

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 6:30PM
July 14, 2025

MEMBERS

PRESENT: Tom Cowan, Chairperson
John Potera
Don Hoefler
John Olaf
Erik Polkowski
Christine Falkowski
Tim Martin (alternate for Andy K.)
OTHER: Julie Brady, Recording Clerk
Dave Miller, CEO
Jacob Halleck (non voting alternate)
ABSENT: Andy Kelkenberg

UNOFFICIAL MINUTES

The planning board work session began at 6:30pm. The minutes from June 23, 2025 were reviewed. Tim M. motioned to approve the minutes, seconded by Don H. Erik P. abstained as he was not in attendance on June 23rd. Hearing all other Ayes, No Nays, the minutes were approved.

7:00pm Nick Hathaway, 4828 S Newstead Rd., Akron, (tabled from June 23, 2025 meeting) returned seeking a special use permit/home-based business for his trucking business. Nick H. stated that his trucking business was initially behind the old Trinity Lutheran Church and his home. Last year the roof caved in on the old church, so he demolished it. Nick H. said that his business has grown. He has purchased two more trucks since that time. These tractors are parked where the church was located, and I generally have 1-2 trucks sitting in the yard broke down. I am the mechanic and I drive truck, so my time is limited. Nick H. continued by saying that he doesn't foresee himself expanding anymore. He doesn't want to make a drive through because he would lose his backyard, and the old church septic is in that area. Nick H. noted that he tries to make things look better and checks with his neighbors.

Nick H. stated that he measured, and the shed is 60 feet from the shoulder of the road. Dave M. stated that it needs to be 75 feet from the right-of-way. Nick H. stated that it was fine to move it back as there is nothing there anyway.

Nick H. explained that he would like to put a fence around his property, tying it into the shed and the existing horse fence but there is no way he could create a visual barrier because the trucks are too tall. Tim M. asked if the fence would border the cemetery. Nick H. stated yes but is not sure what type of fence he will be using, but he was opposed to a solid privacy fence.

Tom C. asked if there were any further questions, hearing none, he explained the procedure of moving this along to the Town Board after tonight's meeting.

Nick H. stated that he is very concerned with his immediate neighbors and does not want to upset them, that is why he is trying to make it look good. Nick H. also stated that he is at the tipping point, he either buys more trucks and moves his location, or keeps it as is.

Rusty Roehling, 6063 Cummings Road, Akron came for a Pre-Conference meeting for a special use permit to operate his insulation and excavation businesses as a home-based business in the R-A zone. Rusty R. explained that he resides at 6063 Cummings Rd., but he stores equipment at 6009 Cummings Rd. which is owned by his mother. Rusty R. stated that he is looking to get it surveyed, moving lot lines and plotting a pole barn for storage and potentially an office building for a secretary approximately 20x50 to run the home-based business. Currently there are no employees except family members (his brother's kids), but who knows down the road. Tom C. noted that the code states there can only be a maximum of 4 other employees besides family members.

Dave M. asked what his plan is with the storage container at this location. Rusty R. said that it is his niece's. She just moved back and will be moving to the Rochester area soon.

John P. asked about screening the equipment with trees. John O. stated that this is required, like with solar farms. Rusty R. stated that he could put up a berm with evergreens. Dave M. noted that a home-based business should be least intrusive to neighbors.

As the GIS maps were reviewed, Tom C. asked how many acres would be connected to Rusty's home at 6063 Cummings in conjunction with his businesses. Rusty R. estimated 24 acres after moving lot lines on both his mother's parcel at 6009 Cummings Rd. and his brother's parcel at 5993 Cummings Rd.

Rusty R. asked if he could get a variance because he thinks he will be tight on moving the lot line for a driveway. Dave M. stated that he can apply to the zoning board of appeals for a variance.

Rusty R. also asked if he could build another double on the remaining vacant lot. Dave M. stated yes, on its own lot with sufficient setbacks and lot size.

Dave M. recommended that Rusty plot the size of the proposed building for storage and office and placement of parking for his equipment showing any intention of expansion on the site plan he submits with the complete site plan packet and then he will be put back on the planning board agenda. After the planning board makes a recommendation to the Town Board who will hold a public hearing prior to voting.

The planning board discussed Nick H.'s request for a home-based business at 4828 S Newstead Rd. and made the following notes for the Town Board:

- Mr. Hathaway's business has grown and expanded its nonconforming use in the RA Zone to another parking lot on the premises closer to the road.
- The visibility at the driveway used for a trailer to back in is dangerous due to two cross streets and the thruway overpass. Traffic speed is 55 mph in this area. Trucks have been observed parked on the west side of S Newstead Rd., forcing southbound traffic to veer into the easterly oncoming traffic.
- Based on the Town Code Chapter 450-72 Home Based Business
 - More than four trucks are clearly visible from the road without any screening
 - Mr. Hathaway stated he has 6 employees and needs more which exceeds the 4 allowed.
 - Mr. Hathaway owns 11 trucks and sometimes runs up to 21 trucks

Although this business has been in operation for 11 years at this location without a home-based business special permit, it is no longer a viable location because in the planning board's opinion, the business has outgrown Home-Based Business status. This type of business would be welcomed in the appropriate zoning district.

John P. motioned against recommending approval for this special use permit for a home-based business at 4828 S Newstead Rd. based on the notations above, seconded by John O. Erik P. abstained due to a conflict with association with Trinity Lutheran Church directly across the street from said property. Tim M. voted in place of Andy K. Hearing All Ayes, No Nays, the motion was carried unanimously.

John O. motioned to adjourn the meeting. John P. seconded the motion. Hearing All Ayes, No Nays, the meeting was adjourned at 7:52pm.

Respectfully Submitted,

Julie Brady, Recording Clerk