

December 7, 2016

The regular meeting of the Wheatfield Planning and Zoning Board was called to order at the Wheatfield Town Hall at 7:00 p.m. by Chairman Walt Garrow.

Present: Richard Muscatello, Donald Proefrock, Melissa Germann, Michael Polek and Walt Garrow. Also Present: Town engineer Wendel; Town Supervisor Cliffe; members of the public.

Moved by R. Muscatello, Seconded by M. Germann to approve the minutes of November 16, 2016 as presented. Motion unanimously carried.

Summary of Agenda

7:05 p.m. Planning Board (PB) held a Special Use Permit Public Hearing, for Horvath Communications, 312 Colfax Avenue, South Bend, IN. Project is to install a new cell tower, at 6571 Shawnee Road, North Tonawanda, NY. Total height of the proposed tower would be 164 feet. Town Code permits 100 feet in elevation so a Special Use Permit is required. The applicant presented the project and described how the project has changed over the past 18 months throughout its development. Supervisor Cliffe verified that the independent study validating the location of the tower to resolve signal dead zones in the area was completed by an independent third party chosen by the Town. Two women had questions about the findings of the independent study and about seeing on the Town's website about the project requiring wetland permits. The property owner and an adjacent neighbor voiced their support for the project due to the signal dead zones and that the Verizon service would create competition in the area for Frontier. The property owner stated that he is a volunteer fireman and he doesn't receive emergency messages due to the dead zone and the neighbor stated that he can only make phone calls, unable to do anything that requires data usage.

Motion made by W. Garrow, Seconded by M. Polek to close the hearing. Motion carried. The Public hearing was concluded at 7:15 pm.

Cell Tower Installation – 6571 Shawnee Road. – Site Plan Review. The applicant provided an amended lease agreement as an outstanding requirement. The PB voiced that they were in favor for a bond for the project to cover obligations when the tower needs to be taken down and the property returned to its original condition. This was previously offered by the applicant and they agreed to obtain a bond. The property owner stated that the site restoration is also covered in his contract with the applicant. It was agreed that all other outstanding conditions still exist and that the bond will be discussed at the next meeting. Wendel presented/reviewed the SEQR Form 3 highlights.

Action

Motion made D. Proefrock, Seconded by M. Germann: In accordance with the SEQR requirements, the Planning Board has reviewed Part 1 of the EAF and information submitted by the applicant, completed Part 2, and evaluated the impacts in Part 3 and have determined that the Horvath Cell Tower Project will not have a significant adverse impact on the

environment and therefore issues a Negative Declaration. The Planning Board authorizes the Chairman to sign the EAF which will act as the Negative Declaration.

Voting Results: Yeas: Muscatello, Proefrock, Germann, Garrow, Polek. Nays: none, Abstentions: none. Motion carried. The variance will be referred to the Zoning Board.

No further action required, pending noted conditions.

7:30 p.m. Woodlands Patio Homes Development – Forest Parkway, Woodlands Corporate Center Expansion, Wheatfield, NY. Sketch plan review on proposed construction of a new patio home development to include potentially 61 patio homes. The site is 24-25 acres and is zoned M-1. The applicant is requesting re-zoning to PUD which matches adjacent property. Project details were discussed. There is a discrepancy between the conceptual plan and the patio home plan regarding the density determination utilizing R-1 zoning requirements. The Site Plans utilize an adjacent parcel that is not part of the project for the calculation giving the project 61 houses when Town Code calculations only allow 50. Also, the Site Plans still have a cul-de-sac when the PB had discouraged it at the last PB meeting. Town code requires alternate designs to be researched instead of cul-de-sacs and that was not done. Additionally, the dimensions of the cul-de-sac were smaller than the required minimum dimensions. The applicant stated that they wanted to consult with the Town Highway Superintendent whether they would agree to a private cul-de-sac that the Town did not have to maintain. Lastly there were concerns with homes that were facing two streets. The PB will schedule a joint meeting with the Town Board at the appropriate time concerning the PUD.

