#### February 21, 2018

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: Susan Eberwein, Walt Garrow, Melissa Germann, and Donald Proefrock.

Also Present: Jamie Johnson - Town engineer Wendel; members of the public.

Excused: Michael Polek

#### Quorum Present Noted

Moved by M. Germann, Seconded by D. Proefrock to approve the meeting minutes of February 7, 2018. Motion unanimously carried.

#### **Summary of Agenda**

# Sketch Plan, Sanborn Distillery, 6311 Inducon Corporate Drive.

- a. Property Identification & Location 6311 Inducon Corporate Drive at Lockport Road, Wheatfield, NY, 14120.
- b. Owner(s) Name(s), Address & Phone No. Leonid Safir.
- c. Developer (when different) Name, Address & Phone No. Sanborn Distillery Corp., 620 Supertest Road, Unit #5, Toronto, Ontario, Canada, M3J2M. Phone: 416-739-9989
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. TRM Architecture, Design & Planning, PC, 448 Delaware Avenue, Buffalo, NY, 14202. Phone: 716-883-3516
- e. Development Details (Explain) Construction of two (2) 10,000 ft<sup>2</sup> distillery manufacturing buildings and a 3,500 ft<sup>2</sup> restaurant building.

See Conditions/Recommendations for details. These were discussed in detail. They will be using farm waste like apples, fermenting, slow cooking, to make alcohol (95%). They already have commitments from local farms.

Wendel provided additional comments in the discussion.

Robert Dahlman presented for the owner.

#### Action:

No action taken.

#### Sketch Plan, Heritage Structures, 3275 Niagara Falls Blvd.

- a) Property Identification & Location 3275 Niagara Falls Boulevard, Wheatfield, NY, 14120.
- b) Owner(s) Name(s), Address & Phone No. Steve Christiano, CY Property Management, 3269 Niagara Falls Boulevard #4, North Tonawanda, NY, 14120. Phone: 716-523-4636.
- c) Developer (when different) Name, Address & Phone No. Heritage Structures, 10422 Mill Road, Medina, NY, 14103. Phone: 585-735-2003.
- d) Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. Same as developer.
- e) Development Details (Explain) Place portable structures (storage sheds) visible to roadway for advertising. Retail sales with majority of sales April to November, but a year round display.

See Conditions/Recommendations for details.

Caleb Schlabach presented. He plans 30 units.

#### Action

No action taken.

#### Site Plan Review, MOOG Rocket Test Facility, Wheatfield Business Park.

- a. Property Identification & Location 6686 Walmore Road, Niagara Falls, NY, 14304. Part of Wheatfield Business Park II.
- b. Owner(s) Name(s), Address & Phone No. MOOG Inc., 6686 Walmore Road, Niagara Falls, NY, 14304. Contact: Tom Klementowski. Phone: 716-731-6261.
- c. Developer (when different) Name, Address & Phone No. Same as owner.
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. Same as owner
- e. Development Details (Explain) Various renovations to multiple existing buildings. Construction of new 725 ft<sup>2</sup> scrubber building, 7,595 ft<sup>2</sup> propellant storage building and 14.850 ft<sup>2</sup> site access drive.

See Conditions/Recommendations for details.

Tom Klementowski – MOOG and Dennis Hoyt – Project Engineer presented. A detailed time table was discussed and placed into the PB files.

#### Action:

No action taken.

#### Sketch Plan, Wheatfield Gardens, 7341 Shawnee Road

- a) Property Identification & Location 7341 Shawnee Road, North Tonawanda, NY, 14120.
- b) Owner(s) Name(s), Address & Phone No. Wheatfield gardens, LLC. 7341 Shawnee Road, North Tonawanda, NY, 14120.
- c) Developer (when different) Name, Address & Phone No. Same as owner.
- d) Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. –
- e) Development Details (Explain) Construction of a pre-fabricated steel pack house for leafy green produce processing and packaging.

See Conditions/Recommendations for details.

Mack Shelor – TROPOS Technologies presented. Two residents came and related that the proposer had a discharge that impacted a nearby pond. Duck Weed grew due to the fertilizer impact. They wanted assurances this will not happen again.

#### Action:

No action taken.

