

AGENDA

AUGUST 8, 2016

7:15 pm – Public Hearing to discuss RR Residential District/amending Town Code

7:30 pm – Regular Town Board Meeting

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- Pledge of Allegiance**
 - Opening Prayer**
 - Public Input** (at start and end of meeting)
 - For the record, Board Members Present**
 - Approval of Minutes** July 25, 2016 Town Board Meeting (/)

 - Bill Payment:**

Voucher No. 20161450- 20161576	\$367,371.19
Pre-paid \$35,936.46	TOTAL \$403,307.65
GENERAL FUND	\$187,400.24
HIGHWAY	\$ 12,998.52
WATER/SEWER	\$ 27,942.54
TRUST & AGENCY	\$ 14,990.00
CAPITAL/FAIRMOUNT PARK	\$115,643.50
CAPITAL/NIAG RIVERWALK	\$ 8,333.25
SPECIAL DIST./LIGHTING	\$ 63.14

 - Departments**
 - Highway – Paul Siegmann
 - Water / Sewer – Rich Donner
 - Recreation – Mike Ranalli
 - Building Inspector – Mike Klock
 - Assessor – Brigitte Grawe
 - Seniors - Arlene Mante
 - Wendel – Tim Zuber

 - Motions:** per list attached (Matthew Brooks)

 - Board Member Items:**
 - Larry Helwig
 - Gil Doucet
 - Art Gerbec
 - Randy Retzlaff
 - Bob Cliffe

 - Next Meeting: August 22, 2016 7:30 pm** Regular Town Board Meeting
Bid Opening Jagow Rd. Pump Station

 - Public Input**

 - Request Motion to Adjourn:** (/)

MOTIONS

From: Town Attorney

MOTION by _____ Seconded by _____

WHEREAS, the Town of Wheatfield regulates land uses through various sections of the Code of the Town of Wheatfield, and

WHEREAS, the Town of Wheatfield has noted that agricultural uses are not an allowed use in the R-R Rural Residential zoning district, and

WHEREAS, the Town of Wheatfield's Comprehensive Plan and Agricultural Protection Plan identify agriculture as an important component of the Town and have specifically noted that most of the northern portion of the Town (including many areas zoned R-R Rural Residential) should be encouraged for the continuation of agricultural uses, and

WHEREAS, the Town's Agricultural Focus Group and the Town's Comprehensive Planning Implementation Task Force have both supported and recommended amendments to the R-R Rural Residential Zoning District to allow for Agricultural uses, and

WHEREAS, the Town has introduced a proposed Local Law to amend the R-R Rural Residential Zoning District and presented a copy to each member of the Board, and

WHEREAS, the Town Board of the Town of Wheatfield, New York, would like to adopt a Local Law to amend the RR district, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Wheatfield Town Board has conducted an environmental review of these Zoning Code revisions, and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action, and

WHEREAS, a Public Hearing was held on August 8, 2016 regarding these Zoning Code amendments, and no adverse comments were received, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to adopt these Zoning Code amendments by enacting a Local Law, and

WHEREAS, these proposed zoning amendments were referred to Niagara County in accordance with General Municipal Law Section 239-m, and the County had no adverse comments,

NOW, THEREFORE BE IT

RESOLVED, the Wheatfield Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed

enactment of this Local Law, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and, therefore, issues the attached SEQR Negative Declaration (Parts 1, 2 and 3 of the EAF) in accordance with Section 617.7 of the SEQR regulations, and,

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to sign the Environmental Assessment Form (EAF)

From: Town Attorney

MOTION by _____ Seconded by _____

WHEREAS, the Town of Wheatfield regulates land uses through various sections of the Code of the Town of Wheatfield, and

WHEREAS, the Town of Wheatfield has noted that agricultural uses are not an allowed use in the R-R Rural Residential zoning district, and

WHEREAS, the Town of Wheatfield's Comprehensive Plan and Agricultural Protection Plan identify agriculture as an important component of the Town and have specifically noted that most of the northern portion of the Town (including many areas zoned R-R Rural Residential) should be encouraged for the continuation of agricultural uses, and

WHEREAS, the Town's Agricultural Focus Group and the Town's Comprehensive Planning Implementation Task Force have both supported and recommended amendments to the R-R Rural Residential Zoning District to allow for agricultural uses, and

WHEREAS, the Town has introduced a proposed Local Law to amend the R-R Rural Residential Zoning District and presented a copy to each member of the Board, and

WHEREAS, the Town Board of the Town of Wheatfield, New York would like to adopt a Local Law to amend the RR district, as follows:

Amend Article III District Regulations, as follows:

Amend Section 200-13 R-R Rural Residential District, Paragraph A. Permitted principal uses, by adding a new item (1) as follows:

(1): General agricultural land uses, buildings and activities, such as the growing of field, truck and tree crops, dairying, livestock raising, poultry farming, fur farming, hog raising, fish farming, but excluding rendering plants, subject to the following:

(a) The building or structure used for the stabling of livestock (including but not limited to horses, cows, sheep or fowl or other animals) shall be located at least 100 feet from any property line.

(b) The use of temporary buildings or trailers for the stabling of livestock in excess of 30 days is prohibited.

(c) Any pen, corral, track or other such enclosure within which livestock are kept shall be no closer than 15 feet to any property line abutting any district other than an A-R District and a minimum of 100 feet from any street line in all districts other than an A-R District.

(d) Stables shall be built and maintained so as not to create offensive odors, fly breeding or other nuisances. Manure shall not create a health hazard from an air and/or water pollution standpoint to persons inhabiting or using surrounding acreage and it shall be stored or disposed of in a manner that no obnoxious odor, fly breeding or other nuisance is created.

(e) A stable, barn or other such structure shall be maintained for the keeping of livestock in such manner that they may be completely enclosed and protected.

(f) Such livestock shall not be allowed to create a nuisance or health hazard.

(g) A roadside stand or other structure, not exceeding 500 square feet of enclosed space, for the display and sale of farm or nursery products related to farming and as a seasonal convenience to the owner/owners of the land. The majority of the products sold at such stand shall be, or be derived from, products produced on the farm on which the roadside stand is located. Any such stand shall be located a minimum of 30 feet from the street line in such a manner as to permit safe access and egress for automobiles and parking off the highway right-of-way.

(h) Minimum land area for horses shall be five (5) acres for one (1) horse and an additional acre for each additional horse.

Current Item (1) becomes item (2) and re-number the remaining items in paragraph A.

and,

WHEREAS, the Town Board has issued a Negative Declaration in accordance with SEQR requirements.

NOW THEREFORE BE IT

RESOLVED, that the Wheatfield Town Board amends the Code of the Town of Wheatfield Chapter 200 entitled "Zoning" to provide for the revision of the Town Code as referenced above.