

July 21, 2021

The regular meeting of the Wheatfield Planning Board was called to order in the Town Hall Chambers at 6:30 PM, by Chairman Walt Garrow.

Board Members Present: Susan Agnello-Eberwein, Walt Garrow, Melissa Germann, Doug Kalota, Mike Polek, Corey Wilson (alternate). Also present: Matt Brooks – Town Attorney, Tim Zuber – Town Engineer, Members of the Public. There was a forum.

Moved by M. Germann, seconded by S. Agnello-Eberwein to approve the meeting minutes of July 7, 2021. Motion unanimously approved.

**COMMUNICATIONS:** None.

### **SUMMARY OF AGENDA**

**Public Hearing – Special Use Permit to Raise Poultry – 2975 Krueger Road.** The applicant presented the request to the Board explaining why they wanted to raise poultry. Members of the public were permitted to speak. Some spoke in support of the request and some spoke against it. A neighbor that was against the project submitted 2 binders of pictures showing the coop area being flooded and other instances where the Town codes were not being met.

After the hearing closed the Town's attorney explained the special use permit decision criteria. The chairman read the Board's findings in accordance with the criteria. After the decision was presented the applicant stated that they had a lease agreement with the farmer behind their property to lease 2.1 acres to meet Town requirements. The Town attorney referred the applicant to the Building Department as they may not have to return to the Planning Board considering the larger parcel.

**Action:** Motion by S. Agnello-Eberwein, seconded by D. Kalota to close the Public Hearing at 7:02 p.m. Motion unanimously approved.

**Action:** Motion by W. Garrow, seconded by S. Agnello-Eberwein to deny the Special Use Permit. Motion unanimously approved.

### **Site Plan Review – Special Use Permit Niagara County Sheriff Cell Tower - 3747 Lockport Road.**

Reviewed the Site Plan for the construction of a 180' high communication tower. The applicant has been before the Board a handful of times regarding this project. The Board verified that SEQR was completed by Niagara County Planning Board and that required variances had been obtained from the Zoning Board of Appeals. There was an issue with proposed barbed wire on the perimeter fence as our Town code does not allow barbed wire. A Board member read through the Special Use Permit findings per the criteria listed in the Town Codes.

**Action:** Motion by S. Agnello-Eberwein, seconded by M. Polek to approve the Special Use Permit. Motion unanimously approved.

**Action:** Motion by M. Germann, seconded by D. Kalota to approve the Site Plan. Motion unanimously approved.

**Site Plan Review – DePaul Properties Apartment Project – 2329 Lockport Road.** Reviewed the Site Plan for the construction of an 80-unit apartment complex. The applicant presented changes and developments to the project since the last time they were before the Board. One change to note was that the height of the structure was lowered to 35' in response from a denied height variance by the Zoning Board of Appeals. A legal decision needs to be made about the structure related to which part of the building is considered the top for the determination of height.

The applicant was looking for a SEQR determination, but the Town engineer never received the EAF Mapper after their last appearance before the Board so SEQR was never started. There was a lot of discussion about air base encroachment concerns, potential tenant complaints to the air base due to airplane noise and health effects that tenants could face from airplane exhaust as they are essentially along the path of airplanes that will be at low altitudes when taking off and landing. The applicant had team members present to discuss each of the issues.

**Action:** None.

**Other board business:** Discussions regarding document/records storage and management.

Next meeting: August 4<sup>th</sup>, 2021.

Motion made by M. Polek, Seconded by S. Agnello-Eberwein to adjourn the meeting at 8:40 PM. Motion unanimously approved.

Sincerely submitted,  
Jaimelyn Bator - Secretary