Action

None

Other Board Business

W. Garrow opened discussion about the next step for the Site Plan Checklist recently revised by the Planning Board. Supervisor Cliffe stated that the Town Board and Attorney need to look at it. Mr. Garrow will provide the document to the supervisor for distribution.

Supervisor Cliffe informed the PB that an applicant is requesting a joint PB/Town Board meeting to discuss issues with a planned housing development. Topics of discussion would be a cul-de-sac and a secondary means of egress from the development. The PB agreed to have a joint meeting in January during a planned PB meeting night and to invite the Town Highway Superintendent.

R. Muscatello will be attending a Solar Energy conference on December 13th at the Orchard Park Town Hall, sponsored by the university at Buffalo.

There was discussion about the New Conservation Subdivision Law (4/16/16) and whether it was supposed to include a paper from Wendel about larger and smaller lots. Supervisor Cliffe stated that the paper was included in the approval as it was a compilation of lot sizes from the Town Code. If it was a misunderstanding it can be changed.

Next meeting: December 21st, 2016

Motion made by M. Germann, Seconded by M. Polek to adjourn the meeting at 8:50 p.m.

Motion unanimously carried.

Respectfully Submitted
Michael Polek, Secretary

TOWN OF WHEATFIELD PLANNING & ZONING BOARD
Site Review Process Results

1. **Type of Review ("X" one):**
- | | | | |
|----|------------------------------------|----|-----------------------------------|
| | Sketch Plat Review | XX | Public Hearing Special Permit |
| XX | Site Plat Review | | Final Subdivision Plat |
| | Preliminary Subdivision Plat-Major | | Rezoning Request |
| | Special Use Permit | | Commercial Vehicle Parking Permit |

Site Plat Date – April 6, 2016

Review Date: December 7, 2016

2. **Development Specifics: Cell Tower Installation**

- a. Property Identification & Location – 6571 Shawnee Rd, North Tonawanda, NY 14120.
- a. Owner(s) Name(s), Address & Phone No. – Donald Fickelsherer, 6571 Shawnee Rd, North Tonawanda, NY 14120. Phone: 716-863-0213.
- b. Developer (when different) Name, Address & Phone No. – Horvarth Communications, 312 W. Colfax Ave., South Bend, IN 46601. Phone: 574-237-0464.
- c. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Maser Consulting, 400 Valley Rd, Suite 304, Mt. Arlington, NJ 07856. Phone: 973-398-3110.
- d. Development Details (Explain) – Site Plan for the proposed construction of a new cell tower, 160' with a lightning rod of 4' for a total height of 164'. – 160?

3. **Planning & Zoning Board Mandated Conditions/Recommendations:**

- a. Planning Board held Special Use Permit Public Hearing, tonight December 7, 2016.
- b. SEQR was started at the April 20, 2016 meeting with the Town being the lead agency. SEQR determination was made tonight, referred to the zoning board.
- c. Changes included moving the location of the tower 45' to the east and lowering the height from 190' to 160'.
- d. Applicant provided new site plans and amended application.
- e. Applicant needs a special use permit due to the height of the tower.
- f. Applicant contacted Mercy Flight about the project and they require the addition of a low voltage LED light. Applicant has provided documentation of contact with FAA and them having no issues.
- g. Previously received a copy of a letter from the landowner authorizing the applicant to seek approval (a lease is in place). Will receive a letter authorizing the new changes including the change in location and proper fall zone.
- h. Applicant states that they will obtain an insurance bond for the project, for site restoration.
- i. Verify Exhibit "D" – does not appear to match the Site Plan.
- j. Any further planning for this tower will require co-location approval from the Planning Board.
- k. If the area of disturbance exceeds one acre: a SPEDES permit will be required.
- l. Niagara County Planning Board review questioned why the project couldn't be moved to county water property northwest of this location. A letter was provided why that was not feasible – due to signal gaps being created. This was researched by the Town through a third party and it was confirmed.
- m. Applicant will confirm there can only be up to 3 service providers on the tower including the applicant.
- n. Need zoning variance for height of tower. Town code permits 100', application is in excess of allowable height (164').
- o. Process: 1st step: SEQR, coordinated review at the Planning Board; 2nd step: Planning Board to set and hold Public Hearing for Special Use Permit; 3rd step: Planning Board act on SEQR, 4th step: Zoning Board Appeals can act on variance; 5th step: back to Planning Board for Special Use Permit and Site Plan.
- p. Verify the proposal meets the Telecommunication Law in the town Zoning code: Section 200-106 to 200-124.
- q. Applicant will research the Town communication tower fee requirements.

