

September 1, 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: Walt Garrow, Melissa Germann, Mike Polek. Absent: Doug Kalota, Corey Wilson (alternate), Susan Agnello-Eberwein (on phone to observe – not a voting member). Also present: Tim Zuber – Town Engineer, Members of the Public. There was a forum.

Moved by M. Germann, seconded by W. Garrow to approve the meeting minutes of August 18, 2021. Motion unanimously approved.

COMMUNICATIONS: None.

SUMMARY OF AGENDA

Site Plan Review – CVE Utility Scale Solar – 3655 Lockport Road. Continued review of the Site Plan for the construction of a 4 MW AC / 5.6 MW DC utility scale solar farm consisting of 13,152 fixed bi-facial panels that are approximately 8’ high, located in a M-1 (industrial) zoned area. The applicant has been coming to the Planning Board since 2020 throughout the design of the project. The client provided new documents and updated drawings and presented to the Board changes since their last appearance, specifically addressing some of the Town’s engineering review comments. The applicant mistakenly did not include three appendices which prevented the engineering review from being completed.

There were still a few outstanding items that need to be submitted to include the details about the utility connections, a three-line electrical diagram, a site maintenance plan that includes existing vegetation that will be utilized and an updated decommissioning plan with a decommissioning timeline and revised bond costs that reflect the removal of underground conduit and inflation increases over the lifetime of the project. The applicant requested a letter of support be signed by the Town upon Site Plan approval for their application process to the IDA.

Action: None.

Sketch Plan Review – Subdivision of Commercial Property - 3386 Niagara Falls Boulevard (NFB). Reviewed the Sketch Plan for the subdivision of a property into two parcels. The current property is along NFB and has a restaurant up front closer to the road and a house farther back in the rear portion of the property. The entire property is zoned C-1 (commercial). The applicant wanted to discuss the feasibility of subdividing the property into a front parcel along NFB that included the restaurant, and a rear parcel that included the house which would be sold to a food truck vendor. The vendor would build a pole barn as a food truck garage / warehouse directly supporting the business and utilize the house as an office. A 30’ wide easement was designed in to run from the rear parcel to NFB.

There were many issues that existed. The subdivision of the property would un-grandfather the rear parcel for residential use which creates a set-back issue between a commercial property (the front parcel) and the house. Also, the rear parcel does not have NFB access creating a land locked parcel. That parcel would need 66' of NFB frontage. If the easement running to NFB was widened to 66' it would create a residential flag lot which is not allowed. Additionally, if the house is to be utilized for residential or business uses, the utilities run through the front parcel of the property directly under the restaurant. The rear parcel would have to have its own independent utilities. The planned uses for the pole barn by the food truck vendor was discussed and it was agreed that any storage of food supplies or items to support the business would be an approved ancillary use and not considered commercial storage which is not allowed in the NFB Overlay District.

Action: None.

Sketch Plan Review – Conservation Area Approval – V/L Errick Road. Reviewed a conservation determination for a home builder that would like to build a house on property within a conservation area and that is also within a flood plain. Town Code requires that there can be no structures within 100 ft. of the top of a streambank that runs close to the property. It does allow for acceptance down to 25 ft. from top of streambank depending on the circumstances. In this case it was acceptable at 74 ft. The applicant was referred back to the Building Department.

Action: Motion by M. Germann, Seconded by W. Garrow to declare the conservation area determination as acceptable. Motion unanimously approved.

Other board business: None.

Next meeting: September 15th, 2021.

Motion made by M. Polek, Seconded by M. Germann to adjourn the meeting at 8:12 PM.
Motion unanimously approved.

Sincerely submitted,
Jaimelyn Bator - Secretary