

September 5, 2018

The regular meeting of the Wheatfield Planning and Zoning Board was called to order at the Wheatfield Town Hall, at 6:32 PM, by Chairman Walt Garrow.

Present: Susan Eberwein, Walt Garrow, Melissa Germann, Mike Polek, Don Proefrock.

Also present: Tim Zuber – Town Engineer, Wendel; members of the Town Board; members of the public.

Moved by D. Proefrock, Seconded by S. Eberwein to approve the meeting minutes of August 8, 2018 with 1 correction.

Motion unanimously approved.

SUMMARY OF AGENDA

National Vacuum - Inducon Drive – Site Plan Review. Reviewed Site Plan for the construction of a 100'x200', 1 story metal building, to be used as office / warehouse. The applicant submitted required information over the past week up to and including at the meeting to satisfy outstanding conditions. The applicant hopes to have all remaining requirements met for the next Planning Board meeting to obtain Site Plan approval.

Action: No action taken.

Driftwood Suites - 2754 Niagara Falls Blvd – Site Plan Review. Reviewed the Site Plan for the construction of a 20 unit hotel with parking. Additionally, an indoor pool to be constructed on the end of an adjacent building that is associated with the property owner's hotel complex of buildings. The applicant came before the Planning Board on May 3rd, 2017, with a sketch plan for the demolition of a 1 story hotel room structure on the other side of the motel complex, replaced with the construction of a 3 story hotel structure. That plan is on-hold. The applicant is considering the purchase of a 3 acre parcel south of the proposed project. The applicant submitted a document addressing each outstanding condition on the review results from their last appearance before the Planning Board. This document was very useful and was appreciated by the Planning Board.

Action: Motion made by M. Germann, second by S. Eberwein to schedule a Public Information Session for September 19, 2018 at 6:30 p.m.

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

Borrego Solar Systems – 2469 Lockport Road – Site Plan Review. Reviewed the Site Plan for the proposed construct of a 6.1 Mw ground mounted utility grade solar energy system. The project has received a variance from the Zoning Board of Appeals to address the north array requirement to have a 50' setback from the utility corridor along the south, and the setback is currently at 20'. The applicant requested a landscaping plan waiver due to the distance of the project from the road. The Planning Board did not entertain the request as landscaping and the visual aspects of the project are major concerns for the residents opposed to the project. The applicant stated that the house and 3 barns on the property will be removed. The Site Plan review ended with allotted time remaining so a couple members of the public were permitted to speak regarding the project. It is anticipated that at the applicant's next appearance before the Planning Board, the Special Use Permit and Site Plan approval will be voted upon.

Action: Motion made by M. Germann, second by D. Proefrock to put a hold on Site Plan approval until a PILOT is worked out with the Town.

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

Other Board Business

Motion made by S. Eberwein, seconded by M. Germann to recommend that the Town Board modify the Wheatfield Town Code, Chapter 200: Zoning, Article XIV: Administration and Enforcement, Section 200-94: Zoning Board of Appeals procedures, Paragraph A,

From:

The Zoning Board of Appeals shall act in strict accordance with the procedure prescribed by Town Law and by this chapter. All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by the Zoning Board of Appeals. Every appeal or application shall refer to the specific provision of the chapter involved and shall exactly set forth the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. At least 15 days before the date of the hearing required by law on an application or appeal to the Zoning Board of Appeals, the Secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing, and shall request that the Planning Board submit to the Zoning Board of Appeals its opinion on said application or appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to not oppose the application or appeal.

To:

The Zoning Board of Appeals shall act in strict accordance with the procedure prescribed by Town Law and by this chapter. All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by the Zoning Board of Appeals. Every appeal or application shall refer to the specific provision of the chapter involved and shall exactly set forth the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The Zoning Board of Appeals may refer any application or appeal to the Planning Board, Town Departments, and/or advisory staff to receive input.

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

Next meeting: September 19, 2018.

Motion made by W. Garrow, Seconded by M. Polek to adjourn the meeting at 9:00 PM. Motion carried.

