June 20, 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; members of the public.

Moved by S. Eberwein, Seconded by D. Proefrock to approve the meeting minutes of June 6, 2018. Motion unanimously carried.

Summary of Agenda

Witmer Road Subdivision - East side of Witmer Road, between David Drive and Ferchen Street - Preliminary Major Subdivision Plat Review. The project proposes to subdivide the existing 34.07-ac lot. 4.13-acres fronting on Witmer Road will be subdivided into 10 – single family residential lots and the remaining 29.94-ac will be retained by the Town of Wheatfield. The property owner is Town of Wheatfield and the engineer for the project is Wendel. The land is zoned R-2 and Wendel will research whether the lots can be restricted to single family residences. The Planning Board requests notification to homeowners that potential development may happen in the vacant land behind their property.

Action

No action taken.

Borrego Solar Systems - 2469 Lockport Road – Site Plan Review. Reviewed the plans for the construction of a 6.1 Mw ground mounted utility grade solar energy system. The property is zoned A-R. All power produced will go to the grid and will make less expensive power available to local residents. A special use permit is required because the project is utility scale and the project will require a variance from the Zoning Board of Appeals for the setback from the utility corridor along the south. The location of the solar array has moved south since the applicant's last appearance before the Planning Board. Half of the array will be north and half south of the Niagara Mohawk Power Corporation and New York State Electric and Gas utility corridor running through the parcel. The relocation requires the removal of a house and 3 barns. Examples of Town Codes that apply include Solar, Airport Overlay and Conservation Area.

Action

Motion made by S. Eberwein and Seconded by M. Polek to initiate the SEQR process, a coordinated review with the Town of Wheatfield Planning Board acting as the lead agency and authorizing Wendel to assist.

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

Motion made by S. Eberwein and Seconded by D. Proefrock to schedule a Special Use Permit public hearing. The hearing is scheduled for July 11th at 6:45 p.m.

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

Other Board Business

None.

Next meeting: July 11, 2018.

Motion made by M. Polek, Seconded by W. Garrow to adjourn the meeting at 8:30 p.m. Motion carried.

Respectfully Submitted, Michael Polek – Acting Secretary.

TOWN OF WHEATFIELD PLANNING & ZONING BOARD Site Review Process Results

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

Sketch Plat Review Public Hearing Special Permit
Site Plat Review Final Subdivision Plat
Preliminary Subdivision Plat-Major Rezoning Request

XX Preliminary Subdivision Plat-Major Rezoning Request Special Use Permit - Temporary Informational Meeting

Site Plat Date – June 13, 2018 Review Date: June 20, 2018.

2. Development Specifics: Witmer Road Subdivision

- a. Property Identification & Location East side of Witmer Road, between David Drive and Ferchen Street.
- b. Owner(s) Name(s), Address & Phone No. Town of Wheatfield, 2800 Church Road, Wheatfield, NY 14120. Phone: (716) 694-6440.
- c. Developer (when different) Name, Address & Phone No. Same as owner.
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. Wendel, 375 Essjay Road, Suite 200, Williamsville, NY 14221. Phone: (716) 688-0766.
- e. Development Details (Explain) The project proposes to subdivide the existing 34.07-ac lot. 4.13-acres fronting on Witmer Road will be subdivided into 10 single family residential lots and the remaining 29.94-ac will be retained by the Town of Wheatfield.

3. Planning & Zoning Board Mandated Conditions/Recommendations:

- a. Zoned R-2. Lot sizes presented are consistent with R-1.
- b. Wetland potential and tributary through area noted.
- c. Information has been provided as to soil type.
- d. Owner is Town of Wheatfield, engineer is Wendel,.
- e. Use the Town's major subdivision checklist.
- f. The project will leave a 66' right of way for access, in-between lots 5 & 6.
- g. Lot #1 has a 40' sewer easement along the South side.
- h. Applicant to verify utility capacities, water and sewer.
- i. Wendel will research whether lots can be restricted to single family residences.
- j. Planning Board requests notification to homeowners that potential development may happen in the vacant land behind their property.
- k. Project will require SEQR review and a public hearing.

4. Planning & Zoning Board Action:

No action taken.

Authentication	1:			
Planning & Zoning Board Representative		<u>June 20, 2018</u> 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):

XX

Sketch Plat Review Site Plat Review

> Preliminary Subdivision Plat-Major Special Use Permit - Temporary

Site Plat Date – June 11, 2018

Public Hearing Special Permit Final Subdivision Plat Rezoning Request Informational Meeting

Review Date: June 20, 2018.

