. The target market is the Knapp Road apartment tenants who have no garages or sheds. There is no electricity at the site and no plan for lighting, security or fencing. Wendel Duchscherer reviewed the application and commented that:

- (1) Applicant must review Section 100-81 of the Town Code and provide all necessary information for site plan requirements.
- (2) Cover letter states facility will be built in phases. The plan sheet should only reflect what is being built at this time. Any future expansion will require a separate approval by the Planning Board and will be subject to Town Engineer review.
- (3) Existing and proposed contour lines should be shown on plan.
- (4) Finished floor elevation of the proposed buildings must be provided.
- (5) A general drainage and grading plan should be shown for the site including swales, ditches, detention facilities, etc.
- (6) The NYSDEC SPDES Permit No. GP-02-01 requirements state that for any construction that is not a single family residence or on agricultural property and disturbs more than one acre, a full SWPP shall be developed and an NOI submitted.

Rick made a motion to recommend approval to the Town Board with the condition that Wendel's six recommendations stated above be followed, seconded by Terry:

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

Dollar General – release of escrow funds

This project has its final Certificate of Occupancy, although it was agreed that \$2,500 would be kept in escrow until the grass area to the right of the entrance was blocked from vehicular damage. The Planning Board is happy with the appearance of this Dollar General compared to many other towns and has no objection to releasing the escrow.

Outdoor Furnace Law

Proposed Local Law No. 4 of 2007 entitled “Outdoor Furnace Law of the Town of Newstead” was distributed to the Planning Board. The third public hearing on this subject will be held on August 27, 2007, and the deadline for submitting comments to the Town Board is August 29, 2007.

Reschedule of Next Meeting

The August 20, 2007 meeting date has been rescheduled for Monday, September 10, 2007.

Minutes Review

Rick made a motion to approve the minutes of July 16, 2007, seconded by John Olaf:

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

Charlie Daniels Band

Charlie Daniels is scheduled to appear at the WNY Event Center (outdoors) on Friday, September 28, 2007. Our town does not issue special events permits. Local fire and police will be coordinating with the property owner and John Good.

Next training session - Tuesday, October 16, 2007

John Potera made a motion to adjourn the meeting at 10:00PM, seconded by Terry and all approved.

Respectfully submitted,

Christine Falkowski
Recording Clerk