

PLANNING BOARD MEETING

MINUTES: MARCH 14, 2022

MEMBERS PRESENT: Bruno, Greco, Lare, Starzynski, Worrall
Alternate member: Bowman

MEMBERS ABSENT: Duchscherer, Stessing

OTHERS PRESENT: Town Attorney, Daniel Spitzer, Councilman Marston, Kasey Morgan, Code Enforcement Officer, and Those Listed Herein.

Chairman Bruno opened the meeting at 7:00 P.M.
Mr. Bowman will be a voting member at this meeting.

MINUTES: Planning Board Meeting – February 14, 2022
It was moved by Starzynski – Worrall to **APPROVE** the minutes as submitted.

Roll Call: Ayes – Starzynski, Worrall, Bowman, Bruno, Greco, Lare
Noes – None
Carried

VOUCHER: Arlene Ehde, Recording Secretary - \$221.80
It was moved by Worrall – Lare to **APPROVE** the voucher for payment.

Roll Call: Ayes – Worrall, Lare, Bowman, Bruno, Greco, Starzynski
Noes – None
Carried

REFERRALS

1. FROM: Town Engineer/Code Enforcement Officer
RE: JB LANDSCAPING & SNOW PLOWING – 2569 WHITEHAVEN RD.
PRELIMINARY SITE PLAN SKETCH FOR DISCUSSION ONLY

Brendon Cross, TRM Architect Design & Planning, appeared representing James Battaglia, JB Landscaping & Snow Plowing to discuss a Preliminary Site Plan Sketch for the expansion on the site with the construction of three metal buildings at 2569 Whitehaven Rd. One 12 unit mini-storage building and two 6 unit construction warehouses. The two 6 unit buildings will have material or equipment storage, possible office space and rest room facilities. There will be a man door. The buildings will be 12' high. They will work with the Health Department and the Town Engineer to make sure they have an adequate septic system.

The building to the north is to shield the existing construction yard from the ROW. Building to the west will shield the existing residence from any headlights coming from the facility.

There are 32 parking spaces for the two construction warehouse buildings. Two more than required. It is their understanding that in recent projects, parking spaces are not required for mini-storage buildings. The parking spaces would be for the two metal construction buildings. They do not anticipate the construction units to fill up the spaces. Parking would

not be long term. Occupants can also park indoors as there will be overhead doors. The overhead doors are on the parking lot side. There are handicapped parking spaces next to the island in the middle.

Minimum front yard setback is 75'. They have 68.3'. There is adequate room to potentially move the first building back 7' to provide the 75' and have adequate fire separation for the buildings, as required.

The client owns the property to the rear, but not along side. The residence next door, which is in the M-1 zoning, is close to the 6 unit building. If the building is moved back 7', it could be a massive visual complaint by the homeowner. To date, they have not reached out to the landowner. They wanted to have the discussion on the plan first.

Board comments:

- There is concern with the parking lot being so tight.
- Can the storage building on the right be moved behind the back building to slide the parking lot over.
- There should be landscaping or fencing between the residence and the proposed building. Try to stay away from the residence.
- There may have to be a setback from the septic system.
- The long driveway to the back, can you slide the building over since the landscaper, to the rear of the property, would be in and out once a day?

No action at this time. Discussion only.

2. FROM: Town Engineer/Code Enforcement Officer
RE: ISLAND PET LODGE – 2120 ALVIN RD.
SITE PLAN REVISION – PROPOSED KENNEL ADDITION

Mr. Ludwig did not appear. It was moved by Starzynski – Lare to **TABLE** until next month.

Roll Call: Ayes – Starzynski, Lare, Bowman, Bruno, Greco, Worrall
Noes – None
Carried

3. FROM: Town Engineer/Code Enforcement Officer
RE: JOHN VALENTI – 1754 GRAND ISLAND BLVD.
PRELIMINARY SITE PLAN SKETCH FOR DISCUSSION ONLY

Mr. Valenti did not appear. It was moved by Starzynski – Worrall to **TABLE** until next month.

Roll Call: Ayes – Starzynski, Worrall, Bowman, Bruno, Greco, Lare
Noes – None
Carried

4. FROM: Town Engineer
RE: SOUTHPOINTE PDD – RESOLUTION FROM TOWN BOARD
PRELIMINARY PLAT – SUBDIVISIONS “A”, “B”, “C”, “D”, “E”

Douglas Scheid, AIA, Scheid Architectural and Attorney Jeffrey Palumbo appeared representing Associated Grand Island LLC, requesting Preliminary Plat Approval for Subdivisions “A”, “B”, “C”, “D”, and “E”.

In August, they submitted Phase I, the walking path and conservation easement. The language needs to be modified. What was submitted in August, rather than 109 acres plus 4.7 acres, they submitted 129 acres of easement. There are 2 major State wetlands and a Federal wetland. There is a proposed deed restriction that has not yet been filed. Town Board still needs to approve. They have provided all the necessary information. The walking path was approved and constructed. Some work left to be done in the Spring.

