

## September 12, 2016

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The Regular Town Board meeting of the Town of Wheatfield was held September 12, 2016 at 7:30 pm at Wheatfield Town Hall, 2800 Church Road, North Tonawanda, County of Niagara and State of New York to audit bills and to conduct any other business coming before the Town Board.

**PRESENT:** Supervisor Robert Cliffe, Councilmen Larry Helwig, Gilbert Doucet, Arthur Gerbec, Randy Retzlaff, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

### **PUBLIC INPUT**

Comments regarding Bomb Trains and the railroad tracks, weak points, concern with dehydration station

Down tree on Hird taken care of by Fire Company and Highway which did a great job

Update from Ag/Mkt regarding Quasar

Speed limit on Shawnee Road ó please send another request to the state. Discussion included lack of results and response from request made one year ago

Stop sign request

Comments regarding speed limit on River Road

Moved by Councilman Helwig and seconded by Councilman Doucet to authorize the Supervisor to write a letter to the Department of Transportation requesting a speed control study on Shawnee Road from Niagara Falls Boulevard to Loveland Road. After some discussion the motion was modified to include a speed control study on River Road from North Tonawanda to Niagara Falls. **This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Gerbec to accept the minutes dated August 22, 2016 as presented.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the bill payment for voucher # 20160717 ó 20161834 in the amount of \$268,640.86 as follows:

General Fund	\$ 40,555.97
Highway	\$102,863.57
Water/Sewer	\$ 39,052.73
Trust & Agency	\$ 15,931.50
Capital/Lemke & Errick Cul	\$ 750.00
Fire	\$ 1,341.00
Refuse	\$ 311.22

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Helwig to authorize Wendel to solicit quotes for the relining of the Moyer Road pump station wet well and a sanitary sewer manhole on Plaza Drive.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doucet and seconded by Supervisor Cliffe to approve amendments to the 2016 General Fund budget to provide for the Justice Court state grant to be used for the purchase of equipment and for the state grant reimbursement for bullet proof vests to be used for additional public safety expenses as follows:

### General Fund

#### Increase Estimated Revenues:

Account A.0000.3021 State Aid ó Court Facilities \$ 2,500.00

#### Increase Appropriations:

Account A.1110.0200 Justices Equip \$ 500.00

Account A.1110.0400 Justices Contr 2,000.00

Total \$ 2,500.00



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**NOW, THEREFORE, BE IT**

**RESOLVED**, the Wheatfield Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed enactment of this Local Law, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues the attached SEQR Negative Declaration (Parts 1, 2 and 3 of the EAF) in accordance with Section 617.7 of the SEQR regulations, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor is authorized to sign the Environmental Assessment Form (EAF).

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Supervisor Cliffe and seconded by Councilman Helwig;

**WHEREAS**, the Federal Aviation Administration (FAA) Part 77 Regulations require certain height limits on structures surrounding airports in order to provide for safe and effective operations of air traffic at these facilities and for the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is also necessary to prevent the creation or establishment of airport hazards, and

**WHEREAS**, the Town of Wheatfield, working through its Comprehensive Plan Implementation Task Force, has developed a local law to address the protection of the Niagara Falls Airport and its airspace, and

**WHEREAS**, pursuant to Municipal Home Rule Law, the Town Board wishes to enact a local law to be known as proposed Local Law # 3-2016, as follows:

Be it enacted by the Town Board of the Town of Wheatfield, New York, that the Wheatfield Town Board amends the Code of the Town of Wheatfield as follows:

Amend Article III (District Regulations) of Chapter 200 (Zoning) of the Code of the Town of Wheatfield by adding a new Section entitled, "Airport Protection Overlay", as follows:

*TOWN OF WHEATFIELD  
AIRPORT PROTECTION OVERLAY DISTRICT*

*Airport Overlay District:*

*A. Purpose:*

*Federal Aviation Administration (FAA) Part 77 Regulations require certain height limits on structures surrounding airports in order to provide for safe and effective operations of air traffic at these facilities. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is also necessary to prevent the creation or establishment of airport hazards. These regulations vary based upon the size, type and nature of the airport and the type of landing systems in place for each runway. This Airport Protection Overlay District, shown on the Town's official Zoning Map, is intended to regulate development in the vicinity of the Niagara Falls International Airport in a manner that is consistent with FAA regulations and to protect public health, safety, and the general welfare for and around the Niagara Falls International Airport and its runways.*

