

April 04, 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, Michael Polek and Don Proefrock.
Also Present: Tim Zuber - Town engineer Wendel; a member of the public.

Moved by M. Germann, Seconded by S. Eberwein to approve the meeting minutes of March 21st, 2018. Motion unanimously carried.

Summary of Agenda

Buffalo Solar Solutions - 2921 Niagara Falls Boulevard - Sketch Plan Review. Sketch Plan review for the construction of a remote net metered solar energy project consisting of 576 solar modules, ground mounted on a fixed-tilt stationary racking system, southwest aligned with the property. The applicant explained new metering and the project. There was debate whether the project is classified as a utility scale solar energy system or a ground-mounted solar energy systems, which will determine whether it is allowed in a C-1 zone. The applicant is going to contact the Town's attorney for a legal opinion, and if the project is determined to be a ground mounted solar energy system, the applicant will proceed along the Site Plan process.

Action

No action taken.

Bergholz Fire Department Pavilion – 2470 Niagara Road - Sketch Plan Review. Reviewed the sketch plan for the proposed construction of a 40'x80' pavilion to be used for fire department events. The proposed location is on a previously adjacent property that was purchased and a residential structure was removed. The project needs site plan approval and a variance from the Zoning Board of Appeals for the front right of way setback.

Action

No action taken.

Other Board Business

The planning board provided a recommendation to the Town Board to change a portion of the Town parking code, to reduce the number of project variances being sent to the Town Board and to facilitate timely progression of projects through the Site Plan review and approval process. The Planning Board intends to update and revise the parking code to address problem areas.

Motion made S. Eberwein and seconded D. Proefrock:

Chapter 200: Zoning, Article VIII: Off-Street Parking, Loading and Staking, Section 200-59: Modification of Requirements.

Revise 200-59(A) Variations from:

The *Town Board, after receiving a recommendation from the Planning Board*, may vary the parking, stacking and loading requirements of this article when it finds that, due to the nature of the particular use, the enumerated requirements will not be adequate or where the strict application of the requirements will result in excess amount of facilities related to the particular use.

To:

The *Planning Board* may vary the parking, stacking and loading requirements of this article when it finds that, due to the nature of the particular use, the enumerated requirements will not be adequate or where the strict application of the requirements will result in excess amount of facilities related to the particular use.

Voting Results: Yeas: Eberwein, Garrow, Polek, Proefrock. Nays: Germann. Abstention: none
Motion Carried

Next meeting: April 18, 2018

Motion made by D. Proefrock, Seconded by M. Germann to adjourn the meeting at 8:25p.m. Motion carried.

Respectfully Submitted
Michael Polek, Secretary

TOWN OF WHEATFIELD PLANNING & ZONING BOARD
Site Review Process Results

1. **Type of Review ("X" one):**
 XX Sketch Plat Review Public Hearing Special Permit
 Site Plat Review Final Subdivision Plat
 Preliminary Subdivision Plat-Major Rezoning Request
 Special Use Permit Commercial Vehicle Parking Permit

Sketch Plat Date – March 13, 2018

Review Date: April 4, 2018

2. **Development Specifics: Buffalo Solar Solutions**
- a. Property Identification & Location – 2921 Niagara Falls Boulevard, Wheatfield, NY, 14120.
 - b. Owner(s) Name(s), Address & Phone No. – E21 Ventures, Inc., 1844 Sir Tyler Drive, Wilmington, NC, 28405. Phone: 716-940-6275.
 - c. Developer (when different) Name, Address & Phone No. – Buffalo Solar Solutions, 1212 Abbott Road, Suite B, Buffalo, NY, 14218. Phone: 716-800-7775.
 - d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – same as developer.
 - e. Development Details (Explain) – Remote net metered solar energy project consisting of 576 solar modules, ground-mounted on a fixed-tilt stationary racking system, southwest aligned with the property.

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

- a. The Planning Board referred the applicant to the Town's Site Plan Checklist which can be found on the Town's website. The checklist was briefly described.
- b. This project falls under the Town's Solar Law, Section 200-136. Consideration should be given to the Niagara Falls Boulevard Overlay District and the Airport Protection Overlay Zone.
- c. Solar energy produced will be used to offset the usage at the property with the bulk of the additional energy being sent into the utility grid through the Remote Net Metering Tariff to offset energy usage at other owner properties.
- d. The property is zoned C-1 Commercial. According to zoning code utility scale solar energy systems cannot be constructed in C-1 but ground-mounted solar energy systems are allowable. The project does not clearly fall under the definitions of either of those definitions and may not be permitted within a C-1 zone per Solar Law 200-139, D; therefore a legal determination needs to be made. The Planning Board Chairman requests a written request from the applicant as to what specific parts of the Town Solar Code they would like an interpretation on. The interpretation is the next step for the applicant to take.
- e. The applicant plans to purchase the property and will provide proof of sale.
- f. The parcel has a 20' sewer easement running the southern border and the northwest corner of the parcel lies in an Airport Possible Impact Zone. The applicant states the project does not infringe on either of these easements.
- g. The Planning Board requested a reflective study be performed by the applicant. The applicant stated that they can do that.
- h. The applicant will provide documentation from National Grid stating that the project is allowable.
- i. Anticipated sequence for project: 1) Legal Opinion per comment D above. 2) SEQR. 3) If necessary Special Use Permit. 4) Site Plan Review.

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

No action taken.

Authentication:

	April 4, 2018	
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):**
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

Sketch Plat Date – March, 2018

Review Date: April 4, 2018

2. **Development Specifics: Bergholz Fire Department Pavilion**
- f. Property Identification & Location – Bergholz Fire Department (BFD), 2470 Niagara Road, Niagara Falls, NY, 14304. Phone: 716-731-2743.
 - g. Owner(s) Name(s), Address & Phone No. – Same.
 - h. Developer (when different) Name, Address & Phone No. – Same.
 - i. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Same.
 - j. Development Details (Explain) – Construction of a 40' x 80' pavilion to be used for BFD events.

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

- a. BFD purchased an adjacent parcel and combined it with their main property. An existing house was removed and the pavilion will be built in that area. The property is zoned C-1.
- b. The project requires Site Plan Approval. The Planning Board referred the applicant to the Town's Site Plan Checklist which can be found on the Town's website. Due to the Town's familiarity with the project the base map requirement has been waived.
- c. The project needs a variance from the Zoning Board of Appeals (ZBA) for the front right of way setback.
- d. A short form SEQR was submitted by the applicant. Independent determinations need to be made by the Planning Board and the ZBA.
- e. The Planning Board requested a letter of support from the adjacent neighbor.

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

No action taken.

Authentication:

Planning & Zoning Board Representative

April 4, 2018
Date

Owner/Representative Signature

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