

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 6:30PM**  
**February 10, 2025**

**MEMBERS**

**PRESENT:** Tom Cowan, Chairperson  
Andy Kelkenberg  
John Potera  
Don Hoefler  
John Olaf  
Erik Polkowski  
Christine Falkowski (alternate)

**OTHER:** Dave Miller, CEO  
Julie Brady, Recording Clerk

**ABSENT:** Terry Janicz

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Tom C. opened the meeting at 6:36pm. Kevin Stoldt, owner of CMK Builders, Inc. 1663 County Line Road, Alden, NY 14004 was present to resubmit his request for a 4-Lot Major Subdivision of his 6+ acre parcel of land at the southwest corner of Clarence Center Road and Barnum Road (SBL# 60.00-1-4.12).

Tom C. asked Dave M. to explain why CMK Builders was at the planning board requesting a 4-Lot Major subdivision again as they had received unanimous support by the planning board on December 13, 2024 to send it to the Town Board with the condition that the town attorney and town engineer will clarify the easement and deed restriction regarding maintaining the drainage.

Dave M. explained that due to timing and the drainage issues along Clarence Ctr. Rd. Kevin S./CMK was requested to withdraw and resubmit his previous 4-Lot Major subdivision application in order for his engineer and the Town to make revisions to a drainage swale at the most westerly parcel on Clarence Center Road. It was determined that this would be a perfect time for the Town to obtain an easement to resolve significant drainage issues on Clarence Center Road. The Town, CMK and both engineers agreed that a 30' drainage swale requiring a deeded easement for the Town to construct a swale (currently .6% grade from Clarence Center Road to the North side of the bike path, grade will be shot when built later to ensure adequate slope). The Town Highway department will then put a culvert pipe under the bike path to continue drainage to the south side of the bike path which is 5-6' lower and cleared out better than the north side of the bike path. CMK and the Town Highway Department will have to clear a path to shoot grade so they can obtain proper slope. It will be the Town Highway Department's responsibility to clear foliage growth, install the culvert pipe and maintain the swale.

Don H. asked if the easement was all on Lot #1 of CMK's subdivision. Dave M. noted that the 30' swale will be split, 15' on CMK's most westerly lot # 1 and 15' on the adjacent parcel (SBL# 60.00-1-4.11), owned by Mathias Aulbach & David & Jerry Schweinlein who provided us with a verbal agreement.

Tom C. confirmed that this swale is an easement, not a driveway for the Town and property owners will not be able to build a shed or fill this swale.

Kevin S. confirmed that all of the drainage will come from Clarence Center Road and drain to the south side of the bike path. Dave M. confirmed that is correct.

Don H. asked if it was decided which parcel would have the drainage easement. Dave M. stated Lot #1.

John P. asked if there was a chance of tying the pond into the swale. Don H. and Dave M. confirmed there would be no reason to do that. Dave M. noted that the overflow of the pond goes to the south.

John O. asked if Wendel vetted this process. Dave M. confirmed that they have.

Tom C. emphasized that this subdivision is a significantly well accepted project. This is a beautiful area to add several new homes to the already growing million-dollar homes that have recently been constructed in this neighborhood.

Dave M. said it's a "win, win, win" to mitigate the drainage issues as there has been a significant amount of water affected the two properties on the north side of Clarenc Ctr. Rd. This is the perfect time to take it to the lowest point in the area. The cross culvert goes north to south under Clarence Ctr Rd. This gives the Town another access point to give the neighbors some relief.

Tom C. asked if there were any more questions. Hearing none, Christine F. motioned to recommend this revised 4-Lot subdivision to the Town Board for approval. John P. seconded the motion. Hearing All Ayes, No Nays, the planning board voted unanimously to recommend to the Town Board for approval.

The minutes from January 13, 2025 were reviewed by the planning board. John P. motioned to approve the minutes, seconded by Don H. Hearing All Ayes, No Nays, the minutes were unanimously approved.

Tom C. reviewed the remaining items on the agenda.

Don H. motioned to adjourn the meeting at 7:18pm, seconded by Andy K. Hearing All Ayes, No Nays, the meeting adjourned.

Respectfully Submitted,

Julie Brady, Recording Clerk