

January 6, 2016

The regular meeting of the Wheatfield Planning and Zoning Board was called to order at the Wheatfield Town Hall at 7:02 p.m. by Chairman Walt Garrow.

Present: Richard Muscatello, Walt Garrow, Donald Proefrock, Melissa Germann and Michael Polek.

Also Present: Tim Zuber – Wendel; Supervisor Cliffe; members of the public.

Moved by R. Muscatello, Seconded by D. Proefrock to approve the minutes of December 16, 2015 as presented. Motion carried.

Summary of Agenda

Finger Foods – 6400 Inducon Drive – Site Plan Review. Chairman Garrow opened the meeting at 7:05 p.m. The applicant's engineer gave a brief presentation/update to the Planning Board and others present at this meeting. Chairman Garrow asked the applicants engineer if there were any changes to the checklist. The applicant stated that the height of the building was raised 2 feet. Ancillary questions were answered about rooftop equipment and the dry ponds. All other check list items were satisfied. Several conditions noted: A copy of the site plans to be provided to local fire department; The applicant acknowledges that their location is next to an airport and they will not complain about noise or other airport activities; The facility will not have any antennas or structures extending beyond the roof of the building nor will the facility have communications equipment that would affect airport systems; and The location of sign will be coordinated with the building department and water/sewer department.

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 Project will not have significant adverse impacts on the environment and therefore issues a Negative Declaration. The Planning Board authorizes the Chairman to sign the EAF. Motion made by W. Garrow, Second by M. Germann to approve. Motion unanimously carried.

Motion made by R. Muscatello, Second by D. Proefrock to approve the Site Plan with the noted conditions above. Motion unanimously approved.

Aldi Inc. – 3939 Niagara Falls Boulevard – Site Plan Review. Meeting started at 7:32 p.m. The applicants engineer worked through the checklist addressing each item. A significant change to the Site Plan was the removal of a second structure from the plans that was to be leased. Nearby residents visual concerns were met by an extension of the berm along Crescent Drive and the addition of coniferous trees to block the building from the residents view. Another resident concern addressed, was the noise levels that will be produced by Aldi during supply loading/unloading operations. Applicant stated that the noise generated will be below the average background noise created by vehicular traffic on Niagara Falls Boulevard. The traffic study was submitted to the DOT Mid-December by applicant. DOT comments sent to Building Department on or about December 22nd. Applicants engineer paraphrased

comments for discussion: DOT requires Line of Sight Survey; DOT requires application for any work within Right of Way; and Dot requires curb to island for N.F.B. entrance to restrict left hand turns out of property onto N.F.B.

Wetlands status – in DOT right-of-way. Applicant would disturb wetlands in the ditch, is less than a tenth of an acre. A delineation has been completed. Applicant will be submitting a letter to the U.S. Army Corps of Engineers. Applicant was advised that they needed to provide an additional review fee of \$750, payable to the Town of Wheatfield, to cover review of the traffic study. Applicant was advised that any future development on the property will require Planning Board review.

Resident Question: How many delivery trucks can be expected and what route will they be using. Applicant explained that approximately 1 truck per day will deliver supplies to the store, entering the site from N.F.B. from the south. The truck will unload at the dock on the north side of the building. Exit route will be from exit on Crescent Drive up to and a left onto N.F.B. at the light.

Resident Concern: Stated that left hand turns into the property from N.F.B. while traveling from the south along that road, would be very dangerous and someone could be killed by traffic heading north, coming over the hill. The applicants engineer stated that those turns are being restricted by the DOT comments they received. Supervisor Cliff expressed that the turning issue is a concern for the Town. W. Garrow reminded everyone that the Town's engineering review still has to be completed and that the turning concerns will be incorporated into that review.

Remaining issue is parking. Site Plan needs 182 spaces and applicant is only providing 98. The remaining parking spots are shown on drawing, but will be "banked" and built if needed in the future. This requires a parking variance from the Town Board. Applicant requested referral from the Planning Board to the Town Board for review of this variance.

Motion made by D. Proefrock, Second by M. Germann to recommend approval of applicants proposed parking to the Town Board for a parking waiver. Motion approved.