## Next meeting: March 7, 2018

Motion made by Don Proefrock, Seconded by W. Garrow to adjourn the meeting at 9:30 p.m. Motion unanimously carried.

## Respectfully Submitted,

Walter Garrow, Planning Board Chairman and Acting Secretary

1. Type of Review ("X" one):

XX Sketch Plat Review
Site Plat Review

Preliminary Subdivision Plat-Major

Special Use Permit

Public Hearing Special Permit Final Subdivision Plat

Rezoning Request

Commercial Vehicle Parking Permit

Site Plat Date – Review Date: February 21, 2018

### 2. Development Specifics: Sanborn Distillery

- a. Property Identification & Location 6311 Inducon Corporate Drive at Lockport Road, Wheatfield, NY, 14120.
- b. Owner(s) Name(s), Address & Phone No. Leonid Safir.
- c. Developer (when different) Name, Address & Phone No. Sanborn Distillery Corp., 620 Supertest Road, Unit #5, Toronto, Ontario, Canada, M3J2M. Phone: 416-739-9989
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. TRM Architecture, Design & Planning, PC, 448 Delaware Avenue, Buffalo, NY, 14202. Phone: 716-883-3516
- e. Development Details (Explain) Construction of two (2) 10,000 ft<sup>2</sup> distillery manufacturing buildings and a 3,500 ft<sup>2</sup> restaurant building.

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

- a. The property is zoned M-1 and undeveloped. This is an allowed use in M-1. (Reference Code Setback requirements.)
- b. The project is to be phased as follows: distillery building, restaurant building, and distillery building.
- c. The proposed distillery manufacturing buildings will be steel framed metal buildings.
- d. They will be using farm waste like apples, fermenting, slow cooking, to make alcohol (95%). They already have commitments from local farms. Waste pulp and sugars dissolve in the process. No solid waste.
- e. Located in Airport Zone 1 and Town Codes for this apply.
- f. Located in Airport Protection area. Thus, will need verification of communication with FAA and NFTA. This includes restrictions on storage, signage, ponds, lightning, etc. Lighting must be dark sky friendly.
- g. Located in "Industrial Performance" codes. This will limit noise, vibration, dust/particulates, smoke, odor, detonatable materials.
- Use and comply with Town's Site Plan Checklists and provide all required materials and verifications of communications.
- i. Refer to Niagara County Planning Board by sending them request form. This is because of Lockport Road and requirements limiting additional access to Lockport Road from Inducon Park. This may require DOT approvals.
- j. This will require SEQR (short form) coordinated review that includes Niagara County and Sewer Authority. Includes need for SHPO due to archeological histories.
- k. Being over 1 acre, requires SWPP. No wet ponds are allowed on the site.
- I. Check on allowability due to proximity to church and Horizon Treatment Facilities.
- m. Will this comply with NFPA Codes for flammable liquids?
- n. Parking currently looks OK.
- o. Setback from Corporate Drive is inadequate a 22' and needs to be at least 25'.
- p. What are the buildings' heights (single story 18 to 20 feet) and provide color concept drawings.
- q. Provide Landscaping design.
- r. Provide a "Base Map".
- s. The Planning Board has requested legal opinion relative to proximity to a church and the Horizon treatment facilities. Visual blocking should be included in plans. Because of this, the Planning Board planning a Public Informational Hearing (with neighboring notification) on this.
- t. There is a known history, in this area, of endangered species (owl).

# 4. Planning & Zoning Board Action:

No action taken.

Authentication:

Planning & Zoning Board Representative Distribution: Town Clerk

Town Assessor Enforcement Office Feb. 21, 2018

Date
Building Department
Town Attorney
Applicant

Owner/Representative Signature Town Board Members File Folder

1. Type of Review ("X" one):

XX Sketch Plat Review Site Plat Review

Preliminary Subdivision Plat-Major

Special Use Permit

Public Hearing Special Permit

Final Subdivision Plat Rezoning Request

Commercial Vehicle Parking Permit

Site Plat Date – Review Date: February 21, 2018

#### 2. Development Specifics: Heritage Structures

- a) Property Identification & Location 3275 Niagara Falls Boulevard, Wheatfield, NY, 14120.
- b) Owner(s) Name(s), Address & Phone No. Steve Christiano, CY Property Management, 3269 Niagara Falls Boulevard #4, North Tonawanda, NY, 14120. Phone: 716-523-4636.
- Developer (when different) Name, Address & Phone No. Heritage Structures, 10422 Mill Road, Medina, NY. 14103, Phone: 585-735-2003.
- d) Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. Same as developer.
- e) Development Details (Explain) Place portable structures (storage sheds) visible to roadway for advertising. Retail sales with majority of sales April to November, but a year round display.

