

September 19, 2018

The regular meeting of the Wheatfield Planning and Zoning Board was called to order at the Wheatfield Town Hall, at 6:32 PM, by Chairman Walt Garrow.

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

Moved by S. Eberwein, Seconded by D. Proefrock to approve the meeting minutes of September 5, 2018. Motion unanimously approved.

### **SUMMARY OF AGENDA**

**Driftwood Suites – 2754 Niagara Falls Blvd - Public Information Session.** The Public Information Session was opened at 6:32PM by Chairman, Walt Garrow. The applicant discussed Site Plan details. Members of the public reviewed drawings and asked questions to both the applicant and to Wendel. Many members of the adjacent Villas at Alder Creek development were present and were concerned about increased surface water drainage towards their properties.

**Action:** 07:08 PM, Motion made by M. Germann, seconded by S. Eberwein to close the Public Hearing. Motion approved.

**Driftwood Suites - 2754 Niagara Falls Blvd – Site Plan Review.** Reviewed the Site Plan for the construction of a 20 unit hotel with parking. Additionally, an indoor pool to be constructed on the end of an adjacent building that is associated with the property owner’s hotel complex of buildings. Newly provided documents and changes to the plans were reviewed. Outstanding Planning Board items were also reviewed. The new lot where the hotel is to be built needs to be combined with adjacent property 2768 as it is a landlocked parcel. The applicant agreed to combine the lots. Proof of the lots being combined is to be submitted before issuance of Certificate of Occupancy.

**Action:** No action taken.

**National Vacuum - Inducon Drive – Site Plan Review.** Reviewed Site Plan for the construction of a 100’x200’, 1 story metal building, to be used as office / warehouse. Newly submitted items and updated items were reviewed. Outstanding review results requirements from the applicant’s last appearance before the Planning Board were discussed.

**Action:** Motion made by M. Germann 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 National Vacuum project at Inducon Drive 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

**Action:** Motion by S. Eberwein, second by D. Proefrock to approve the Site Plan with noted conditions and upon engineering review.

*Draft Minutes – NOT Board approved at this time*

**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 or expansion. The plan includes 3 lots that will be combined where a new building will be constructed. Submitted materials, changes to the parking spaces and outstanding Planning Board conditions were reviewed.

**Action:** Motion made by S. Eberwein and 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 proposed Pellicanos Marketplace project at 3328, 3332 & 3338 Niagara Falls Boulevard 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

**Action:** Motion by D. Proefrock, second by S. Eberwein to approve the Site Plan with noted conditions and upon engineering review.

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

**Other Board Business**

Letter submitted to Borrego Solar Project files. Request from Town of Wheatfield to Borrego Solar requesting an agreement to extend the SEQR completion time limits until the PILOT is worked out between Borrego and the Town.

Melissa Germann provided the Planning Board and Wendel draft revision's to the Town's parking code for review and comment.

Next meeting: October 3, 2018.

Motion made by M. Polek, Seconded by W. Garrow to adjourn the meeting at 8:30 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                 | Commercial Vehicle Parking Permit |

Site Plat Date – September 4, 2018

Review Date: September 19, 2018

2. **Development Specifics: Driftwood Suites**
- a. Property Identification & Location – 2754 Niagara Falls Blvd, Niagara Falls, NY 14304.
  - b. Owner(s) Name(s), Address & Phone No. – Billy Feng, 2754 Niagara Falls Blvd, Niagara Falls, NY 14304. Phone: 716-380-3262.
  - c. Developer (when different) Name, Address & Phone No. – Diverse Development Corporation, same address as above.
  - d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Nussbaumer & Clark, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, NY, 14219. Phone: 716-827-8000.
  - e. Development Details (Explain) – Application for Sketch Plan for the proposed construction of a 20 unit hotel with parking. Additionally, an indoor pool to be constructed on the end of an adjacent building that is associated with the property owner's hotel complex of buildings.
3. **Planning & Zoning Board Mandated Conditions/Recommendations:**
- a. New structure will be 2 stories, have up to 20 units, and will meet Town Code height requirements.
  - b. The property is zoned C-1.
  - c. The property is within the Airport Zone One overlay. Depending on the height of the building the FAA may have to be contacted by the applicant. Contact has been verified.
  - d. The project must meet Niagara Falls Boulevard overlay requirements. Yes, it is in the Overlay and is in those requirements.
  - e. The project must meet NFPA requirements and will need fire advisory board review.  
AA. We received verification and communication  
BB. Access agreements and utility agreements will be needed with adjacent property owners. Agreements will be reviewed by the Town's attorney. New lot needs to be combined with property 2768 as it is a landlocked parcel. Applicant agrees to combine the lots. Proof to be submitted before issuance of Certificate of Occupancy.
  - f. Chlorine storage for the pool will be researched by the applicant. Noted.
  - g. In conjunction with a developed Site Plan the Planning Board will schedule a Public Information meeting for the project. Meeting has been scheduled for September 19, 2018 at 6:30 p.m.
  - h. The applicant came before the Planning Board on May 3<sup>rd</sup>, 2017, with a sketch plan for the demolition of a 1 story hotel room structure on the other side of the motel complex, replaced with the construction of a 3 story hotel structure.
  - i. Applicant is considering the purchase of a 3 acre parcel south of the proposed project.
  - j. Daily or weekly rentals for the units.
  - k. Building will be sprinkled. Noted.
  - l. Electric, gas and sewer utilities need to be shown on the plans. National grid utilities can be estimated.
  - m. Estimated construction schedule is to start construction in September 2018. Planned for "Fall"
  - n. If over a tenth of an acre is disturbed, USACE approval will be required. Need permits.
  - o. Project may create an estimated 2-5 long term jobs. Many jobs for construction.
  - p. The Niagara Falls Boulevard overlay plan and greenspace plan need to be looked at.
  - q. Area of disturbance needs to be recalculated and properly labeled on the drawings.
  - r. Show proposed storm sewer modifications as discussed with the Highway Superintendent.
  - s. Additional landscaping will be including in the revised site plan for the RPZ. Continue tree line along southern end to the adjacent property. Identify potted plants around the pool.
  - t. Buildings need to be identifiable physically and on the drawings for emergency responders.

