

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
August 18, 2008

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

ABSENT: John Potera
Don Hoefler

7:30PM Work Session - Tonight's agenda items were discussed.

The Planning Board meeting was called to order at 8:00PM at the Newstead Town Hall by Tom Cowan.

Preapplication Conference – Special Use Permit-Used Auto Sales

David Glian – 13722 Main Road

William Burd appeared, who will be leasing the property from David Glian. Mr. Burd would like to open a collision shop immediately and sell used vehicles in the future. He can display only one unlicensed vehicle at this time. Mr. Burd indicated that the building already includes a paint booth, and he will call John tomorrow regarding inspection of the painting area. John Olaf pointed out that paint booths are regulated by the EPA. Mr. Burd indicated the property has a fenced-in area at the rear which he will use for outdoor storage of vehicles awaiting repair. His signed lease with Mr. Glian is contingent upon Town approval. Regarding used auto sales, 200' of road frontage is required in the Overlay Zone, and Mr. Glian will be supplying a survey indicating 200' vs. the 197.5' that the Town has on record. Mr. Burd indicated that if the auto sales do not work out, he does not care since he has other businesses in Batavia and Alden.

Site history: A previous lessee (Rich Belotta) was granted a special use permit to sell used autos (out of a trailer) that the Town Board did not renew beyond 2004 due to non-compliance. The other use of this site (at the same time) was His-n-Herz Collision within the existing building. Since that use, the building was leased to Richie Rich who used it to dismantle phone systems (without change-in-use approval).

Preapplication Conference – Site Plan – Warehouse

Fancher Properties, LLC – 13661 Main Road

Randy Fancher appeared. He has a construction business with his brother where they do Section 10 work on schools, primarily. He owns a 2.6-acre lot (behind Kaboodle's Café) that has 30' of road frontage opening up to the rear (essentially a "flag-shaped lot"). The parcel has an existing concrete warehouse that is not large enough for his needs and that he may lease out eventually. He would like to build an 11,200 sq. ft. pre-engineered steel warehouse for temporary storage of mass quantities of materials, such as lockers, window blinds, toilets, etc. before and during installation in schools. For example, he recently obtained a new three-year contract with a school. There will be no hazardous materials and no retail sales; though he is planning a bathroom and possibly an office in the future. The Planning Board advised Mr. Fancher that the surrounding parcels have a variety of uses and they he may wish to consider a buffer of some sort where appropriate. Also, setback for firetruck access should be evaluated around the entire proposed warehouse. Christine advised that if signage is being considered, Mr. Fancher may want to provide sign location on site plan along with a rendering. This will eliminate the need for a separate sign permit and fee. When Christine receives the proposal letter for this application from Wendel, she will forward it to randy@jrbuffalo.com. Tom advised that a drainage plan is required, and he asked the Board to visit the site with copy of draft site plan in hand.

Site Plan & Special Use Permit – Kennel in RA Zone

Doggwild, Inc. – 5475 Barnum Road

Patrick & Linda Galla, along with Bill Henderson, Architect, appeared. They have submitted an application for a special use permit for a dog kennel in the RA zone. Wendel Duchscherer has reviewed the project and commented that (1) engineering report is required (2) Actual disturbance area should be called out on site plan and SPDES Permit filed if disturbing one acre or more (3) utilities must be shown and (4) wetlands must be delineated. Patrick stated that pond construction on the smaller parcel is probable in the future as funds allow, as this is a low spot in which surrounding properties drain to anyway. A berm with planted trees is planned just to the south of the kennel for the purpose of creating a sound barrier. They were advised to be very descriptive about noise control as neighborhood opposition may be expected at the public hearing held by the Town Board.

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Site Plan – Fuel Storage Tank – NOCO Energy, 13613 Main Road

Chip Willis was present. NOCO Energy is looking to replace an 18,000 gallon propane storage tank with a 30,000 gallon propane tank on their 3-acre parcel at 13613 Main Road. This new tank will lie next to an existing 30,000 gal. tank where the fence will be extended to accommodate the larger tank. The existing asphalt surface will not be impacted in any way, and engineering is not required. Mr. Willis stated that they follow NFPA Code 58, and that the DEC does not regulate propane.

Terry made a motion to recommend approval of this site plan to the Town Board, seconded by Rick:

Rick Meahl	-Aye
Tom Cowan	-Aye
John Olaf	-Abstain
Terry Janicz	-Aye
Andy Kelkenberg	-Aye

Minutes Review – John Olaf motioned to approve the August 4, 2008 minutes, seconded by Terry:

Rick Meahl	-Aye
Tom Cowan	-Aye
John Olaf	-Aye
Terry Janicz	-Aye
Andy Kelkenberg	-Abstain

Home-Based Business in RA Zone

John Good reported that the Town Board asked him to draft some guidelines for this proposal, such as the site plan performance standards listed in Article XIII of our Code.

Newstead Self Storage

John Good stated that if the applicant expands within the parcel footprint, he will allow it. Otherwise a use variance will be required, as would be the case if the two parcels are merged.

Next meeting - Monday, September 15, 2008 at 7:30 PM

Andy made a motion to adjourn the meeting at 9:15PM, seconded by Terry and all approved.

Respectfully submitted,
Christine Falkowski, Recording Clerk