The Planning Board approved the revised Concept Plan in January. The Town Board has not approved. They need to approve along with the Preliminary Plat.

Town Attorney Daniel Spitzer explained that the Planning Board has 3 tasks.

1. Review of the subdivisions.
2. Is this plan in conformity with the prior Concept Plan. There are changes on the impacts in their submission. If there is a difference in conformity when it goes to the Town Board, they are required to hold a Public Hearing on the Detailed Plan and also on amending the Concept Plan. The public can then comment on everything, including the Concept Plan.
3. Were the specific things in the resolution that were required for the Detailed Plan Phase included in this submission?

Mr. Scheid stated that the Planning Board approved the revised Concept Plan. The subdivisions comply with the Detailed Plans and the Concept Plan approved in January. The plan has not changed.

Mr. Spitzer stated that there are some differences from what the Planning Board saw in January. Mr. Scheid stated that the plans currently submitted include changes as requested in January.

1. They have not shown sidewalks on Love, Baseline and Staley Roads, but will be included. Sidewalks cannot cross Federal wetlands. This has to be worked out with Mr. Westfall.
2. They kept mid-rise to 4 stories.
3. Glen Avon to be an unrestricted thoroughfare.
4. Subdivision “C” shall have a Homeowner’s Association.
5. Subdivision “E” will be addressed with a site plan.

The Detailed Site Plan reflects 103 single family units – 40 in “A”, 44 in “B”, 19 in “D”. “C” has 192 Townhome units, 2 four story buildings with 58 units each. “E” is designated to be an Assisted Living facility. Number of units to be determined.

Mr. Spitzer stated that the law requires you to show a tabulation of what you are proposing as it compares in the original Concept Plan. Mr. Scheid stated that it is in the documents sent to the Planning Board.

Mr. Scheid read from the documents submitted the modifications to the Concept Plan. Traffic Engineer says there will be no difference in the traffic. They do not have that report, to date.

Mr. Palumbo has provided declarations and easements. The Town wanted amenities done first. The walking paths are done.

Mr. Spitzer noted that there is less impact on wetlands, open space is not decreased, it is less commercial than the original Concept Plan in 1998.

A revised plan was approved by the Town Board and Planning Board in 2013 and 2020. In 2022 the Planning Board approved a revised plan, to date, Town Board has not.

Mr. Spitzer will have resolutions for the next meeting.

SOUTHPOINTE PDD – LOVE RD. & BASELINE RD.
PRELIMINARY PLAT – SUBDIVISION “A” (40 LOTS)

Subdivision “A” is a 40 lot subdivision, half on Baseline and Love Rds. and the other half are internal. The lots conform with R-1B zoning along the roads. Internal lots are conforming with R-1D as part of the PDD. Sidewalks are not shown on Love and Baseline Rds. Mr. Scheid stated that they are intended to be there. They could shift the ROW to get the sidewalks in without impacting the wetlands.

A motion was made by Starzynski – Bowman to recommend **APPROVAL** of the Preliminary Plat for Subdivision “A”. The standard recreation fees to be imposed on a per lot basis and sidewalks are to be included.

Roll Call: Ayes – Starzynski, Bowman, Bruno, Greco, Lare, Worrall
Noes – None
Carried

SOUTHPOINTE PDD – CARL RD. @ BEAVER ISLAND PKWY.
PRELIMINARY PLAT – SUBDIVISION “B” (44 LOTS)

This is a 44 lot subdivision with 3 cul-de-sacs. There are no changes.

It was moved by Starzynski – Bowman to recommend **APPROVAL** of the Preliminary Plat for Subdivision “B”. Recreation fees to be imposed on a per lot basis and sidewalks are to be included.

Roll Call: Ayes – Starzynski, Bowman, Bruno, Greco, Lare, Worrall
Noes – None
Carried

SOUTHPOINTE PDD – GLEN AVON & STALEY RD.
PRELIMINARY PLAT – SUBDIVISION “C” (1 LOT)

There are 192 attached units and 116 apartments in Subdivision “C”. The buildings have approximately a 40’ separation. Buildings will be 38’ wide.

Mr. Spitzer stated that the townhouses meet the requirements of the Subdivision Law for Preliminary Plat. The Ordinance allows this to be done in phases. There is not enough information on the Preliminary Plat. Mr. Scheid commented that the buildings are not finalized at this point. They are asking to plat the entire subdivision, not the individual lots.

Mr. Spitzer commented that when a public hearing is held, we cannot say the number of units are in flux. Mr. Palumbo stated that there is no question as to what is going to be built. Mr. Scheid stated that the only change might possibly be, sliding a building over.

