

Draft Minutes – NOT Board approved at this time

April 6, 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 M. Germann, Seconded by R. Muscatello to approve the minutes of March 16, 2016 as presented. Motion unanimously carried.

Summary of Agenda

Cell Tower Installation – 6571 Shawnee Road. – Site Plan Review. Changes were made to the proposed project since the last time this project came before the Planning Board (PB) on December 16th, 2015. Changes included a change in height from 190’ to 160’ and moving the tower 45’ to the east. The applicant submitted photo renditions of the proposed project with the new changes incorporated. Applicant needs to submit a new Site Plan with amended application, they will need a special use permit for the height of the tower which will require a Public Hearing Session, they will need a zoning variance for the height of the tower, and other items like an insurance bond for the project.

This project has already gone before the Niagara County Planning Board and was asked whether the project could be moved to county water property northwest of this location. The applicant provided a letter stating and a map showing that the other property was not feasible due to signal gaps being created. The Wheatfield PB is requiring to have an independent study completed to verify that there are no other viable sites for the project. The study will be conducted by a third party chosen by the PB, and paid for by the applicant. The issue will be re-visited when the updated site plan is received and reviewed.

Action

The PB initiated SEQR, a coordinated review and declaring itself lead agency.

Gugino Multi-tenant Building - 6421 Walmore Rd., Wheatfield, NY 14120. Site Plan review for proposed construction of a 10,000 ft² building to house a collision & paint shop and house multiple (4+) other commercial tenants with compatible uses. The applicant must comply with the Airport Overlay requirements and contact the FAA and Mercy Flight regarding the project. The PB requested the applicant to provide the Town with an easement along the waterway at east end of the property. A Special Use Permit is required for paint shops per Town Code and a New York State air permit will be required for the proposed exhaust. No landscaping except grass will be installed along Walmore Road due to high winds associated with the airport and snow plows pushing snow there in the winter.

Action

The PB initiated SEQR, a coordinated review and declaring itself lead agency.

Niagara International Sports & Entertainment - 6929 Williams Rd (Summit Park Mall), Niagara Falls, NY. The applicant submitted an updated Site Plan and an Engineering Report

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to address all previous outstanding conditions. Discussions were had about sanitary sewer capacity, the “glow” of the dome due to interior lighting, construction routes and traffic, the baseline noise levels collected, and the Fire Advisory Board (FAB) requirements that the project received at the FAB’s last meeting. The Planning Board recognizes the functions inside the mall that support the dome activities. Planning Board approval is required prior to any future parking being constructed on the property

There were still outstanding items identified that prevented Site Plan approval including FAA project review, SHIPO clearance, a variance from the Zoning Board for the height of the domes and engineering review.

Action

The PB issued a Negative Declaration for SEQ. R.

Board Business

PB scheduled a Special Use Permit Public Hearing, for Brian and Karen Schurr, 3990 Hill Rd., North Tonawanda. Permit is to stable 3 horses at the applicant’s residence. This is the applicant’s 8th straight permit renewal and it would be in effect for 2 years. The hearing is scheduled for 7:05 pm, April 20th, 2016.

PB received a letter from the New York State Agricultural Protection Unit regarding the Conservation Cluster Subdivision Law. A map was provided showing affected land that is located within a county adopted, State certified, Agricultural District. The Department doesn’t object to the Town of Wheatfield’s request to act as lead agency pursuant to the State’s Environmental Conservation Law.

Next meeting: April 20, 2016

Motion made by R. Muscatello, Seconded by D. Proefrock to adjourn the meeting. 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 | 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 – xxxxxx, 2016

Review Date: April 6, 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. Changes included moving the location of the tower 45' to the east and lowering the height from 190' to 160'.
- b. Applicant will provide new site plans and amended application.
- c. Applicant needs a special use permit due to the height of the tower. This will require a Public Hearing Session.
- d. Applicant needs to contact Mercy Flight about the project. Applicant has provided documentation of contact with FAA and them having no issues.
- e. Project requires SEQR. SEQR will be officially started when the amended site plans are received.
- f. 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.
- g. Applicant states that they will obtain an insurance bond for the project, for site restoration.
- h. Verify Exhibit "D" – does not appear to match the Site Plan.
- i. Any further planning for this tower will require co-location approval from the Planning Board.
- j. If the area of disturbance exceeds one acre: a SPEDES permit will be required.
- k. 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. Map of coverage was provided. Board is requiring to have an independent survey/study completed, chosen by the Planning Board, paid by the applicant. The applicant is open to the idea. This study shall include the possibility of utilizing nearby electric utility line towers. The issue will be re-visited when the updated site plan is received and reviewed.
- l. Applicant will confirm there can only be up to 3 service providers on the tower including the applicant.
- m. Need zoning variance for height of tower. Town code permits 100', application is in excess of allowable height (164').
- n. 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.
- o. Verify the proposal meets the Telecommunication Law in the town Zoning code: Section 200-106 to 200-124.