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

- a) Zoned C-1, Niagara Falls Blvd. Overlay District (New and supersedes past precedents)
- b) The Planning Board will need documentation from the owner on rights to use property. The thought would be for annual agreements.
- c) This is in a Floodway and 100 Year Flood Plane (cannot build here).
- d) What is the developer's long range intention? Current plan is long term (15 years).
- e) DOT may need to be involved because of how close the driveways to Nash Road.
- f) This Zone and Overlay District no longer permits shed sales areas. (Laws have changed and does not provide for grandfathering.) The current site code plan intent is to not allow this use here. See Code 200.76 which could allow a "Temporary Special Use Permit". That could be for up to 1 year and requires renewal. However, it is a maximum allowance of up to 2 to 4 years.
- g) If a Temporary Special Use Permit is granted, it would first require a Public Hearing and a listing of special conditions
- h) Also, short form for SEQR would be required.
- i) It would require a site plan and compliance with the Town's Site Plan checklist requirements.
- j) It would also require periodic Town site inspections.
- k) There will be a portable office there seasonally. Restrooms would be used in existing building.

### 4. Planning & Zoning Board Action:

No action taken.

Authentication:

Planning & Zoning Board Representative Distribution: Town Clerk

Town Clerk Town Assessor Enforcement Office Feb. 21, 2018

Date
Building Department
Town Attorney
Applicant

Owner/Representative Signature Town Board Members File Folder

1. Type of Review ("X" one):

XX

Sketch Plat Review Site Plat Review

Preliminary Subdivision Plat-Major

Special Use Permit

Comm. Vehicle Parking Permit

Public Hearing Special Permit

Final Subdivision Plat

Rezoning Request

Site Plat Date – August 29, 2017 Review Date: February 21, 2018

#### 2. Development Specifics: MOOG – Wheatfield Business Park

- Property Identification & Location 6686 Walmore Road, Niagara Falls, NY, 14304. Part of Wheatfield Business Park II.
- Owner(s) Name(s), Address & Phone No. MOOG Inc., 6686 Walmore Road, Niagara Falls, NY, 14304.
   Contact: Tom Klementowski. Phone: 716-731-6261.
- c. Developer (when different) Name, Address & Phone No. Same as owner.
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. Same as owner.
- e. Development Details (Explain) Various renovations to multiple existing buildings. Construction of new 725 ft² scrubber building, 7,595 ft² propellant storage building and 14,850 ft² site access drive.

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

- a. Applicant was referred to the Town's Site Plan Checklist and Town Code Section 200-20.4 Airport Zone One Overlay.
- b. The project is within the Airport Protection Zone.
- c. The FAA, NFTA and Air Base must be notified. Documentation is received DONE. However, FAA is coming.
- d. Project will create approximately 100 new jobs, 50 at this facility and 50 in East Aurora.
- e. The project will be conducted in 3 phases from over a total of 18 months. Whole project is 4 years.
- f. The SEQR package was submitted under separate cover on January 22, 2018. Wendel asked for a new copy (electronically).
- g. The project needs Fire Advisory Board (FAB) review and the plans need to be sent to the local Fire Department. Proof of receipt to be provided. Fire Department is done. Town Clerk will forward a new Site Plan to the FAB.
- h. A base map is required per Town's Site Plan guidelines. DONE
- i. A variance request for height of the proposed scrubber building was submitted to the ZBA under separate cover. Proposed height is ~45′ and the limit is 40′.
- j. No new lighting to be added to the site.
- k. Applicant to verify existing and proposed easements. DONE, none present.
- I. Grading plan to be included with next version of drawings. Limits of disturbance to be shown. DONE
- m. Planning Board requested the applicant to verify and report on all state permits the facility operates under. This was with the Emergency Response Plan.
- n. Engineering report for changes to the site will be provided.
- o. Needed Progression Steps:
  - i. Needs Completed <u>SEQR</u>
    - 1. Town of Wheatfield Planning Board will take the lead agency role.
    - 2. Because of other involved agencies and permits, this will be a "coordinated Review". This saves time, because otherwise the other agencies involved would have to start and complete their SER documents separately. The Planning Board may be able to complete by April 4th.
    - 3. Don made the motion that we initiate SEQR process, seconded by Suzanne. Motion carried.
  - ii. A <u>Special Use Permit</u> will be required as per 200.86 and 200.87(g). This approval is to be done by the Town Board. The reason is detonable materials in an industrial site (in the new buildings). This was reviewed by the PB during the meeting. The response is