- u. Property owner to provide easement along the south side of the property to allow the Town access to clean out the creek.

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

No action taken.

**Authentication:**

\_\_\_\_\_  
Planning & Zoning Board Representative  
Distribution: Town Clerk  
Town Assessor  
Enforcement Office

September 19, 2018  
Date  
Building Department  
Town Attorney  
Applicant

\_\_\_\_\_  
Owner/Representative Signature  
Town Board Members  
File Folder

**TOWN OF WHEATFIELD PLANNING & ZONING BOARD**  
Site Review Process Results

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| XX | Site Plat Review                   | Final Subdivision Plat            |
|    | Preliminary Subdivision Plat-Major | Rezoning Request                  |
|    | Special Use Permit                 | Commercial Vehicle Parking Permit |

Site Plat Date – September 3, 2018

Review Date: September 19, 2018

2. **Development Specifics: Corporate Headquarters for National Vacuum**
- a. Property Identification & Location – Inducon Drive, Town of Wheatfield, NY.
  - b. Owner(s) Name(s), Address & Phone No. – National Vacuum. 408 47<sup>th</sup> Street, Niagara Falls, NY, 14304. Phone:
  - c. Developer (when different) Name, Address & Phone No. – Jonathan E. Bennett Architecture. 104 Evans Street, Lockport, NY, 14094. Phone: (716) 438-7940.
  - d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Fisher Associates
  - e. Development Details (Explain) – Construct 100'x200', 1 story metal building, to be used as office / warehouse.

3. **Planning & Zoning Board Mandated Conditions/Recommendations:**
- a. Property zoned M-1.
  - b. Project must comply with the Airport Zone 1 Overlay, the Airport Protection requirements and the Industrial Performance Standards, including dark sky lighting friendly.
  - c. Stormwater – no wet ponds, "pre 10 post 25", must comply with SPDES Storm Water Permit. SWPPP has been received.
  - d. Will create 30 new jobs in Wheatfield. (relocating 40 plus).
  - e. Boundary map needs seal and property signature. Easements and boundary survey to be added to site plan. The provided easements are not correct on drawings. Update site plan with boundary map items.
  - f. Need one foot contours on next submittal. Contour map needs updating per engineering approval.
  - g. Sign to comply with Town Code and sign restrictions within park.
  - h. Diesel storage tanks to comply with DEC bulk storage requirements. This requires a separate permit with the Town.
  - i. Actions to be taken upon engineering approval.
  - j. It is noted that detonator caps may be on site. It has been explained to the board that they are not in themselves explosive devices.
  - k. Site Plan Approval fee of \$150, check made out to the Town of Wheatfield.

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

Motion made by M. Germann 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 National Vacuum project at Inducon Drive 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

Motion by S. Eberwein, second by D. Proefrock to approve the Site Plan with noted conditions and upon engineering review.

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

**Authentication:**

	September 19, 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	

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| XX | Site Plat Review                   | Final Subdivision Plat            |
|    | Preliminary Subdivision Plat-Major | Rezoning Request                  |
|    | Special Use Permit                 | Commercial Vehicle Parking Permit |

Site Plat Date: July 31, 2018

Review Date: September 19, 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) Town sign law shall be followed. Applicant stated that they prefer a monument style sign.
  - c) Stormwater wet pond is needing compliance with DEC elements. For details, refer to Wendel comment letter.
  - d) Verify communication with Fire Department. Document to be provided.
  - e) Parking: 72 will be constructed.
  - f) Phases I and II are required to be completed within 5 years.
  - g) Resolve fire hydrant issue. Applicant applying for variance with NYS. If variance is not obtained, a hydrant will be installed.
  - h) Because of the potential sound of the refrigeration units, applicant must meet all town noise ordinances.
  - i) Site plan approval is conditional upon New York State Department of Transportation for Curb Cut and Stormwater.

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

Motion made by S. Eberwein and 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 proposed Pellicanos Marketplace project at 3328, 3332 & 3338 Niagara Falls Boulevard 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

Motion by D. Proefrock, second by S. Eberwein to approve the Site Plan with noted conditions and upon engineering review.

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

**Authentication:**

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