The Wheatfield Planning Board has received a complete application for the proposed Wheatfield Aldi's project, and Pursuant to Part 617 6NYCRR, Article 98 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Wheatfield Planning Board to declare itself SEQR Lead Agency and conduct a coordinated review of this project, and the Wheatfield Planning Board requests that Wendel provide assistance in completing this coordinated review process.

No action on the Site Plan pending resolution of the noted conditions.

Board Items

Presented - Town Board Appointments for 2016: Walt Garrow was reappointed member of the Wheatfield Planning Board, term ending December 31, 2020; Walt Garrow was reappointed Chairman of the Wheatfield Planning Board for the year 2016.

The Wheatfield Planning Board meetings for the CY 2016 will be held on the first and third Wednesdays of the month, beginning at 7 p.m. in the first floor Council Chambers, , Town Hall building. Exceptions: the months of July and August, where only one monthly meeting will be held. These meetings will be conducted on the first Wednesday for both July and August. Motion made by W. Garrow, Seconded by M. Germann to approve. Motion carried.

As needed, all regular meetings will be preceded by a Tuesday morning work session to be held in the Building Department, scheduled at 9 a.m. Planning Board members attend the work sessions on a volunteer basis. No decisions are made at the work sessions. Motion made by R. Muscatello, Seconded by D. Proefrock to approve. Motion carried.

Motion made by W. Garrow, Seconded by M. Germann to appoint Richard Muscatello, Vice-Chair of the Planning Board for the CY 2016. Motion carried.

Motion made by M. Germann, Seconded by D. Proefrock to appoint Michael Polek, Secretary of the Planning Board for the CY 2016. Motion carried.

All members of the Wheatfield Planning Board have met or exceeded their minimum required four (4) hours of Continuing Education Units (CEU) for CY 2015, per New York State Law. Authenticated copies of the CEUs are on file with the Town Human Resources professional and each Planning Board member.

2015 Planning Board member attendance was provided. All Planning Board members are in compliance with Town requirements.

Next Planning Board meeting: January 20, 2016.

Motion made by R. Muscatello, Seconded by M. Germann to adjourn the meeting at 8:38 p.m. Motion 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 | 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 – December 29, 2015

Review Date: January 6, 2016

2. **Development Specifics: ALDI – Wheatfield, NY**

- A Property Identification & Location – 3939 Niagara Falls Blvd, North Tonawanda, NY 14120.
- B Owner(s) Name(s), Address & Phone No. – Niagara Falls Boulevard, LLC, 2315 Beach Blvd, Suite 203 Jacksonville, FL 32250. Phone: 904-246-4555.
- C Developer (when different) Name, Address & Phone No. – ALDI Inc., 300 State Route 281, Tully, NY 13159. Phone: 315-696-2425. Contact: Lew Kibling.
- D Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – APD Engineering & Engineering, PLLC, 615 Fishers Run, Victor, NY 14564. Phone: 585-742-0217. Contact: Christopher Kamar.
- E Development Details (Explain) – Application for Sketch Plan for the proposed demolition of existing racetrack and construction of an Aldi's grocery store, parking lot utilities, landscaping, etc.

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

- A Traffic study submitted to the DOT Mid-December. DOT comments sent to Building Department on or about December 22nd. DOT requires Line of Sight Survey. DOT requires application for any work within Right of Way. DOT requires curb to island for N.F.B. entrance to restrict left hand turns out of property onto N.F.B. Provide an additional review fee of \$750 to Town of Wheatfield to cover review of the traffic study.
- B Property is in a C-1 zoning district.
- C All lighting to be dark sky friendly.
- D Consideration of the berm and trees for blocking neighborhood views. Applicant has agreed to extend berm and plant additional coniferous trees to block view from adjacent residence.
- E Resident concerns: Baisch/Crescent traffic; sounds from shipping/receiving (existing and proposed). Applicant states maximum noise created will be 50 dB and the background N.F.B. noise is 80 dB.
- F Employees: 12 to 15, both full time and part time.
- G Fire Advisory Board requests a Knox-box key system. All fire advisory board issues have been addressed.
- H Parking: need 182, providing 98. Banking the rest, shown on drawing. Need a parking variance from the Town Board. Requesting referral from Planning Board to Town Board.
- I Wetlands status – in DOT right-of-way. Applicant would disturb wetlands in the ditch, is less than a tenth of an acre. A delineation has been completed. Applicant will be submitting a letter to USACE.
- J Any future development on the property will require Planning Board review.

