

August 8, 2018

The regular meeting of the Wheatfield Planning and Zoning Board was called to order at the Wheatfield Town Hall, at 6:40 PM, by Chairman Walt Garrow.

Present: Susan Eberwein, Walt Garrow, Melissa Germann, Mike Polek, Don Proefrock.
Also present: Tim Zuber – Town Engineer, Wendel.

Moved by D. Proefrock, Seconded by S. Eberwein to approve the meeting minutes of July 11, 2018.
Motion approved.

SUMMARY OF AGENDA

Borrego Solar Systems – 2469 Lockport Road – Public Hearing Special Use permit. The Public Hearing was opened at 6:40PM by Chairman, Walt Garrow. The Hearing is a continuation of the Hearing held on July 11th to allow additional time for the public to ask questions and to voice their opinions. Many residents appeared at the Public Hearing with several of the residents speaking against the proposal.
Action: 07:10 PM, Motion made by S. Eberwein, seconded by D. Wallace to close the Public Hearing.
Motion approved.

Borrego Solar Systems – 2469 Lockport Road – Site Plan Review. Reviewed the Site Plan for the proposed construct of a 6.1 Mw ground mounted utility grade solar energy system. Submitted materials, changes to the plans and outstanding Planning Board conditions were reviewed. The applicant requested a landscaping plan waiver due to the distance of the project from the road. The project has received a variance from the Zoning Board of Appeals to address the north array requirement to have a 50' setback from the utility corridor along the south, and the setback is currently at 20'.

Action: *Motion made by S. Eberwein and Seconded by D. Proefrock: 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 proposed Borrego Solar Farm at 2469 Lockport Road will not have any 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: Garrow, Germann, Eberwein, Polek, Proefrock. Nays: none. Abstentions: none. Motion carried.*

Pellicano's Marketplace – 3328, 3332 & 3338 Niagara Falls Boulevard – Site Plan Review. Reviewed the Site Plan for the relocation of existing market to include butcher shop, deli counter and grocery. Plan includes space for future commercial tenant. The plan includes 3 lots that will be combined where a new building will be constructed. Submitted materials, changes to the plans and outstanding Planning Board conditions were reviewed. A variance to the required number of parking spaces is being requested, from 79 to 70.

Action: *Motion by S. Eberwein, second by D. Proefrock to approve 70 parking spaces instead of 79 required by Town Code.*

Voting Results: *Yeas: Garrow, Germann, Eberwein, Polek, Proefrock. Nays: none. Abstentions: none. Motion carried.*

Dave Smith Enterprises, Medical Complex – Vacant 5.08 acre parcel SBL 146.00-1-18.z, South of 10225 Niagara Falls Boulevard – Site Plan Review. Reviewed the Site Plan for the proposed construction of the subsequent phase of the project, a 15,500 ft² retail plaza with parking. Total site area is approximately 5 acres and phase one of the project includes a private road, public and private utilities and infrastructure. This is the only item to be determined at this time as a site Plan. The Town of Niagara declared itself Lead Agency on this project as more of the project is located in the Town of Niagara, and they made a Negative Declaration on SEQR. Subsequent phases of this project could be in either town.

Action: *Motion by M Germann, second by D. Proefrock: It appears that the Town of Wheatfield was not included as an involved or interested agency during the Town of Niagara’s SEQR coordinated review of the project. The Town of Wheatfield is an involved agency as part of the project lies within the municipal boundary of the Town of Wheatfield. In accordance with the SEQR requirements, the Planning Board has reviewed Part 1 of the EAF and information submitted by the applicant, reviewed Part 2 as completed by the Town of Niagara, and reviewed the evaluation of impacts in Part 3, also as completed by the Town of Niagara. The Town of Wheatfield Planning Board agrees with the conclusions of the Town of Niagara that the proposed Williams Road Medical Complex located as vacant land behind 10225 and 10175 Niagara Falls Boulevard will not have a significant adverse impact on the environment and therefore issues their own Negative Declaration. The Planning Board authorizes the Chairman to sign the EAF previously signed by the Town of Niagara and references the Town of Niagara’s decision.*

Voting Results: *Yeas: Garrow, Germann, Eberwein, Polek, Proefrock. Nays: none. Abstentions: none. Motion carried.*

Motion by M. Germann, second by S. Eberwein to approve the Site Plan for Phase 1 (road only) for the Williams Road Medical Complex with noted conditions of the Planning Board and of the Town Engineer, letter dated July 26, 2018.

