

February 6, 2019

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

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

Also present: Tim Zuber – Town Engineer, Wendel; a member of the public.

Moved by S. Eberwein, Seconded by D. Proefrock to approve the meeting minutes of January 16, 2019 after one amendment being made. Motion unanimously approved.

SUMMARY OF AGENDA

06:38 P.M. Pellicano's Marketplace – 3338 Niagara Falls Boulevard – Site Plan Review.

Reviewed the site plan for the relocation of existing market to include butcher shop, deli counter and grocery. This project was before the Planning Board previously and the Site Plan was approved. Since that appearance the applicant decided to change the Site Plan so they returned to the Planning Board for review. Changes to the Site Plan were discussed and any implications to the Towns requirements.

Action: Motion by Susan Eberwein, seconded by Donald Proefrock to revalidate the previous SEQR negative declaration.

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

Action: Motion by Michael Polek seconded by Susan Eberwein to approve the modified site plan contingent upon engineering review.

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

DATO Development LLC – 7386 Shawnee Road – Site Plan Review. Reviewed the site plan for the construct a 12,033 sf commercial building. Changes to the Site Plan since the applicant's last appearance before the Planning Board were reviewed. The outstanding items on the Review Results list were reviewed and have been addressed. One outstanding item is the status of old easements that run through the property that appear to be the dimensions of a road. The applicant cannot find any information on them but it is their responsibility to obtain proof that they have been abandoned. Construction is expected through summer and the project is expected to create up to 30 jobs.

Action: Motion by Susan Eberwein, seconded by Melissa Germann to approve SEQR. In accordance with the SEQR requirements, the Planning Board has reviewed Part 1 of the EAF and information submitted by the applicant, completed Part 2, and evaluated the impacts in Part 3 and have determined that the proposed Commercial Building by DATO Development at 7386 Shawnee Road will not have a significant adverse impact on the environment and therefore issues a Negative Declaration. The Planning Board authorizes the Chairman to sign the EAF which will act as the Negative Declaration.

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

Action: Motion by Donald Proefrock seconded by Melissa Germann to approve Site Plan with noted conditions and contingent upon engineering approval.

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

Witmer Road Subdivision - East side of Witmer Road, between David Drive and Ferchen Street – Preliminary Major Subdivision Site 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 Planning Board, Larry Helwig representing the Town and Wendel reviewed the Preliminary Plat and everything was in order.

Action: Motion by Susan Eberwein seconded by Donald Proefrock, as follows: Having met the expectations of the Planning Board, the Planning Board recommends that the Town Board review the Preliminary Plat.

Voting Results: Yeas: Garrow, Eberwein, Polek, Proefrock. Nays: Germann. Motion carried.

Other Board Business

None.

Next meeting: February 20, 2019.

Motion made by W. Garrow, Seconded by M. Polek to adjourn the meeting at 8:17 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: July 31, 2018

Review Date: February 6, 2019

2. **Development Specifics: Pellicano's Marketplace**
- a) Property Identification & Location – 3338 Niagara Falls Boulevard, Wheatfield, NY, 14120.
 - b) Owner(s) Name(s), Address & Phone No. – Christopher Pellicano, 3176 Niagara Falls Boulevard, Wheatfield, NY, 14120. Phone: (716)578-6819.
 - c) Developer (when different) Name, Address & Phone No. – Same as owner.
 - d) Architect/Engineer/Licensed Land Surveyor Name, Address & Phone No. – Metzger Civil Engineering, 8245 Sheridan Drive, Williamsville, NY 14221 Phone: 716-633-2601
 - e) Development Details (Explain) – Relocation of existing market to include butcher shop, deli counter and grocery. Plan includes space for future commercial tenant.

3. **Planning & Zoning Board Mandated Conditions/Recommendations:**
- a) The property is zoned C-1 and within the Niagara Fall Boulevard Overlay Zone.
 - b) Town sign law shall be followed. Applicant stated that they prefer a monument style sign.
 - c) Stormwater Management System needs to comply with DEC elements.
 - d) Go through site plan checklist with new Engineer.
 - e) Verify communication with Fire Department. – FAB per new plans.
 - f) Parking provides up to 65 spaces. Requires PB approval. Approved.
 - g) Because of the potential sound of the refrigeration units, applicant must meet all town noise ordinances.
 - h) Site plan approval is conditional upon New York State Department of Transportation for Curb Cut and Stormwater.
 - i) Need revised SWPPP.
 - j) Need plans to indicate design on second floor, remaining plans also need updating to match the new SP-2.
 - k) Additional Site Plan Review fee of \$800.00 due to Town of Wheatfield.
 - l) Additional Site Plan fee of \$150.00 due to the Town of Wheatfield.
 - m) It is noticed that the new plan will move the structure to accommodate the 50 foot set back requirement. There remains a non permanent freezer which is acceptable.
 - n) With the completion of Phase 2, all parking spaces will be paved.

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

Motion by Susan Eberwein, seconded by Donald Proefrock to revalidate the previous SEQR negative declaration.

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

Motion by Michael Polek seconded by Susan Eberwein to approve the modified site plan contingent upon engineering review.

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

Authentication:

_____	February 6, 2019	_____
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):**
- | | | |
|----|------------------------------------|-------------------------------|
| | Sketch Plat Review | Public Hearing Special Permit |
| | Site Plat Review | Final Subdivision Plat |
| XX | Preliminary Subdivision Plat-Major | Rezoning Request |
| | Special Use Permit - Temporary | Informational Meeting |

Site Plat Date – June 13, 2018

Review Date: February 6, 2019

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. Documents will be provided.
 - 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 SEQOR review and a public hearing.

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

Motion by Susan Eberwein seconded by Donald Proefrock, as follows: Having met the expectations of the Planning Board, the Planning Board recommends that the Town Board review the Preliminary Plat.

Voting Results: Yeas: Garrow, Eberwein, Polek, Proefrock. Nays: Germann. Motion carried.

Authentication:

<hr/>	February 6, 2019	<hr/>
Planning & Zoning Board Representative	Date	Owner/Representative Signature
Distribution:	Town Clerk	Building Department
	Town Assessor	Town Attorney
	Enforcement Office	Applicant
		Town Board Members
		File Folder