*B. Airport Protection Overlay District Boundary*

- 1. The Airport Protection Overlay consists of two distinct areas; the airport protection area and the airport potential impact area.*
- 2. This Overlay district area and sub-areas are clearly identified on the Town's Zoning Map.*

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3. *When interpreting these boundaries, any project site within the boundary or adjacent to the boundary, as determined by the Town's Code Enforcement Officer, will need to meet the requirements of this overlay.*
4. *Any project site that lies on the boundary of the two sub-areas, will be considered to be within the airport protection area.*

*C. Permitted Principal Uses*

*Within the borders of the Airport Overlay District, all uses are permitted as indicated in the underlying zoning district (and as limited in section F. of this law).*

*D. Application Procedures:*

1. *Any application for a variance (except for those relating to a single family home and not needing any Planning Board approvals), a building permit (non-residential) or a site plan or subdivision approval within the district shall include a site survey that depicts accurate elevations, based on United States Geological Survey data, for all areas of the site where structures are proposed.*
2. *All projects (as described in paragraph D. 1. of this Article) within the airport protection area of the district shall be submitted by the applicant (proof of mailings/filings shall be provided to the Town) to the FAA, the Niagara Frontier Transportation Authority, and the Niagara Falls Air Reserve Station/Department of Defense for review and comment prior to issuance of any approval. Comments, if any, from these agencies shall be taken into consideration by the Town in the review of the proposed project. Conditions can be placed on the project in response to these comments.*
3. *Projects located only in the airport potential impact area, will be required to complete the FAA screening tool for obstructions (copy to be supplied to the Town). If found to present a potential obstruction, the applicant must proceed to the next step of registration under FAA requirements. All correspondence resulting from this step must be provided to the Town and will be considered by the Planning Board per paragraph D. 2. Any structure proposed that is 200 feet or higher will be treated as those in the Airport Protection area.*

*E. Height Limitations:*

1. *No structure or appurtenance within the Airport Overlay District shall exceed the height limitations as shown on the "FAR Part 77 Surfaces" map on file at the Wheatfield Town Hall without approval from the FAA.*
2. *Any approval or permit by the Town may include conditions, if any, required by the FAA.*

*F. Other Limitations:*

1. *Any projects proposed within the airport protection area of the overlay district shall not have new ponds or other bodies of water unless specifically waived by the Town (Planning Board).*
2. *Other restrictions/requirements in the airport protection area for lighting, communication devices, issues with glare, landscaping, storage of materials and signage may be requested or required by the Planning Board.*

and,

**WHEREAS**, the Wheatfield Town Board has referred the project to Niagara County and received no negative comments, and held the required public hearing, received comments and has made minor revisions based on those comments, and

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**WHEREAS**, the Town Board has issued a Negative Declaration in accordance with SEQR requirements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Wheatfield Town Board amends the Code of the Town of Wheatfield Chapter 200 entitled "Zoning" to provide for the revision of the Town Code as referenced above.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Gerbec and seconded by Councilman Retzlaff;

**WHEREAS**, the Town of Wheatfield regulates land uses through various sections of the Code of the Town of Wheatfield, and

**WHEREAS**, the Town of Wheatfield has noted that agricultural uses are not an allowed use in the R-R Rural Residential Zoning District, and

**WHEREAS**, the Town of Wheatfield's Comprehensive Plan and Agricultural Protection Plan identify agriculture as an important component of the Town and have specifically noted that most of the northern portion of the Town (including many areas zoned R-R Rural Residential) should be encouraged for the continuation of agricultural uses, and

**WHEREAS**, the Town's Agricultural Focus Group and the Town's Comprehensive Planning Implementation Task Force have both supported and recommended amendments to the R-R Rural Residential Zoning District to allow for agricultural uses, and

**WHEREAS**, the Town has introduced a proposed Local Law to amend the R-R Rural Residential Zoning District and presented a copy to each member of the Board, and

**WHEREAS**, the Town Board of the Town of Wheatfield, New York would like to adopt Local Law #4-2016 to amend the RR district, as follows:

Amend Article III District Regulations, as follows:

Amend Section 200-13 R-R Rural Residential District, Paragraph A. Permitted principal uses, by adding a new item (1) as follows:

*(1): General agricultural land uses, buildings and activities, such as the growing of field, truck and tree crops, dairying, livestock raising, poultry farming, fur farming, hog raising, fish farming, but excluding rendering plants, subject to the following:*

*(a)* These agricultural uses are intended to be allowed on existing farms or to allow the expansion of existing farms for agricultural uses as defined by NYS Department of Agriculture and Markets. These uses are specifically not allowed on any existing residential home lot of less than two (2) acres or on any lot in an approved subdivision.