2. Development Specifics: Borrego Solar Systems

- a. Property Identification & Location 2469 Lockport Road, Sanborn, NY 14120.
- b. Owner(s) Name(s), Address & Phone No. David R. & Dennis M. Jakubaszek, 879 Fairmont Avenue, North Tonawanda, NY 14120. Phone: 716-694-1064.
- c. Developer (when different) Name, Address & Phone No. Borrego Solar Systems, Inc., 55 Technology Drive, Suite 102, Lowell, MA 01851.
- d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. PV Engineers P.C., 55 technology Drive, Suite 102, Lowell, MA 01851. Phone: (888)898-6273
- e. Development Details (Explain) Construct a 6.1 Mw ground mounted utility grade solar energy system.

3. Planning & Zoning Board Mandated Conditions/Recommendations:

- a. Zoned AR. All power use and power to the grid.
- b. Have lease agreement with 2 property owners. Agreement is for 20 years with 4 5 year extensions. Lease letter is dated April 17, 2018. Complete.
- c. A decommissioning plan was provided for post use units to be removed. Completed.
- d. The project is within the Airport Overlay Zone.
- e. Special use permit required because project is utility scale. A public hearing has been scheduled for July 11th, at 6:45 p.m.
- f. Plans and Glare Study to be sent to NFTA, Niagara Falls Air Reserve, FAA and Mercy Flight, and comments requested.
- g. The Town's Site Plan checklist will be reviewed.
- h. Example of Town Codes that apply include Solar, Airport Overlay, Conservation Area.
- i. Requires some upgrades to National Grid substation and transformer. Applicant to Invest ~\$1.2M to National Grid for that.
- j. New jobs for construction. Operations may include a couple of new jobs to the Town of Wheatfield.
- k. Roads need to meet Fire Department load bearing requirements. Training to fire department for emergency response. Knox Box required keys will be provided.
- I. Need base map. Complete.
- m. Greater than 1 acre being disturbed, SWPPP will be provided.
- n. Landscaping plan waiver requested due to distance from road. Any landscaping to be consistent with the airport overlay requirements.
- o. The anticipated benefits include improvements to Town infrastructure. Property improvements may impact assessments.
- p. Permit required from USACE due to wetland impacts.
- q. Coordinated SEQR review will be performed.
- r. Soil survey provided. Complete.
- s. Project is within 500 feet of the next Town. Requires review from Niagara County Planning Board. Form provided.
- t. Agriculture data statement needs to be completed. Complete.
- u. Send a copy of site plan to Bergholz Fire Department and to the Fire Advisory Board via the Town's clerk. Complete.
- v. Highest height of any unit will be about 9 feet.
- w. The system will make less expensive power available to local residents.
- x. Fee of \$50/acre for special use permit for a utility scale solar project. Complete.

- y. Exposed grass at the site will be mowed twice per year. Low height grass will be planted.
- z. Applicant to provide permission from Niagara Mohawk Power Corporation and New York State Electric and Gas to install utilities prior to issuance of a building permit.
- aa. The location of the solar array has moved south since the applicant's last appearance before the Planning Board. Half of the array will be north and half south of the Niagara Mohawk Power Corporation and New York State Electric and Gas utility corridor running through the parcel. The relocation requires the removal of a house and 3 barns.
- bb. The project will require a variance from the Zoning Board of Appeals. The north array is required to have a 50' setback from the utility corridor along the south and it is currently at 20'.
- cc. The project will have an access road.
- dd. Drainage easement will be reviewed by the Town Engineer.
- ee. Boundary survey to be stamped and seal with the final submittal.
- ff. The site plan review fee will be \$1,750.00.

4. Planning & Zoning Board Action:

Motion made by S. Eberwein and Seconded by M. Polek to initiate the SEQR process, a coordinated review with the Town of Wheatfield Planning Board acting as the lead agency and authorizing Wendel to assist.

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

Motion made by S. Eberwein and Seconded by D. Proefrock to schedule a Special Use Permit public hearing. The hearing is scheduled for July 11th at 6:45 p.m.

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

Authentication:

Planning & Zoning Board Representative		June 20, 2018 Date	Owner/Representative Signature	
Distribution:	Town Clerk Town Assessor Enforcement Office	Building Department Town Attorney Applicant	Town Board Members File Folder	