

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 6:30PM**  
**May 5, 2025**

MEMBERS

PRESENT: Tom Cowan, Chairperson  
John Potera  
Don Hoefler  
Christine Falkowski

OTHER: Dave Miller, CEO  
Julie Brady, Recording Clerk

ABSENT: John Olaf  
Erik Polkowski  
Jacob Halleck (alternate)  
Tim Martin (alternate)

**UNOFFICIAL MINUTES**  
**May 6, 2025**

---

Tom C. opened the meeting at 6:39pm.

David Schweinlein, P O Box 123 Rushford, NY 14777 executor of the estate of Mathias Aulbach and his brother, Jerry Schweinlein, 6402 Knowlesville Rd., Oakfield, NY 14125, applicant for a 1-Lot minor subdivision of vacant land on Clarence Center Road (SBL# 60.00-1-4.11) were present. Jerry S. has applied for a 1-Lot minor subdivision of 3.8 acres on the north side of the bike path to Clarence Ctr Rd. be separated from the entire 75.87-acre parcel. The 3.8-acre parcel is already under contract. The Town Engineer and planning board had requested that a 15-foot easement for the Town of Newstead to have access to clean and maintain a drainage swale between this parcel and the one adjacent to the east owned by CMK Builders.

The Schweinlein's attorney has produced an easement agreement, and their surveyor has updated the survey to show a proposed 15-foot easement as well as a description. This was found to be satisfactory by the Town Attorney.

Seeing as there were no further questions, a motion was made to waive the public hearing by Christine F., seconded by Andy K. Hearing All Ayes, No Nays, the public hearing was waived unanimously.

Don H. motioned to approve the 1-Lot subdivision of 3.8-acre parcel with the 15-foot easement on the easterly boundary as described in the easement agreement. John P. seconded the motion. Hearing All Ayes, No Nays, the subdivision was unanimously approved.

---

Leisurewood representatives Ken Merle and Melissa Sanford were present requesting a LED changeable sign permit for Leisurewood Lane (not on Cummings Road) The total sign dimensions are 111" high by 102 inc. wide and 12" deep with a viewing area of 24" sq. ft. by 99" sq. ft. The sign face area per side will be 16 sq. ft. The sign will be on a timer to go on at 7am and off at 10pm. The sign contractor is Ulrich Signs. It will not be visible to anyone outside of the Leisurewood Campground.

A motion was made by Don H. to approve the LED sign, seconded by Andy K. Hearing All Ayes, No Nays, the sign was unanimously approved.

---

The Town Board has asked the planning board to make a recommendation for rezoning 5725 Davison Road, owned by K-1 Properties. Charlie Kelkenberg Sr. and Charlie Kelkenberg Jr. were present to explain their situation.

Tom C. stated that the front 140'x200' of this property (SBL# 59.00-1-4.11) was rezoned from R-A to C-2 on October 9, 1978. In 1989, 1991 and 1993 requests were made to rezone the entire parcel, but were never completed. Charlie K. Sr stated that he purchased the property (3/12/2007) because he lives close by and wanted to clean the place up. Charlie K. Sr. was under the assumption the property was zoned properly for what was there at the time.

Tom C. asked if it was all rented. Charlie K. Sr. stated that all 16 units are currently rented. Charlie K. Sr. also noted that shortly after purchasing the property one of the buildings burned down and he rebuilt that one. However, there was another building that had burned prior to him owning it and they would like to rebuild on the existing foundation. Dave M. noted that an engineer has inspected the foundation to see if it is feasible. Charlie K. Sr. also noted that there is a 27' easement for a radio tower that was there. He also owns the adjacent lot 5735 Davison Road (59.00-1-3).

Charlie K. Sr. stated he is requesting 167' x 884' to be zoned C-2. Dave M. agreed and noted this will help them have leverage to clean things up with the tenants. Charlie K. Sr. also noted that he wants to be a good neighbor, as these are his neighbors also. Quiet time is noted as 9pm – 7am.

Andy K. asked how much frontage would be left? The adjacent parcel 5735 Davison has 180' frontage. It was then discussed and recommended by Dave M. and the planning board to move the rear lot line of 59.00-1-3, 5735 Davison Rd. to remove the easterly rear lot line and extend the lot along the easterly boundary line a total of 884'. Thereby starting with two lots and finishing with two lots, no subdivision would be necessary to move the lot lines. The parcel measuring 167' x 884' would be recommended to the Town Board to be rezoned C-2 (approximately 3.39 acres). The remaining parcel will remain R-A and would measure 180' frontage then going east on the southerly boundary line shared by 5725 Davison Rd. 884', then northerly 488', then westerly 451', then southerly 308', then 433' westerly to Davison Rd. (approximately 6.84 acres). (See tax map below)

A motion was made by Don H. including the following descriptions to move the lot line and rezone 167' x 884' by extending the C-2 current zone and enlarging 5735 Davison Road as stated above. Christine F. seconded the motion. Hear All Ayes, No Nays, the above stated recommendation will be submitted to the Town Board.

A motion was made by Christine F. to approve the April 21, 2025 minutes. Seconded by Andy K. Hearing All Ayes, No Nays, the minutes were approved unanimously.

The planning board had a brief work session.

John P. motioned to adjourn the meeting. Christine F. seconded the motion. Hearing All Ayes, No Nays, the meeting was adjourned at 7:20pm.

Respectfully Submitted,

Julie Brady, Recording Clerk

5725 and 5735 Davison Rd. K-1 Properties request to Rezone, area outlined in blue