4. Planning & Zoning Board Action:

Motion:

The Wheatfield Planning Board has received a complete application for the proposed Cell Tower Installation Project. Pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQR), 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.

Motion made W. Garrow, Seconded by M. Germann to approve.

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

No further action required, pending noted conditions.

Authentication:

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| <hr/> | | <u>Apr. 6, 2016</u> | <hr/> |
| Planning & Zoning Board Representative | | Date | Owner/Representative Signature |
| Distribution: | Town Clerk Town Assessor Enforcement Office | Building Department Town Attorney Applicant | Town Board Members File Folder |

TOWN OF WHEATFIELD PLANNING & ZONING BOARD
Site Review Process Results

1. **Type of Review ("X" one):**
- | | | |
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| | 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 – xxxxxx, 2016

Review Date: April 6, 2016

2. **Development Specifics: Niagara International Sports & Entertainment**

- a. Property Identification & Location – 6929 Williams Rd (Summit Park Mall), Niagara Falls, NY 14304.
- b. Owner(s) Name(s), Address & Phone No. – Zoran Cocov c/o SaveALot, 6929 Williams Rd, Niagara Falls, NY 14304. Phone: 416-400-7976.
- c. Developer (when different) Name, Address & Phone No. – same as above
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Lauer-Manguso & Assoc. Architects, 4080 Ridge Lea Rd., Amherst, NY 14228. Phone: 716-837-0833.
- e. Development Details (Explain) – Site Plan for the proposed construction of 2 – 96,000 ft² dome structures connected to existing mall for 2 multi-purpose sports fields and court sports, as phase 1 of the project. Phase 2 (2017) is an 80,000 sq ft with an ice hockey rink with 2 adjacent auxiliary rinks.

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

- a. The Planning Board conducted a Public Informational Meeting on March 2, 2016.
- b. Applicant states that there is adequate sewer capacity to handle the dome and associated bathroom facilities. This is addressed in the Engineering Report.
- c. Planning Board approval is required prior to any future parking being constructed on the property.
- d. Will require a new variance from the Zoning Board of Appeals for the proposed height of structure.
- e. Applicant will re-consult with FAA to see if approval is needed.
- f. Applicant met with the FAB on April 4th, 2016. FAB comments attached.
- g. Planning board had requested baseline fence line noise levels for future comparison. Noise study information was provided. Applicant states that they will be in compliance with Town Code.
- h. Applicant states that the eastern mechanical areas will be fenced and surrounded with plantings.
- i. Applicant needs a signed letter from SHIPO.
- j. Applicant states that the domes will have a "glow" to them. That is addressed in the provided photometric information. Applicant states that the domes will not be used or lit, usually past around 10:00 pm and there will be parking lot lights on longer than the dome lights in general.
- k. SPDES permit will be required.
- l. Applicant provided construction schedule and proposed construction routes. Plans for construction traffic will be minimized to the extent possible.
- m. The Planning Board recognizes the functions inside the mall that support the dome activities.
- n. Planning Board notes that developer has to get a waiver relative to the distance to the bathrooms.

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 a significant adverse impact on the environment and therefore issues a Negative Declaration. The planning Board authorizes the Chairman to sign the EAF.

Motion made M. Polek, Seconded by D. Profrock to approve.

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

No other action required on Site Plan, pending noted conditions.

Authentication:

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|--|---|---|-----------------------------------|
| <hr/> | Apr. 6, 2016 | <hr/> | |
| Planning & Zoning Board Representative | Date | Owner/Representative Signature | |
| Distribution: | Town Clerk Town Assessor Enforcement Office | Building Department Town Attorney Applicant | Town Board Members File Folder |

Fire Advisory Board Comments

At the April 4, 2016 Wheatfield Fire Advisory Board Meeting the Fire Advisory Board met with representatives of the Niagara International Sports & Entertainment Project and reviewed their most recent plans with the change in structure design to the two separate dome structures with the following additional questions and comments in addition to the comments from the February 1st meeting:

- Planned Fire Protection Risers:

- o The location of the four (4) Fire Protection Risers will be installed at or closest to emergency access doors for the structures. These emergency access doors must have the capability of being opened with a building key (stored in the Knox key entry system box) from the outside of the structure when the building is closed/ secured. Doors that can only be unlocked or unsecured from the inside the structure is not an acceptable emergency access door. These emergency access doors will be labeled/ marked from the outside indicating access to the Fire Protection Risers.
- o Four (4) Total Fire Protection Risers inside the dome structure (two (2) in each dome structure) each containing a gated wye with two (2), 2.5" male connections with National Hose Thread.
 - To prevent vandalism or misuse, the recommendation would be to lock or secure the gates on the risers. The type of lock or securing devise needs to be approved by the Bergholz Fire Company Fire Chief prior to installation.
- o Risers to be connected to and supplied by the building water system.
- o Add one (1) exterior FDC (Fire Department Connection) to supplement the water supply to the 4 Fire Protection Risers.
 - The FDC will be located on the South Side of the structure near the relocated fire hydrant in the parking lot south of the structure.
 - The FDC will contain a Siamese connection containing two (2), 2.5" female connections with National Hose Thread.
 - To prevent vandalism or misuse, the recommendation would be to lock or secure the FDC. The type of lock or securing devise needs to be approved by the Bergholz Fire Company Fire Chief prior to installation.

