

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

Newstead Town Hall
November 10, 2008

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

ABSENT: Andy Kelkenberg

7:30PM Work Session

- Tonight's agenda items were discussed.
- **Minutes from October 20, 2008 meeting**
Rick made a motion to approve the October 20, 2008 minutes, seconded by John Potera:
Tom Cowan -Aye
John Olaf -Aye
Terry Janicz -Aye
Rick Meahl -Aye
Don Hoefler -Aye
John Potera -Aye
- **2008 Member Training Status – four hours required annually**
Christine distributed individual member updates showing the number of training hours completed for the year thus far. It was determined that excess training hours completed in 2007 could be carried over to 2008. Also, John Good is giving a Community Education class on subdivisions at ACS on Wednesday, November 12th which could be attended for credit.
- **2009 Meeting Dates**
Christine distributed a draft 2009 meeting date schedule for discussion. No one had any revisions at this time.
- **Member Term Expiration**
Rick Meahl's term expires December 31, 2008. He must let the Supervisor know by December 11th whether he will be seeking re-appointment for another term.
- **Sign Law Review**
John Good presented an incongruity in our sign law. Section 327-7D states that the maximum size of a freestanding sign is based on the street frontage. Less than 200' of frontage allows only a 6 SF sign, whereas 200 – 349' of frontage allows a 96 SF sign. This does not appear logical since a 32 SF temporary sign is allowed. The Planning Board felt this could be a typo, but Tom asked Don to locate the law that he drafted a few years ago. Don stated this law was made similar to the Towns of Clarence and Amherst and that he will check on those as well. This item was tabled until the next meeting.

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

Site Plan Application – Kreher's Farm Fresh Eggs

New Office Building – 5411 Davison Road

Brett Kreher, Kurt Kreher and Douglas Klotzbach attended. Kurt presented their need for a new 7,488 SF office building with 35 - 40 additional parking spots on a 120-acre parcel with road frontage on Davison and on Main Roads. The existing office is outdated and will be converted into locker room/showers. They would like to add on to the existing building, but cannot as this processing area must be separate due to new stricter requirements. Also, the SUN pipeline high-pressure gas line located under the driveway prohibits an addition in that spot. Kreher's is now subject to frequent audits, EPA permits and new product requirements, especially Egglund's Best for which they need the office completed by Easter 2009. Kurt stated that they did not present this need to the Town sooner as the design changes took longer than expected and because they did not believe Town approval was required. The proposed building site is RA zoned for agricultural land use, and although office buildings are not

Site Plan Application – Kreher’s Farm Fresh Eggs - New Office Building – 5411 Davison Road
 (continued)

permitted in the RA zone, uses normally associated with the principal use are. The Planning Board feels that the office building is an integral part of the farm business. Christine stated that Town Attorney Nathan Neill would like them to provide an explanation as to why it is not feasible to construct the building in the C-2 zoned portion of this parcel for our file documenting why the Town did not require the building to be built there. Kurt stated the reason is that the distance would create a hardship for their daily operation and that he would forward a letter to this effect.

Wendel Duchscherer reviewed the proposed site plan and recommended approval in a memo dated November 10, 2008 with the comment: The invert at the southwest corner of the building, 102.5’ appears to be wrong and should be revised accordingly.

Kurt invited the Planning Board and the Town Board to tour their operation.

Terry made a motion to recommend approval of this site plan to the Town Board with the condition that no portion of the building be rented, leased or sold to any other entity, seconded by John Olaf:

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

Site Plan Approval Expiration

Due to an applicant’s request for a building permit for something he received site plan approval for in 2002, the question is raised (a) is this OK after such a long period of time? and (b) must new requirements in our Code be followed? Nathan suggests a one year period to commence construction after site plan approval, but after one year they would have to meet any additional requirements enacted after approval. Another idea is that the approval would be valid for one year, with one extension allowed between 18 – 24 months. Any longer, would require re-application to the Planning Board, but with a reduced fee of \$100. This item was tabled until the next meeting.

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

Respectfully submitted,
 Christine Falkowski, Recording Clerk