

*Draft Minutes – NOT Board approved at this time*

May 20, 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; members of the public.

Summary of Agenda

Moved by M. Germann, Seconded by R. Muscatello to approve the minutes of May 4, 2016 with 1 spelling correction being made. Motion unanimously carried.

7:05 p.m. Planning Board (PB) held a Special Use Permit Public Hearing, for Charles Gugino, 1515 Loretta Drive, Niagara Falls, NY. Permit is to build and operate a paint shop associated with an automobile collision shop, at 6421 Walmore Road, Wheatfield, NY. The property is located in a General Industrial (M-2) zoning district. A paint shop is a permitted use within an M-2 zone upon the issuance of a Special Use Permit. The applicant presented the project and there were no questions or comments from the public. The PB and applicant discussed the status of the Site Plan and some details about outstanding items. The applicant informed the board that he received a letter from the Fire Advisory Board (FAB) 2 days ago regarding the distance to the nearest fire hydrant. The planned building would be 520 feet and the town code limit is 400 feet. The FAB will not grant a variance so the applicant will either have to install a private hydrant on the property or sprinkle the building. Either of these will change the Site Plan. The Public hearing was concluded at 7:24 pm.

After the Public Hearing was closed, the PB heard three members of the public that requested to address the board. The gentlemen live on Town Line Road and feel that the Town is not enforcing its junkyard law and noise ordinance, at the junkyard on the corner of Town Line and Mapleton roads. Their primary issue is with extreme noise, but they also have concerns with a collapsed fence, grass that is not mowed, and some kind of open burning that creates black smoke and chemical odors. They feel that their quality of life is being effected and they wanted to know why the junkyard is allowed to operate under an expired Special Use Permit and why the junkyard was issued a building permit, for a building addition last year, when their Special Use Permit is out of compliance. The gentlemen stated that they have been filing complaints to the Town about this property since 2012 and both the Town's Building Inspector and Supervisor have been to their house and personally experienced the noise, but nothing has been done to address their concerns.

Walt Garrow and Richard Muscatello explained the Special Use Permit process, describing that the PB only issues the permits, and has no involvement with or responsibility for enforcement. The PB did check the records and verified that the junkyard's Special Use Permit did expire in December 2012. Additionally the PB collected contact information for the resident to ensure that they are notified if there is a Public Hearing for a Special Use Permit renewal, in the future.

Board Business

PB scheduled a Special Use Permit Public Hearing, for **St. Peter's Lutheran Church and School, 6167 Walmore Road, Sanborn, NY**. Requesting permission for the installation of an electronic sign at that address. The property is located in a Residential - 2 (R-2) zoning district. Electronic signs are permitted within an R-2 zone upon the issuance of a Special Use Permit. The hearing is scheduled for 7:05 pm, June 1<sup>st</sup>, 2016.

PB unanimously voted to recommend to the Town Board, to Amend Section 200-13 R-R Rural Residential zoning district code, to allow agricultural uses as permitted uses. The current R-R zoning does not allow agricultural uses and currently there are many farms and agricultural operations located in R-R districts. It should be noted that most of the existing farms in the R-R district are also located in the State/County Agricultural District, which offers them protection by the State and therefore can continue, expand and change operations without the Town restricting them.

Next meeting: June 1<sup>st</sup>, 2016

Motion made by M. Germann, Seconded by W. Garrow to adjourn the meeting. Motion unanimously carried.

Respectfully Submitted,  
Michael Polek, Secretary