*(b)* The building or structure used for the stabling of livestock (including but not limited to horses, cows, sheep or fowl or other animals) shall be located at least 100 feet from any property line.

*(c)* The use of temporary buildings or trailers for the stabling of livestock in excess of 30 days is prohibited.

*(d)* Any pen, corral, track or other such enclosure within which livestock are kept shall be no closer than 15 feet to any property line abutting any district other than an A-R District and a minimum of 100 feet from any street line in all districts other than an A-R District.

*(e)* Stables shall be built and maintained so as not to create offensive odors, fly breeding or other nuisances. Manure shall not create a health hazard from an air and/or water pollution standpoint to persons inhabiting or using surrounding acreage and it shall be stored or disposed of in a manner that no obnoxious odor, fly breeding or other nuisance is created.

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*(f) A stable, barn or other such structure shall be maintained for the keeping of livestock in such manner that they may be completely enclosed and protected.*

*(g) Such livestock shall not be allowed to create a nuisance or health hazard.*

*(h) A roadside stand or other structure, not exceeding 500 square feet of enclosed space, for the display and sale of farm or nursery products related to farming and as a seasonal convenience to the owner/owners of the land. The majority of the products sold at such stand shall be, or be derived from, products produced on the farm on which the roadside stand is located. Any such stand shall be located a minimum of 30 feet from the street line in such a manner as to permit safe access and egress for automobiles and parking off the highway right-of-way.*

*(i) Minimum land area for horses shall be five (5) acres for one (1) horse and an additional acre for each additional horse.*

Current Item (1) becomes item (2) and re-number the remaining items in paragraph A.  
and,

**WHEREAS**, the Town Board has issued a Negative Declaration in accordance with SEQR requirements.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Wheatfield Town Board amends the Code of the Town of Wheatfield Chapter 200 entitled "Zoning" to provide for the revision of the Town Code as referenced above.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to approve and authorize the Town Supervisor to enter into an agreement with Modern Disposal Services, Inc., to extend the current Municipal Solid Waste Collection, Hauling and Disposal and Recycling Agreement, originally made on January 1, 2012, for a final two (2) year extension renewal commencing January 1, 2017 through December 31, 2018.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Doucet to award the Jagow Road Pump Station Rehabilitation Project to STC Construction, Inc., for their low bid of \$255,200.00, in reliance of the recommendation of GHD Consulting Services Inc.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Supervisor Cliffe and seconded by Councilman Doucet to authorize and direct the Town Highway Department to remove the curbed median at the entrance to Spice Creek at Shawnee Road, and thereafter to pave over the location where the curbed median was located.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to accept from Dayferts Truck and Auto Repair, the low bid in the amount of \$9,668.00 to paint the Town's Mack Low-Boy tractor. Said bid was lowest of three (3) quotes obtained. Said expense to be from the Highway Department's 2016 budget amounts.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Supervisor Cliffe and seconded by Councilman Helwig to approve the request of Paul Siegmann, Highway Department Superintendent, to accept the three (3) year Snow and Ice Contract with Niagara County beginning October 1, 2016, subject to review by the Town Attorney.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Retzlaff to accept and approve the contract with Sanborn-Pekin Library for a period of three years.

**This motion was CARRIED: AYES 5 – NAYS 0.**

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Moved by Councilman Helwig and seconded by Councilman Gerbec to approve the 2017 Casual Worker Wage Scale.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Supervisor Cliffe and seconded by Councilman Gerbec to schedule the Public 2017 Budget Work Session for Wednesday October 12, 2016 at 6:30 pm at Town Hall.

**This motion was CARRIED: AYES 5 – NAYS 0.**

The next Town Board meeting is scheduled for October 3, 2016 at 7:30 pm at Town Hall.

**PUBLIC INPUT**

Comments regarding bomb trains

Moved by Councilman Retzlaff and seconded by Councilman Helwig to adjourn at 8:24 pm.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Respectfully submitted,

Kathleen Harrington-McDonell  
Town Clerk