4. Planning & Zoning Board Action:

Motion made D. Proefrock, Seconded by M. Germann: In accordance with the SEQR requirements, the Planning Board has reviewed Part 1 of the EAF and information submitted by the applicant, completed Part 2, and evaluated the impacts in Part 3 and have determined that the Horvath Cell Tower Project will not have a significant adverse impact on the environment and therefore issues a Negative Declaration. The Planning Board authorizes the Chairman to sign the EAF which will act as the Negative Declaration.

Voting Results: Yeas: Muscatello, Proefrock, Germann, Garrow, Polek. Nays: none, Abstentions: none. Motion carried. The variance will be referred to the Zoning Board.

No further action required, pending noted conditions.

Authentication:

<hr/>	<u>Dec. 7, 2016</u>	<hr/>
Planning & Zoning Board Representative	Date	Owner/Representative Signature
Distribution: Town Clerk	Building Department	Town Board Members
Town Assessor	Town Attorney	File Folder
Enforcement Office	Applicant	

TOWN OF WHEATFIELD PLANNING & ZONING BOARD
Site Review Process Results

1. **Type of Review ("X" one):**
 XX Sketch Plat Review
 Site Plat Review
 Preliminary Subdivision Plat-Major
 Special Use Permit
- Public Hearing Special Permit
 Final Subdivision Plat
 Rezoning Request
 Commercial Vehicle Parking Permit

Site Plat Date – November 30, 2016

Review Date: December 7, 2016

2. **Development Specifics: Woodlands Patio Home Development**

- a. Property Identification & Location – The Woodlands, Forest Parkway.
- b. Owner(s) Name(s), Address & Phone No. – LIZ Holding LLC, 3949 Forest Parkway #100, North Tonawanda, NY. Phone: 716-694-1537.
- c. Developer (when different) Name, Address & Phone No. – LIZ Holding LLC, 3949 Forest Parkway #100, North Tonawanda, NY. Phone: 716-694-1537.
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – C & S Engineers, Inc., 141 Elm St., Suite 100, Buffalo, NY 14203. Phone: 847-1630.
- e. Development Details (Explain) – Application for sketch plan review on proposed construction of a new patio development to include potentially 61 patio homes. This application will require a rezoning from M-1 to PUD.

3. **Planning & Zoning Board Mandated Conditions/Recommendations:**

- a. Current zone is M-1. Request is a zone change to PUD. Site is ~24-25 acres.
- b. A PUD requires a density determination; utilize R-1 zoning requirements. There is a discrepancy between the conceptual plan and the patio home plan regarding the density determination. As presented the concept plan is not correct. Include areas and dimensions to support calculations.
- c. The Board will schedule a joint meeting with Town Board at the appropriate time. Applicant requests to be present to present.
- d. Plan would require a minimum of 25% open space. Open space/greenspace must be usable, not little pieces all over the property. Floodplain areas can be used but not floodway areas. Client states that the project has 29%-30% open space that meets the requirements.
- e. A PUD requires area for commercial uses. This could be met through the extension of the existing PUD.
- f. Any development in floodplain will need to meet town requirements.
- g. The Board discourages the cul-de-sac. Applicant requests to consult with the Town Highway Superintendent whether they would agree to a private cul-de-sac that the Town did not have to maintain.
- h. Structures must be 10' minimum from property line.
- i. Check subdivision requirements regarding dead end streets.
- j. Address concerns with homes when facing two streets.

4. **Planning & Zoning Board Action:**

No action required. Discussed the proposal with the applicant.

Authentication:

	<u>Dec. 7, 2016</u>	
Planning & Zoning Board Representative	Date	Owner/Representative Signature
Distribution: Town Clerk Town Assessor	Building Department Town Attorney	Town Board Members File Folder