Voting Results: *Yeas: Garrow, Germann, Eberwein, Polek, Proefrock. Nays: none. Abstentions: none. Motion carried.*

Next meeting: September 5, 2018.

Motion made by M. Polek, Seconded by W. Garrow to adjourn the meeting at 9:30 PM. Motion carried.

Sincerely submitted,
Mike Polek Acting Secretary

TOWN OF WHEATFIELD PLANNING & ZONING BOARD
Site Review Process Results

1. **Type of Review ("X" one):**

	Sketch Plat Review	Public Hearing Special Permit
XX	Site Plat Review	Final Subdivision Plat
	Preliminary Subdivision Plat-Major	Rezoning Request
	Special Use Permit - Temporary	Informational Meeting

Site Plat Date – June 11, 2018

Review Date: August 8, 2018.

2. **Development Specifics: Borrego Solar Systems**
 - a. Property Identification & Location – 2469 Lockport Road, Sanborn, NY 14120.
 - b. Owner(s) Name(s), Address & Phone No. – David R. & Dennis M. Jakubaszek, 879 Fairmont Avenue, North Tonawanda, NY 14120. Phone: 716-694-1064.
 - c. Developer (when different) Name, Address & Phone No. – Borrego Solar Systems, Inc., 55 Technology Drive, Suite 102, Lowell, MA 01851.
 - d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – PV Engineers P.C., 55 technology Drive, Suite 102, Lowell, MA 01851. Phone: (888)898-6273
 - e. Development Details (Explain) – Construct a 6.1 Mw ground mounted utility grade solar energy system.

3. **Planning & Zoning Board Mandated Conditions/Recommendations:**
 - a. Zoned AR. All power use and power to the grid.
 - b. Have lease agreement with 2 property owners. Agreement is for 20 years with 4 – 5 year extensions. Lease letter is dated April 17, 2018. Complete.
 - c. A decommissioning plan was provided for post use units to be removed. Completed.
 - d. The project is within the Airport Overlay Zone.
 - e. Special use permit required because project is utility scale. A public hearing has been scheduled for July 11th, at 6:45 p.m.
 - f. Plans and Glare Study to be sent to NFTA, Niagara Falls Air Reserve, FAA and Mercy Flight, and comments requested.
 - g. The Town's Site Plan checklist will be reviewed.
 - h. Example of Town Codes that apply include Solar, Airport Overlay, Conservation Area.
 - i. Requires some upgrades to National Grid substation and transformer. Applicant to Invest ~\$1.2M to National Grid for that.
 - j. New jobs for construction. Operations may include a couple of new jobs to the Town of Wheatfield.
 - k. Roads need to meet Fire Department load bearing requirements. Training to fire department for emergency response. Knox Box required – keys will be provided.
 - l. Need base map. Complete.
 - m. Greater than 1 acre being disturbed, SWPPP will be provided.
 - n. Landscaping plan waiver requested due to distance from road. Any landscaping to be consistent with the airport overlay requirements.
 - o. The anticipated benefits include improvements to Town infrastructure. Property improvements may impact assessments.
 - p. Permit required from USACE due to wetland impacts.
 - q. Coordinated SEQR review will be performed.
 - r. Soil survey provided. Complete.
 - s. Project is within 500 feet of the next Town. Requires review from Niagara County Planning Board. Form provided.
 - t. Agriculture data statement needs to be completed. Complete.
 - u. Send a copy of site plan to Bergholz Fire Department and to the Fire Advisory Board via the Town's clerk. Complete.
 - v. Highest height of any unit will be about 9 feet.
 - w. The system will make less expensive power available to local residents.
 - x. Fee of \$50/acre for special use permit for a utility scale solar project. Complete.
 - y. Exposed grass at the site will be mowed twice per year. Low height grass will be planted.
 - z. Applicant to provide permission from Niagara Mohawk Power Corporation and New York State Electric and Gas to install utilities prior to issuance of a building permit.