Sincerely submitted,
Mike 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 |
| XX | Site Plat Review | Final Subdivision Plat |
| | Preliminary Subdivision Plat-Major | Rezoning Request |
| | Special Use Permit | Commercial Vehicle Parking Permit |

Site Plat Date – August 10, 2016

Review Date: September 5, 2018

2. **Development Specifics: Corporate Headquarters for National Vacuum**
- a. Property Identification & Location – Inducon Drive, Town of Wheatfield, NY.
 - b. Owner(s) Name(s), Address & Phone No. – National Vacuum. 408 47th Street, Niagara Falls, NY, 14304. Phone:
 - c. Developer (when different) Name, Address & Phone No. – Jonathan E. Bennett Architecture. 104 Evans Street, Lockport, NY, 14094. Phone: (716) 438-7940.
 - d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Fisher Associates
 - e. Development Details (Explain) – Construct 100'x200', 1 story metal building, to be used as office / warehouse.

3. **Planning & Zoning Board Mandated Conditions/Recommendations:**
- a. Property zoned M-1.
 - b. Project must comply with the Airport Zone 1 Overlay, the Airport Protection requirements and the Industrial Performance Standards, including dark sky lighting friendly.
 - c. FAA notification. Projected to be sent by September 7th.
 - d. Communicate with FAA, NFTA, Military. . Have a copy of initial communication with FAA. We have received documentation from the Air Base. Received letter from NFTA for the Niagara Falls International Airport containing four items including a lighting requirements, instruction notification requirements and limitation against water sources surrounding the airport.
 - e. Stormwater – no wet ponds, "pre 10 post 25", must comply with SPDES Storm Water Permit. SWPPP has been received.
 - f. SEQR – owls. Will add conifer trees to their plan.
 - g. Will create 30 new jobs in Wheatfield. (relocating 40 plus).
 - h. Boundary map needs seal and property signature. Easements and boundary survey to be added to site plan.
 - i. Need one foot contours on next submittal.
 - j. Sign to comply with Town Code and sign restrictions within park.
 - k. Fire Department receipt and Fire Advisory Board.
 - l. Diesel storage tanks to comply with DEC bulk storage requirements.
 - m. Actions to be taken upon engineering approval.
 - n. It is noted that denonator caps may be on site. It has been explained to the board that they are not in themselves explosive devices.

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

No action taken.

Authentication:

	September 5, 2018	
Planning & Zoning Board Representative	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):**
- | | | |
|----|------------------------------------|-----------------------------------|
| | Sketch Plat Review | Public Hearing Special Permit |
| XX | Site Plat Review | Final Subdivision Plat |
| | Preliminary Subdivision Plat-Major | Rezoning Request |
| | Special Use Permit | Commercial Vehicle Parking Permit |

Site Plat Date – April 3, 2018

Review Date: September 5, 2018

2. **Development Specifics: Driftwood Suites**
- a. Property Identification & Location – 2754 Niagara Falls Blvd, Niagara Falls, NY 14304.
 - b. Owner(s) Name(s), Address & Phone No. – Billy Feng, 2754 Niagara Falls Blvd, Niagara Falls, NY 14304. Phone: 716-380-3262.
 - c. Developer (when different) Name, Address & Phone No. – Diverse Development Corporation, same address as above.
 - d. Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Nussbaumer & Clark, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, NY, 14219. Phone: 716-827-8000.
 - e. Development Details (Explain) – Application for Sketch Plan for the proposed construction of a 20 unit hotel with parking. Additionally, an indoor pool to be constructed on the end of an adjacent building that is associated with the property owner's hotel complex of buildings.
3. **Planning & Zoning Board Mandated Conditions/Recommendations:**
- a. New structure will be 2 stories, have up to 20 units, and will meet Town Code height requirements.
 - b. The property is zoned C-1.
 - c. The property is within the Airport Zone One overlay. Depending on the height of the building the FAA may have to be contacted by the applicant. Contact has been verified.
 - d. The project must meet Niagara Falls Boulevard overlay requirements. Yes, it is in the Overlay and is in those requirements.
 - e. The project must meet NFPA requirements and will need fire advisory board review.
 - AA. We received verification and communication
 - BB. The project will require the installation of a fire hydrant.
Plans will be sent to local fire department with proof of submission being provided.
 - CC. This is still to be done.
 - f. Access agreements and utility agreements will be needed with adjacent property owners as there will be three separate parcels within the hotel complex. Agreements will be reviewed by the Town's attorney. Need documents to verify.
 - g. The applicant will need to provide: A completed Site Plan Checklist, a color building rendition, a landscaping plan, new dumpster and snow staging areas. A 30' landscape buffer setback is needed along the southeast portion of the site. The updated site plan will show labeled snow storage areas.
 - h. Chlorine storage for the pool will be researched by the applicant. Noted.
 - i. In conjunction with a developed Site Plan the Planning Board will schedule a Public Information meeting for the project. Meeting has been scheduled for September 19, 2018 at 6:30 p.m.
 - j. The applicant came before the Planning Board on May 3rd, 2017, with a sketch plan for the demolition of a 1 story hotel room structure on the other side of the motel complex, replaced with the construction of a 3 story hotel structure. That plan is on-hold.
 - k. Applicant is considering the purchase of a 3 acre parcel south of the proposed project.
 - l. 1 additional handicap parking spot for parcel 2760 needs to be shown. Added.
 - m. Daily or weekly rentals for the units.
 - n. Pool drainage needs to be determined regarding contact with Town utilities. Verify communication with Town utilities.
 - o. Building will be sprinkled. Noted.
 - p. Electric, gas and solar utilities need to be shown on the plans. To be done.
 - q. Estimated construction schedule is to start construction in September 2018. Planned for "Fall"
 - r. If over a tenth of an acre is disturbed, USACE approval will be required. Need permits.