- All roadways/ driving areas to support Town Fire Apparatus at 90,000 pounds.

- Due to the design and intent of this project with multiple businesses/ occupancies planned for the new structure and existing mall, two (2) Knox key entry systems will be required to be installed. One will be installed for the interior businesses (old food court area) on the building at the front,

main entrance of the structure (west side of old mall) and a second to be installed at the entrance corridor to the new structures (east side of old mall). The exact locations of the Knox box needs to be discussed with and agreed upon by the Bergholz Fire Company Fire Chief prior to installation.

At the February 1, 2016 Wheatfield Fire Advisory Board Meeting the Fire Advisory Board reviewed the submitted site plan for the proposed Niagara International Sports & Entertainment Project with the following additional questions and comments:

- Due to the design of the project, a Fire Department Connection for the sprinkler system in the existing building, located on the outside east wall, just south of the proposed connecting structure between the existing building and the new structure will be obstructed from view from the main parking lot. In addition to this Fire Department Connection being properly marked and labeled, the Fire Advisory Board requests placement of an additional sign indicating the location of the FDC that would be South facing near the FDC at the entrance of the new "alley way" being created by the project where the FDC is located. The exact location to be agreed upon by the Bergholz Fire Company Fire Chief.
- The Fire Advisory Board requests clear labeling to be agreed upon by the Bergholz Fire Company Fire Chief indicating closest access to the Fire Department Standpipe System installed in the new structure. This labeling is to be installed on the North and South emergency exit/ entrance doors for the new structure that are closest to the Fire Department Standpipe System Connection inside the structure.
- Per the Town Building Code this building would be required to have a Knox key entry system installed on the building at the front, main entrance of the structure. The exact location of the Knox box needs to be discussed with and agreed upon by the Bergholz Fire Company Fire Chief prior to installation.
- The Fire Advisory Board requests confirmation from the Building Department as to the location and completion of the new fire walls installed in the existing building that will compartmentalize the new proposed project area and main entrance from the unused portions of the building. This firewall should include not only the corridor but also the store or unit walls for complete fire protection between the used and unused portions of the existing structure.
- At this time the Town Fire Advisory Board has no other concerns with the project.

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 – March 22,2016

Review Date: April 6, 2016

2. **Development Specifics: Gugino Multi-tenant Building – Wheatfield, NY**

- A Property Identification & Location – 6421 Walmore Rd., Wheatfield, NY 14120.
- B Owner(s) Name(s), Address & Phone No. – Charles Gugino, 1515 Loretta Drive, Niagara Falls, NY. Phone: 297-2554 / 628-1000.
- C Developer (when different) – Same.
- D Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Apex Consulting, Survey & Engineering Services, P.C.102 East Avenue, Lockport, NY 14094. Phone: 716-439-0188. Contact: Christopher Kamar.
- E Development Details (Explain) – Site Plan application for proposed construction of a 10,000 ft² building to house a collision & paint shop and house multiple (4+) other commercial tenants with compatible uses.

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

- a. Property zoned M-2.
- b. Applicant required to contact FAA and Mercy Flight.
- c. Airport Overlay requirements to be reviewed by applicant.
- d. Board requests the applicant to provide the Town with an easement along the waterway at east end of the property. Exact dimensions to be determined.
- e. Applicant assuming creating 10+ jobs among the future tenants.
- f. Special Use Permit application has to be completed.
- g. Applicant states that exhaust will run out of the back of the building and run 2' above the top of the building, which will be 26'. A NYSDEC air permit will be required.
- h. Requires Fire Advisory Board review, fire code review and fire department review.
- i. Applicants states that lighting will only be on the building. Photometrics provided.
- j. Aesthetics – Applicant states they will use, and their renditions show, contrasting colors on lower portion of exterior walls. Landscaping will not be installed along Walmore Road (except grass)due to high winds associated with the location near the airport and snow plows pushing snow there.
- k. Applicant will identify potential parking on-site. Currently show 1/1000' per Town Code. Will place assumptions noted on plans.
- l. Applicant will add building height to plans. 16' eaves and 24' peak.

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

Motion:

The Wheatfield Planning Board has received a complete application for the proposed Multi-tenant Building. Pursuant to Part 617 6NYCRR, Article 8 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.

Motion made M. Germann, Seconded by R. Muscatello to approve.

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