- aa. The location of the solar array has moved south since the applicant's last appearance before the Planning Board. Half of the array will be north and half south of the Niagara Mohawk Power Corporation and New York State Electric and Gas utility corridor running through the parcel. The relocation requires the removal of a house and 3 barns.
- bb. The project will require a variance from the Zoning Board of Appeals. The north array is required to have a 50' setback from the utility corridor along the south and it is currently at 20'.
- cc. The project will have an access road.
- dd. Drainage easement will be reviewed by the Town Engineer.
- ee. Boundary survey to be stamped and seal with the final submittal.
- ff. The site plan review fee will be \$1,750.00.

4. Planning & Zoning Board Action:

Motion made by S. Eberwein and Seconded by M. Polek to initiate the SEQR process, a coordinated review with the Town of Wheatfield Planning Board acting as the lead agency and authorizing Wendel to assist.

Voting Results: Yeas: Garrow, Germann, Muscatello, Polek, Proefrock. Nays: none. Abstentions: none. Motion carried.

Motion made by S. Eberwein and Seconded by D. Proefrock to schedule a Special Use Permit public hearing. The hearing is scheduled for July 11th at 6:45 p.m.

Voting Results: Yeas: Garrow, Germann, Muscatello, Polek, Proefrock. Nays: none. Abstentions: none. Motion carried.

Authentication:

	August 8, 2018		
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 | Public Hearing Special Permit |
| | Site Plat Review | Final Subdivision Plat |
| | Preliminary Subdivision Plat-Major | Rezoning Request |
| | Special Use Permit | Commercial Vehicle Parking Permit |

Site Plat Date: February 28, 2018

Review Date: August 8, 2018

2. **Development Specifics: Pellicano's Marketplace**
- a) Property Identification & Location – 3328, 3332 & 3338 Niagara Falls Boulevard, Wheatfield, NY, 14120.
 - b) Owner(s) Name(s), Address & Phone No. – Christopher Pellicano, 3176 Niagara Falls Boulevard, Wheatfield, NY, 14120. Phone: (716)578-6819.
 - c) Developer (when different) Name, Address & Phone No. – Same as owner.
 - d) Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Lauer-Manguse & Associates Architects, 4080 Ridge Lee Road, Buffalo, NY14228. Phone: 716-837-0833
 - e) Development Details (Explain) – Relocation of existing market to include butcher shop, deli counter and grocery. Plan includes space for future commercial tenant.

3. **Planning & Zoning Board Mandated Conditions/Recommendations:**
- a) The property is zoned C-1 and within the Niagara Fall Boulevard Overlay Zone.
 - b) A base map is required and the Town's Site Plan Checklist will be used.
 - c) The project includes 3 lots. Applicant states that they will be combined.
 - d) Dark sky friendly lighting plan and landscaping plans needs to be submitted.
 - e) A building rendition was provided. Building renditions will be submitted to Wendel.
 - f) The applicant is investigating potential wetlands on the property.
 - g) Town sign law shall be followed. Applicant stated that they prefer a monument style sign.
 - h) Classifying the project as a retail business, 89 parking spaces are required and the plan shows 82. Additional parking spaces can be added along the rear of the building for future use if needed. Also, the Town Board can approve variances to the parking requirements.
 - i) Banking kiosk has to have a stacking capacity for 10 vehicles.
 - j) A SWPP is required if over 1 acre is disturbed.
 - k) The applicant will show adjacent neighbors on the Site Plan.
 - l) The flag pole must not exceed the Town's 40' height limit.
 - m) Two contracts for the purchase of the project's properties were provided. A contract is still needed for 3328 NFB.

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

No action taken.