TOWN OF WHEATFIELD PLANNING & ZONING BOARD
Site Review Process Results

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

	Sketch Plat Review	Public Hearing Special Permit
XX	Site Plat Review	Final Subdivision Plat
	Preliminary Subdivision Plat-Major	Rezoning Request
	Special Use Permit - Temporary	Informational Meeting

Site Plat Date – June 11, 2018

Review Date: September 5, 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. The project is within the Airport Overlay Zone.
 - c. Plans and Glare Study to be sent to NFTA, Niagara Falls Air Reserve, FAA and Mercy Flight, and comments requested.
 - d. The Town's Site Plan checklist will be reviewed.
 - e. Example of Town Codes that apply include Solar, Airport Overlay, Conservation Area.
 - f. Requires some upgrades to National Grid substation and transformer. Applicant to Invest ~\$1.2M to National Grid for that.
 - g. New jobs for construction. Operations may include a couple of new jobs to the Town of Wheatfield.
 - h. Roads need to meet Fire Department load bearing requirements. Training to fire department for emergency response. Knox Box required – keys will be provided.
 - i. Greater than 1 acre being disturbed, SWPPP will be provided.
 - j. Landscaping – add to plan: Maintain existing trees near buildings; add more across the front; hedge rows on east and west sides; no berms.
 - k. The anticipated benefits include improvements to Town infrastructure. Property improvements may impact assessments.
 - l. Permit and documentation relative to wetland will be required from USACE.
 - m. Coordinated SEQR review will be performed. Completed.
 - n. Project is within 500 feet of the next Town. Requires review from Niagara County Planning Board. Form provided.
 - o. Highest height of any unit will be about 9 feet.
 - p. The system will make less expensive power available to local residents.
 - q. Exposed grass at the site will be mowed twice per year. Low height grass will be planted.
 - r. 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.
 - s. 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.
 - t. 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'.
 - u. The project will have an access road.
 - v. Drainage easement will be reviewed by the Town Engineer.
 - w. Boundary survey to be stamped and seal with the final submittal.
 - x. 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.

- y. 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'.
- z. The project will have an access road.
- aa. Drainage easement will be reviewed by the Town Engineer.
- bb. Boundary survey to be stamped and seal with the final submittal.
- cc. Need SWPPP.
- dd. Need to conclude Special Use Permit.
- ee. Include an annual inspection which will include verification of reflectability.
- ff. Verify easement with power utilities.
- gg. Demolition of the house to be determined.
- hh. The site plan may be modified pending upon the amount of energy they are allowed to produce.
 - ii. Final site plan will be needed.
- jj. Fencing and electrical equipment New York State and National Fire Protection System Codes.
- kk. Referral to "NYS Guidelines for Ag and Markets - guidelines for developer.
- ll. Specify fate of buildings.
- mm. Need documentation on wetland (USACE) – disturbance; allowance, such as financing.
- nn. They will provide documentation and communication with fire department.
- oo. Fencing plans to be revised to a height of 7 feet, and no barbed wire.
- pp. Provide documentation from DEC regarding threatened and endangered species.

4. Planning & Zoning Board Action:

Motion made by M. Germann, second by D. Proefrock to put a hold on site plan approval until a PILOT is worked out with the Town.

Motion unanimously carried.

Authentication:

	September 5, 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	