Development Specifics: ALDI – Wheatfield, NY

4. Planning & Zoning Board Action:

Motion to recommend approval of applicants proposed parking to the Town Board for a parking waiver.

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

The Wheatfield Planning Board has received a complete application for the proposed Wheatfield Aldi's project, and Pursuant to Part 617 6NYCRR, Article 98 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Wheatfield Planning Board to declare itself SEQR Lead Agency and conduct a coordinated review of this project, and the Wheatfield Planning Board requests that Wendel provide assistance in completing this coordinated review process.

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

No action pending the resolution of the noted conditions.

Authentication:

_____	<u>Jan. 6, 2016</u>	_____
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):**
- | | | |
|----|------------------------------------|-----------------------------------|
| | 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 – November 23, 2015

Review Date: January 6, 2016

2. **Development Specifics: Finger Foods Office Warehouse Project**

- a. Property Identification & Location – Inducon Drive West, SBL: 147.00-1-82.111.
- b. Owner(s) Name(s), Address & Phone No. – Finger Food Products Inc, 2045 Niagara Falls Blvd, Niagara Falls, NY 14304. Phone: 297-4888. Contact: Jason Cordova. (closing 10/1/2015.)
- c. Developer (when different) Name, Address & Phone No. – same as above.
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Apex Consulting, 102 East Avenue, Lockport, NY 14094. Phone: 716-439-0188.
- a. Development Details (Explain) – Application for Site Plan for the proposed construction of an office and warehouse, approx. 33,320 sq ft with two driveway entrances, truck and vehicle parking and site amenities.

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

- a. Height of building is 22' to eave, an air conditioning/compressor unit may be placed on roof. (approx. 27' in height)
- b. No stacks or elevated items are proposed.
- c. Little to no odor is produced.
- d. Jason Cordova/Finger Food Products closed on property about mid-November.
- e. Applicant received an Industrial Waste survey during the meeting on 9/16/15. This survey to be returned to Niagara County. 10/7/15: survey completed.
- f. Once a month, Orkin checks on the current site for pest control. This should remain the same for the proposal building. Facility inspected daily by FDA.
- g. Check on the Airport Zone One Overlay district in the Zoning Code to verify requirements. Also verify Industrial Performance Standards. 10/7/15: applicant reviewed overlay.
- h. Provide, in writing, traffic impacts from this proposal. The Board will review the submitted information.
- i. contact FAA, relative to airport runways. Require Department of Defense review. Also, contact the NFTA. Contact information will be provided by Wendel and submitted to the applicant's Engineer.
- j. Fire Advisory Board: building will be sprinkled. Require that Knox box to be installed.
- k. Fire code review completed on 10/7/2015 and found no issues with the Site Plan.
- l. building schedule: begin 3/2016 finished by 9/2016.
- m. The Board has determined that no Public Hearing is needed for this project, as there are no residential neighbors, only other businesses.
- n. Condition that a copy of the site plans be provided to local fire department.
- o. The applicant acknowledges that their location is next to an airport and they will not complain about noise or other airport activities.
- p. The Facility will not have any antennas or structures extending beyond the roof of the building nor will the facility have communications equipment that would affect airport systems.
- q. Location of sign will be coordinated with building department and water/sewer department.

Development Specifics: Finger Foods Office Warehouse Project

4. Planning & Zoning Board Action:

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 Project will not have significant adverse impacts on the environment and therefore issues a Negative Declaration. The Planning Board authorizes the Chairman to sign the EAF.

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

Motion to Approve Site Plan with noted conditions.

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

Authentication:

<hr/>	Jan. 6, 2016	<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	