Authentication:

<p>_____ Planning & Zoning Board Representative</p> <p>Distribution: Town Clerk Town Assessor Enforcement Office</p>	<p><u>August 8, 2018</u> Date</p> <p>Building Department Town Attorney Applicant</p>	<p>_____ Owner/Representative Signature</p> <p>Town Board Members File Folder</p>
---	---	---

TOWN OF WHEATFIELD PLANNING & ZONING BOARD
Site Review Process Results

1. **Type of Review ("X" one):**
- | | |
|------------------------------------|-----------------------------------|
| Sketch Plat Review | 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 – February, 2018

Review Date: August 8, 2018

2. **Development Specifics: Dave Smith Enterprises – Medical Complex**

- a. Property Identification & Location – Vacant 5.08 acre parcel SBL 146.00-1-18.z, South of 10225 Niagara Falls Boulevard, Niagara Falls, NY, 14304.
- b. Owner(s) Name(s), Address & Phone No. – Joseph Smith, 10225 Niagara Falls Boulevard, Niagara Falls, NY, 14304. Phone: 716-912-9177.
- c. Developer (when different) Name, Address & Phone No. – Dave Smith Enterprises, 10225 Niagara Falls Boulevard, Niagara Falls, NY, 14304. Phone: 716-912-9177.
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – APEX Consulting, 102 East Avenue, Lockport, NY, 14094. Phone: 716-439-0188.
- e. Development Details (Explain) – Private drive off Williams Road, to Niagara Falls Boulevard. Subsequent phase, 15,500 ft² retail plaza with parking.

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

- a. Total site area is 5 +/- acres within the Town of Wheatfield is also located in a C-1 zoning district. Currently the property is vacant. **April 18 update:** SWPPP has been submitted.
- b. Phase One includes a private road, public and private utilities and infrastructure (stormwater management, sanitary sewers, waterlines and hydrants). This is the only item to be determined at this time as a site Plan. **April 18 update:** proposal is all private utilities.
- c. Traffic study to be completed along Williams Rd (per request by NYSDOT). **April 18 update:** Documentation is provided in the SWPPP.
- d. Town of Niagara will be requesting Lead Agency status (more of the project is located in the Town of Niagara). **April 18 update:** Coordinated review sent out in August 2017. Negative Declaration determined March 2018 by Town of Niagara. Provide copy of coordinated review SEQOR approval as well as a copy of the list of interested/involved agencies to the Planning Board.
- e. Subsequent phases could be in either town. The applicant will then come in for Site Plan approval. **April 18 update:** Continue these comments to next phase within the Town.
- f. Provide a base map (per Town requirements). The base map requirements are on the Town's website, Town code.
- g. Private Road is going to be built to Town of Wheatfield standards.
- h. Landscaping plan – specific landscaping will be determined during the Site Plan process. For phase one, there are deciduous trees shown to be installed along the roadway.
- j. Contact the FAA during Site Plan review. **April 18 update:** Copy received at meeting.
- k. Consider/utilize the Airport Zone 1 Overlay. This overlay can be found in the Town zoning code.
- l. Greenspace, as provided, is 53.9%. **April 18 update:** Continue these comments to next phase within the Town.
- m. Building designed plans with colors, heights and dimensions to be determined during the Site Plan phase. Buildings, as shown, are shown for SEQOR purposes only. **April 18 update:** Continue these comments to next phase within the Town.
- n. Any sign on Williams Road to comply with Town code.
- o. Show snow removal areas during the Site Plan process. **April 18 update:** Continue these comments to next phase within the Town.
- p. NO short term or long term storage of radiological or explosive material permitted except when needed in processing. **April 18 update:** Continue these comments to next phase within the Town.

- Development Specifics:
- q. Phase one environmental (soil testing) paperwork to be provided to the Town of Wheatfield.
Dave Smith Enterprises – Medical Complex
 - r. Prior to Site Plan review, evidence of change in property line to be submitted to the Town.
 - s. The Town of Wheatfield Planning Board has interest in meeting with the Town of Niagara Planning Board during this process. Applicant and/or Design Engineer to coordinate as necessary.
 - u. Boundary survey received.
 - v. Who maintains sidewalks? Sidewalk to be maintained by Owner.
 - w. There will be curbing along proposed road.
 - x. Require documentation of NYS DOT reviewed proposed Williams Road entrance.

4. Planning & Zoning Board Action:

No action taken.

Authentication:

<hr/>	<u>August 8, 2018</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	