

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
December 17, 2007

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

ABSENT: Rick Meahl
John Potera

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

Site Plan – Niagara Specialty Metals – Shipping Addition - 12600 Clarence Center Road

Bob Shabala appeared. Bob explained that they would like to construct a 5,896 sq. ft. building addition to expand the shipping building thereby increasing floor space to load trucks, install additional equipment and provide better lumber storage. The addition will connect the shipping building to the maintenance/laser building. Niagara Specialty owns five separate lots, and this addition will be located on the 4.37-acre lot. Tom stated that they have been applying for site plan additions at the rate of one – two per year for the last few years, and that it may be appropriate to have a master plan soon for these industrial-zoned properties. Wendel Duchscherer reviewed the plan and recommended approval in a memo dated December 13, 2007.

Terry made a motion to recommend approval to the Town Board, seconded by Andy:

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

Public Hearing: (3) Lot Minor Subdivision – Dye Road - The New Rothland's - Joe Frey

Tom Cowan called the public hearing to order at 8:15PM. Al Hopkins of Metzger Engineering appeared, representing the applicant. The applicant wants to split off four one-acre lots fronting on Dye Road from the 238-acre golf course. John Good explained that it is a 3-lot subdivision as follows:

238 acre parcel
(3) lots split off
235
(234) acres merged with golf course
1 remaining lot becomes the parent parcel

A letter was provided by Joe Frey dated December 10, 2007 saying it is his intent to combine the balance of acreage to tax parcel #46.3-27.112. Wendel Duchscherer reviewed the plan and stated in a memo (1) Proposed contours must be shown (2) Calculations must be provided showing the additional runoff between 10-year pre-developed condition and 25-year post developed condition assuming a building footprint to support a 2,500 sq. ft. home and adjacent driveway stating all assumptions used. Also, drainage swales must be sized to handle the amount of runoff from each of the parcels. Mr. Hopkins had already read Wendel's memo and came to the meeting prepared with the requested information---revised grading & drainage plan, drainage calculations and watershed plan. These documents will be forwarded to Wendel for a second review.

Terry made a motion to close the public hearing at 8:28PM, seconded by John Olaf:

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

Public Hearing - (3) Lot Minor Subdivision – Dye Road - The New Rothland's/Joe Frey (con't)

Andy made a motion to approve the subdivision contingent upon Wendel Duchscherer's approval, seconded by Terry:

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

2008 Special Use Permit Renewals for Town Board:

Triple G Small Engine Repair – 12056 Buckwheat Road

John Good reported there have been no complaints, no issues and appears to be a clean operation. Don made a motion to recommend renewal for 2008 to the Town Board with the suggestion to remove the stipulation of soliciting neighbors by letter for concerns, seconded by Andy:

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

Buffalo Drilling Co., Inc. – 12340 Main Road – research + testing facility in C-2 zone (soil lab)

John Good reported there have been some complaints from a neighbor, but site is generally OK. Andy made a motion to recommend renewal for 2008 to the Town Board, seconded by Don:

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

Champion Auto Locaters – 11678 Main Road – used auto sales in C-2 zone

John Good reported there have been no complaints or issues. Tom made a motion to recommend renewal for 2008 to the Town Board, seconded by Terry:

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

Northern Whitetail Scents – 5498 Barnum Rd. – retail sales (deer scents) in R-A zone

Christine reported that this property was issued a special use permit in 2003. In 2005 the Town agreed that permit renewal was not necessary for 2005 and that the operation would be reviewed in three years. This was due to Ag & Markets opinion that their on-farm production, preparation and marketing of livestock and livestock products as a commercial enterprise is a farm operation and agricultural in nature. John reported there have been no complaints or issues and appears to be a clean operation. Andy made a motion to recommend removal from the special use permit renewal list, seconded by Terry:

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

11720 Main Road (T& T Tire and Auto) Used Auto Sales in C-2 zone

John Good reported there have been some problems with extra vehicles and with the parking area not matching the site plan. Don made a motion to recommend renewal for 2008 to the Town Board contingent upon (1) that a maximum of eight vehicles be for sale (as stipulated in Mr. Blair's special use permit) **including agricultural type vehicles** and (2) that Mr. Blair continue to work toward meeting the conditions previously stipulated in his special use permit, seconded by Terry:

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

Lewistraum Kennels – 12472 Stage Road

John Good reported that the Zoning Board originally granted this special use permit because a variance was required, and did not charge an annual renewal fee. A kennel is now an allowable use in the RA zone, with a special use permit. There have been no complaints or issues on this. Tom Cowan made a motion to recommend removal of this permit from Zoning Board action, and instead be annually reviewed by the Planning Board and renewed by the Town Board for 2008 with renewal fee charged, seconded by Andy:

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

7607 Greenbush Road – 2 miniature horses on 1.89 acres – Dulanski

John Good reported that the Zoning Board originally granted this special use permit along with a variance, but did not charge an annual renewal fee. There have been no complaints or issues on this. Andy made a motion to recommend removal of this special use permit requirement, leaving it only a variance with the condition that it could be revoked by the Zoning Board if complaints arise, seconded by John Olaf:

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

Minutes Review

John Olaf moved to approve the minutes of November 19, 2007, seconded by Terry:

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

Other:

- **Major Subdivision Application – Utley Road:** John Good reported the application has been withdrawn and that the 2003 approval stands with the exception that the five-acre lot is now one acre.
- **Temporary Signs – WNY Event Center:** John Good requested that the Planning Board consider how to administer a temporary sign permit based on the frontage, square footage of buildings, etc. and discuss at next meeting.

Other (continued):

- **Training manuals from Wendel Duchscherer:** All members have kept a copy from the training sessions; therefore, John will return the extra copies to Wendel.

Andy Kelkenberg left the meeting.

- **Kelkenberg sign approval condition:** John reported a complaint regarding the placement of a sign on property not owned by Kelkenberg Farm. The October 1, 2007 Planning Board approval should have included a recommendation that permission from landowners be sought by the applicant. Tom Cowan made a motion that the Planning Board recommend permission be obtained by Kelkenberg Farms from landowners for temporary sign placement, , seconded by John Olaf:

Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Tom Cowan	-Aye

The Planning Board recommends that permission from landowners be obtained for all future sign approvals by applicants who wish to place signs on property other than their own.

Tom Cowan reported the status of the following projects:

Routes 5 & 93 – no action

Stage & Havens – no action

Buffalo Shooting Club – may apply for site plan approval

Next Planning Board meeting: Monday, January 7, 2008 at 7:30PM

Terry made a motion to adjourn the meeting at 9:05PM, seconded by Don and all approved.

Respectfully submitted,

Christine Falkowski, Recording Clerk