

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**November 5, 2007**

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

ABSENT: Tom Cowan, Chairman

The Planning Board meeting was called to order by Andy Kelkenberg at 7:30PM. The agenda items were reviewed.

**Amendment to (7) Lot Major Subdivision – Cummings Road - Joe Frey**

This item was discussed on October 1, 2007. Due to Erie County Health Dept. restrictions, lot sizes have been revised. The applicant has submitted a revised plan with three of the lots being larger, and the approved drainage plan still works. Terry made a motion to recommend approval of the amended subdivision to the Town Board, seconded by John Olaf:

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

**Minutes Review**

Don made a motion to approve the minutes of October 15, 2007 as amended, seconded by Terry:

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

**Site Plan Application – Akron Airport Hangar - John Randall**

Fred Pask appeared. This 4500 sq. ft. hangar is not depicted in the Airport's master plan, but Passero Associates, the engineer of record for Christian Airmen, Inc. submitted a statement that runoff from the proposed construction will not adversely affect the overall existing drainage system at the Airport. Based on Passero's opinion, Wendel recommends approval of this site plan. Terry made a motion to recommend approval to the Town Board, seconded by Rick:

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

**(3) Lot Minor Subdivision – McNeeley Road – Joe Frey**

The Planning Board held this public hearing on October 15, 2007. A drainage plan has since been submitted. Don made a motion to approve the subdivision, pending final approval by Wendel Duchscherer, seconded by John Olaf:

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

Christine provided an information brochure on "Planning Board Overview and the Municipal Comprehensive Plan" in Eden on November 26, 2007.

**Site Plan/Special Use Permit – Used Auto Sales – 12690 Main Road**  
**Michael Shields and John Garas, Attorney appeared.**

On August 6, 2007 Mr. Shields appeared for a preapplication conference and was advised what kind of detail would be required on a site plan. The site plan submitted for tonight's meeting was missing the following: dimensions, signage, handicapped parking, existing trees and proposed landscaping. When asked if they were given a list of site plan requirements, Mr. Garas stated that they received it in July. The Planning Board advised it is not necessary to have it stamped by an engineer. Mr. Shields stated that he does not have a repair license, is not open to the public for repair and only repairs cars that he buys for resale. Office sales will be conducted out of the front garage (no bathroom). He plans to have four cars displayed at the front with overflow to the rear. There will be no display on the leased property (69' of road frontage) owned by Mr. Draper, though Mr. Shields stated he is trying to purchase it. The storage building is used to house equipment and a racecar. Mr. Shields had a towing business, which is now closed. Is there enough room for firetruck access between buildings? Can he meet setback requirements? Dimension is not shown on plan. Mr. Shields stated his property is bigger than Kevin Gaik's. In response to Mr. Shields selling more than one unlicensed vehicle at a time for the past year or so, Mr. Good stated that New York State law says all enforcement has to stop when there is a site plan pending, and that it is OK to continue unless a hazard is created. Andy stated that the Planning Board will visit the site, discuss it, and then provide a letter to Mr. Shields after the next meeting.

**Preapplication Conference Site Plan - Insurance Auto Auctions/ADESA Auto Auctions**  
**12200 Main Road**

Mike Madden and Mike Wachowski of Insurance Auto Auctions appeared with Pat Bittar of Schutt Engineering. Warren from ADESA arrived late. Insurance Auto Auctions (30 acres with 2,000 parking spots on the western portion) and ADESA (131 acres to the east) are sister companies. After you total your car and your insurance company pays you, the car goes to them for auction. There will be no dismantling. They have contracts with towing companies and may have an occasional night drop, but it will not be lit at night. John Good pointed out that a junkyard is an allowed use in the I-2 zone. 38% of sales is done via internet at [www.iaai.com](http://www.iaai.com) to registered buyers. This includes buses, trucks, RV's, boats, motorcycles and cars. Each vehicle is on site an average of 60 days. When asked about fluids, the response was that all IAA sites are covered by a master environmental insurance policy. Also, most leaks occur at the accident scene and then at the tow yard before arriving on site, and the site surface is rock. The secondary Main Road outlet will be left for emergencies only. They offered to erect a metal privacy gate to block visibility. An electric fence is inside the 10' perimeter fence. A variance will be necessary unless they lower it to 8'.

IAA will remove several small existing structures and construct a new 7,500 sq. ft. office building. Removal and recycling of an existing concrete pile is an on-going project. ADESA will be constructing a 20,000 sq. ft. mechanic shop to the east of the car wash.

IAA has a site in Buffalo on Vulcan Street that will be closing and moving to Newstead. They have two locations in Rochester; one will not change (Trolley Blvd.) and the other (30 Person Place) will move to Newstead. They operate 130 locations across the U.S. and Canada. Thirty to fifty buyers attend auction day---probably Wednesdays from 9AM – 1PM. They will be sharing employees with ADESA, but plan to hire 10 new full-time employees. Part-timers will work on auction day only. High-end vehicles are shrink-wrapped for weather protection.

Mike will email photos of their office buildings. They would like to break ground in the spring, open in the fall of 2008, and are looking for concept approval now. A letter will be forthcoming to IAA along with a site plan packet to include a list of items for inclusion in development drawings.

A tour of the site at ADESA for the Planning Board will be tentatively be arranged for Wednesday, November 14, 2007 at 8AM.

**Site Plan - Fuel Storage Tank – NOCO Energy Corp.  
13613 Main Road**

John Olaf excused himself. Chip Willis and Dave Kruger appeared. NOCO is seeking site plan approval for the installation of an additional 20,000 gallon above ground storage tank for #2 fuel oil used commonly as a home heating fuel. There are seven tanks on site currently ranging from 300 to 20,000 gallons. This tank will be installed adjacent to one 5,000 gallons and two 20,000 gallon existing AST's on a compacted stone base. The storage area will be secured by a 6' chain link fence with two lockable man gates. From Main Road, this area will be screened by an 8' fence as well as additional tree plantings. A photo depicting the superimposed new trees was provided. Wendel Duchscherer has reviewed the site plan and recommends approval with the comment that a copy of the approved NYSDEC permit must be submitted to the Building Department and Wendel prior to issuance of a building permit.

Andy made a motion to recommend approval of this site plan to the Town Board with the condition that a copy of the approved NYSDEC permit be submitted to the Building Department and Wendel prior to issuance of a building permit, seconded by Don:

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

John Olaf re-entered the meeting.

**Final 2007 Planning & Zoning Training Session: Tuesday, November 13<sup>th</sup> at 7PM**

**Next Planning Board meeting: Monday, November 19<sup>th</sup> at 7:30PM**

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

Respectfully submitted,

Christine Falkowski  
Recording Clerk