- that there may not be any detonable materials in the new buildings, according to the applicant. PB, with Wendel, will obtain further information on relevance and discussion with Town Board.
- iii. Need a <u>Height Variance</u>. This will be done through the ZBA. (Site Plans are provided, but the ZBA will need the SEQR).
- iv. Finally, the Planning Board could then decide Site Plan approval.
- p. Wendel provided a detailed time table. A copy has been entered into the PB file. Anticipated that this may conclude by 4/4/2018.

## 4. Planning & Zoning Board Action:

No action required, applicant provided a presentation and we discussed the project.

Authentication:

Planning & Zoning Board Representative

Feb. 21, 2018

Owner/Representative Signature

Distribution: Town Clerk Building Department Town Board Members

Town Assessor Town Attorney File Folder

Enforcement Office Applicant

1. Type of Review ("X" one):

XX Sketch Plat Review
Site Plat Review

Preliminary Subdivision Plat-Major

Special Use Permit

Commercial Vehicle Parking Permit

Review Date: February 21, 2018

Public Hearing Special Permit

Final Subdivision Plat

Rezoning Request

Site Plat Date – January 30, 2018

#### 2. Development Specifics: Wheatfield Gardens

- a) Property Identification & Location 7341 Shawnee Road, North Tonawanda, NY, 14120.
- b) Owner(s) Name(s), Address & Phone No. Wheatfield gardens, LLC. 7341 Shawnee Road, North Tonawanda, NY, 14120.
- c) Developer (when different) Name, Address & Phone No. Same as owner.
- d) Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. –
- e) Development Details (Explain) Construction of a pre-fabricated steel pack-house for leafy green produce processing and packaging.

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

- a) Zoned M-1
- b) 12 month per year process. The main product will be leafy green items/lettuce.
- c) Site plan will include pack-house, which is a major part of this plan.
- d) This may include 20 full time employees, with full benefits.
- e) Will this process create any odors? They say no, because it is an enclosed process.
- f) Where is the new building going on the property? Yes. This will be an additional pre-fab building (45X80 foot building). Will demolitions be required? No demolitions.
- g) They have communicated with National Fuel about the new building which will be near to their service line. They must stay at least 5 feet away from the pipeline. They will provide record of this communication
- h) Completion of the Town's Site Plan checklist and provision of the listed requirements is needed. That includes verifications of the required contacts, such as Fire Department, Fire Advisory Review Board, etc.
- i) Verification of contact and compliance with the Sewer Authority and/or State for SPDES and discharge compliance. Requestor indicates there will not be any discharges.
- j) SEQR will be needed. (Short form and not coordinated review.)
- k) Because less than 1 acre is involved, SWPP is not required.
- 1) There is a "wetland" in this area. The impact to be determined.
- m) No additional parking will be needed.
- n) Two residents came and related that the proposer had a historical discharge that impacted a nearby pond (drainage and retention). Duck Weed grew due the fertilizer impact. They wanted assurances this will not happen again. One pond was built for drainage retention. Prior owner diverted waters to that pond, which overflows to the nearby creek. Response is that the pond is not used (will be filled in) and no fertilized water goes to that pond anymore. Proposer promises to not have that discharge any more.

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

No action taken.

Authentication:

Planning & Zoning Board Representative
Distribution: Town Clerk

Town Assessor Enforcement Office Feb. 21, 2018
Date
Building Department

Building Department Town Attorney Applicant Owner/Representative Signature Town Board Members File Folder