

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**September 15, 2008**

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

ABSENT: Rick Meahl

**7:30PM Work Session**

- Tom reported that tomorrow evening at 7PM the Akron Village Commons patio home subdivision proposal at Clarence Center & Hake Roads will be presented to the public at the Village Hall.
- Tom reported that the public hearing for the Havenwood major subdivision preliminary plat at Stage & Havens Roads will be held by the Town Board on Monday, September 22, 2008 at 7:50PM. He will attend as Planning Board representative and invited members to join him.
- Tom reported that Randy Fancher has not yet made site plan application for the proposed warehouse at 13661 Main Road.
- Tom reported that William Burd has not made special use permit application for used auto sales at 13722 Main Road and that he has five unlicensed vehicles on site. Terry stated that Mr. Burd does not have a State license to sell and suggested John Good call the DMV. Andy stated that Mr. Burd is currently doing body work as a collision shop also. John Good stated he will be checking with the DEC regarding the paint booth before taking any action.

- **Minutes from August 18, 2008**

Andy motioned to approve the August 18, 2008 minutes, seconded by Terry:

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

- **Home-Based Business in RA Zone**

Christine distributed another draft of the proposed ordinance for Home Occupations, Home Based Business in the RA District & Daycare Operations modified by John Good on September 12, 2008. John Good pointed out that he added (C) 1 – 8 to the section for Home Based Businesses on page 2 modeled after the performance standards listed in Article XIII of our Code for industrial districts. Andy asked how this will affect existing home-based businesses in the RA Zone. The answer is detailed on page 3 Procedure for Review/Application section (B) that summarily states existing entities will have a one year grace period to submit a minimal site plan for permit approval at no fee. Tom asked if the Board would like additional time to peruse the document before taking action, and the answer was negative.

John Potera made a motion to recommend this proposed ordinance amendment to the Town Board, seconded by Don:

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

- 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.

**1-Lot Minor Subdivision Application -7444 Sandhill Road – John Smith, Jr.**

7444 Sandhill Road at Rapids Road is a 3.2-acre lot with 313' of road frontage. There is an existing house and barn. Mr. Smith wants to split the lot in half, thereby creating a 156' x 481.76' building lot. Mr. Smith submitted a drainage plan depicting first floor elevation and drainage swales. However, Wendel Duchscherer's review revealed that 18" above road grade is not feasible in this location, additional measures must be directed away from proposed house, and that the actual drainage pattern must be revised. Mr. Smith will be contacted and memo copy given to him.

Tom made a motion to table this item pending receipt of revised drainage plan and approval by Wendel, seconded by John Olaf:

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

**Site Plan & Special Use Permit – Kennel in RA Zone - Doggwild, Inc. – 5475 Barnum Road**

Patrick & Linda Galla, along with Bill Henderson, Architect, appeared. Three interested parties from the Barnum Road neighborhood also entered the conference room.

Since their last meeting on August 18, 2008, a revised site plan dated August 8, 2008 and drainage calculations dated September 3, 2008 were submitted. Wendel Duchscherer completed a second review and commented:

- (1) Exhibits referenced in the calculations need to be included so that variables can be substantiated.
- (2) How is water being retained in proposed swale? Proposed grading does not support swale creation.
- (3) Existing and proposed utilities must be shown.
- (4) Wetland delineation is recommended as wetlands appear to be closer to project location than current mapping shows.

The Planning Board also recommended that:

- (A) Narrative describing their noise abatement plan be called out on the site plan and in a separate letter.
- (B) Both lots be merged via deed filing.

If all above items are received by September 26<sup>th</sup>, this item can be placed on the October 6<sup>th</sup> Planning Board agenda.

**Self-storage or mini-storage units** are not listed in Town Code as allowed use in any zone. It is assumed that this was not by design, but rather not considered at writing of Code. Terry made a motion, seconded by Andy to recommend to the Town Board that self-storage units be allowed in the C-2, I-2 and I-1 zones:

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

Christine distributed articles from The Buffalo News regarding Lancaster and Cheektowaga's "Transit Road Access Management Ordinance" regarding a proposed overlay district in an effort to improve traffic flow and safety by regulating road cuts and encouraging shared driveways with adjacent properties, interconnectivity of parking areas and turning restrictions for future businesses and subdivisions. This is similar to our Route 5 Overlay District adopted in 2005. John Potera requested a copy of the 17-page document.

John Potera shared two opportunities for upcoming training. He plans on attending "Fall 2008 Local Government Workshop presented by Genesee/Finger Lakes Regional Planning Council on November 14, 2008 in Mt. Morris, New York. The American Planning Association's 2008 Upstate Conference will be held October 8 – 10, 2008 at RIT in Rochester.

**Next meeting** - Monday, October 6, 2008

John Potera made a motion to adjourn the meeting at 9:00PM, seconded by John Olaf and all approved.

Respectfully submitted,  
Christine Falkowski, Recording Clerk