

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
September 17, 2007

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

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

PUBLIC HEARING: 2-Lot Minor Subdivision Application - 12227 Clarence Center Road – Joe Frey

The public hearing was called to order at 8:16PM by Tom Cowan. The reading of the legal notice was waived as no one from the general public appeared. Christine stated the purpose of the public hearing was to allow a two-lot minor subdivision of the 11.8 acre parcel located at 12227 Clarence Center Road owned by Joe Frey. Representing the applicant was Jeffrey Skurka, PE of RJR Engineering. One acre lots are being created on each side of the existing house. This leaves nine acres with 82' of frontage. Joe Frey stated in a letter dated 9/4/07 that it is his intent to combine this balance of acreage with one of the neighboring properties, either Bright Meadows or Rothland's. Wendel Duchscherer reviewed the application and commented that the existing 14" steel culvert that crosses under the road at Lot 2 should be cleaned out prior to any construction on Lot 2. Also, the area around the inlet to the 14" culvert on the south side of the road should be graded to ensure that the proposed 12" HDPE driveway culvert and front of Lot 2 drains properly.

Terry made a motion to close the public hearing at 8:25PM, seconded by John Potera:

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

John Olaf made a motion to approve the 2-lot minor subdivision, seconded by Terry with the condition that the remaining nine acres with 82' of frontage be merged with an adjacent parcel prior to or at the same time as the sale of the last subdivided lot:

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

3-Lot Major Subdivision Application - Utley Road – Joe Frey

Representing the applicant was Jeffrey Skurka, PE of RJR Engineering. This application is a further split of a major subdivision application from 2003. At that time, one of the lots was a five acre piece on the southwest corner of Utley and Hunts Corners Roads. That five acre piece is now being split into three more building lots, thus resulting in more impervious surface with three potential homes. Wendel Duchscherer reviewed the application with the following comments: The drainage plan indicates that drainage will be directed to the roadside ditch from the side yard drainage sales. In November of 2003, a review was done of Lots 4 and 5, which concluded that the 18' culvert at the corner of Utley and Hunts Corners was already over capacity and any additional drainage should be directed to the wetland west of proposed lots. According to the Newstead Highway Superintendent, this 18" culvert has since been upgraded by the County, however its current capacity capabilities are unknown.

3-Lot Major Subdivision Application - Utley Road – Joe Frey(continued)

Based on this information, the applicant can proceed in two ways:

- (1) If grading is to remain as is, calculations will need to be submitted illustrating that the culvert has the capacity to accept additional drainage from the proposed lots. OR
- (2) The lots can be regraded so that drainage is directed to the wetland as stated in the November 2003 memo. This option ultimately reaches the culvert, but in a much slower fashion.

If option #1 is chosen, the calculations to be submitted must be reviewed by the Town engineer. This item is tabled until applicant chooses an option.

**Change in Use & Sign Review – Firewood Direct LLC
12474 Main Road – Joe Frey**

Representing the applicant was Sandra Workman-Miles. Mr. Frey owns 12474 Main Road at the corner of Cummings. It is in the C-2 zone, though it is a residential use. He now wants to use the site for retail of partially seasoned firewood. Sandra stated there is no personal loading of wood, delivery only. She is not aware of any plans for further development. She stated they will operate at least this season, with no plan to move as long as product is there. \$49 is the price per cord if you buy the 30-cord minimum, and delivery is extra. The temporary 4' x 6' sign on site is on a wheeled trailer. An additional temporary 4' x 6' sign on a wheeled trailer is located on the southwest corner of Hunts Corners and Utley. Sandra has not seen this sign, and is not aware of any others in Newstead.

Don Hoefler made a motion to approve the change in use, seconded by Rick:

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

Don Hoefler made a motion to approve the temporary signs, seconded by Rick with the following conditions:

- (1) The sign at Hunts Corners and Utley Roads must come down by December 1, 2007.
- (2) The sign at 12474 Main must come down by March 31, 2008, or if there is no product, whichever comes first. Both signs will require reapplication to the Planning Board if desired beyond the dates stated.

Change in Use & Sign Review – retail pet supplies - 5475 Barnum Road – Patrick Galla

Patrick, Linda and Silvio Galla attended. Their property at 5475 Barnum Road is zoned C-2 though it is a residential use. They would like to use a 30' x 20' portion of the 30' x 42' garage as a retail store for pet supplies such as dog food, horse feed, pet gifts and clothing. The store will close at 6PM Tuesday – Saturday and be closed on Sunday and Monday. A website is planned. This store will be a component of the kennel they plan to open in the future. They have applied to the Zoning Board for a use variance and special use permit. The previous owner was granted this variance and special use permit some years ago, but never became operational, therefore it was revoked. The kennel will be modeled after Waynewood in Elma – aesthetically pleasing with grooming services offered. The Galla's have proposed a lit pole sign that says "Dogwild Kennels". They were advised to omit the word "kennel" as they do not have site plan approval. Therefore, the sign was not approved.

Don made a motion to approve the change in use for the 30' x 20' portion of the garage for retail, seconded by Andy:

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

Site Plan Application – Akron Airport Hangar – John Randall

This item was tabled as the application to the Zoning Board for the non-conforming use variance has not taken place as yet.

Minutes Review

Andy made a motion to approve the minutes of September 10, 2007, seconded by Rick:

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

- John Good stated that he issued a building permit for a 308 sq. ft. addition to The Dog House. Site plan application was not necessary as the project is less than 750 sq. ft.
- Tom Cowan stated that the Town Board is holding a public hearing on Monday, September 24, 2007 regarding Local Law #3 of 2007 amending the allowable uses in the RC, C1 and C2 zoning districts. He stated that he would be there, and asked the Board to attend also.

Next meeting: Monday, October 1, 2007

Next training session: Tuesday, October 16, 2007

John Potera made a motion to adjourn the meeting at 9:40PM, seconded by John Olaf and all approved.

Respectfully submitted,

Christine Falkowski
Recording Clerk