Mr. Scheid stated that this was going to have public roads. However, Engineering wanted private roads. Wetlands narrowed the ROW. Because of the constraints of the site and after negotiations with Engineering, there are sidewalks on one side of the road. They want to keep cars in driveways, not on the sidewalk. Regarding sidewalks, Mr. Spitzer noted, does it comply with the code and then what does the Planning Board want. The Board may say there shall be sidewalks. What does this Board feel is best for the community?

They have added a dog park, pool and community center.

It was moved by Bowman – Lare to recommend **APPROVAL** of Subdivision “C” with appropriate recreation fees to be paid at final approval. Home Owner’s Association to be included.

Roll Call: Ayes – Bowman, Lare, Bruno, Greco, Starzynski, Worrall
Noes – None
Carried

SOUTHPOINTE PDD – STALEY RD. (FRONTAGE)
PRELIMINARY PLAT – SUBDIVISION “D” (19 LOTS)

There are 19 lots in Subdivision “D” along Staley Rd.

It was moved by Starzynski – Worrall to recommend **APPROVAL** of the Preliminary Plat for Subdivision “D”. Recreation fees to be paid on a per lot basis and sidewalks to be included.

Roll Call: Ayes – Starzynski, Worrall, Bowman, Bruno, Lare, Greco
Noes – None
Carried

SOUTHPOINTE PDD – BASELINE RD., SOUTH OF STALEY RD.
PRELIMINARY PLAT – SUBDIVISION “E” (1 LOT)

This is 1 lot. It is a proposed Assisted Living Center, which will be addressed with a site plan at a later date. Number of units to be determined.

The owner of the property will be responsible for the walking path until a Home Owner’s Association is included.

It was moved by Starzynski – Bowman to recommend **APPROVAL** of Subdivision “E” as a Concept Plan. It meets the requirement of a Preliminary Plat.

Roll Call: Ayes – Starzynski, Bowman, Bruno, Greco, Lare, Worrall
Noes – None
Carried

5. FROM: Town Engineer
RE: ISLAND MEADOWS SUBDIVISION – PHASE 3
REVISED PRELIMINARY PLAT

Attorney Jeffrey Palumbo appeared with a revised Preliminary Plat for Phase 3 of the Island Meadows Subdivision. He explained that they would like to amend the filed subdivision map and refile with 2 additional lots. Lots 1 and 2 will become 4 lots.

When originally approved, Lots 1 and 2 consisted of Federal wetlands. After a review, it has been determined that they are not wetlands, allowing them to divide the 2 large lots.

It was moved by Bowman – Starzynski to recommend that the revised Preliminary Plat for Phase 3 of the Island Meadows Subdivision be **APPROVED**. Recreation fees for the 2 additional lots to be paid.

Roll Call: Ayes – Bowman, Starzynski, Bruno, Greco, Lare, Worrall
Noes – None
Carried

Mr. Palumbo stated that the recreation fees have been paid.

6. FROM: Town Engineer/Code Enforcement Officer
RE: THERMO FISHER SCIENTIFIC – 3175 STALEY RD.
SITE PLAN APPROVAL – NORTHWEST PARKING LOT AND ACCESS DRIVE

Kristen Savard, PE, and Jarod Johnston, Advanced Design Group and Mark Sadowski, Thermo Fisher Scientific, appeared representing Thermo Fisher Scientific requesting Site Plan Approval for the northwest parking lot and access drive at 3175 Staley Rd. Ms. Savard noted that the parcel is larger. They merged the parcel on the north side with the south side.

The 155 space parking lot will be constructed at the northwest portion of the site along with the extension of an existing driveway. The parking lot is an already disturbed area. It has been a contractor's storage area and parking area with a gravel base. The area was originally to be temporary, now it will become permanent. It has full drainage and will be NYSDEC and SPDES compliant. Infrastructure can support the parking. There will be a small Bio-retention area to bring in some green space. It is all woods north of the parking lot. There will be no impact to the neighbors.

There is a house further down Staley Rd. They have extended a berm in this area. The parking lot will not affect the house.

Ms. Savard was asked if an existing driveway that goes back to that area could be used. That driveway may have to go away for future expansion. They are trying to keep employees in one area, construction in another area and keep trucks away from daily activities.

They have been working with the Thermo team, other consultants and the Town to come up with a master plan. They are working on the use of space, the amount of parking spaces and who is moving to the Whitehaven Rd. building. This is an 85.699 acre site. Total building coverage is approximately 40%, impervious coverage is 18 acres. There are 50 acres across the road. They have approximately 1,400 – 1,500 employees between the Whitehaven Rd. site and Staley Rd.

It was moved by Bowman – Worrall to recommend **APPROVAL** of the site plan for the northwest parking lot and access drive.

Roll Call: Ayes – Bowman, Worrall, Bruno, Greco, Lare, Starzynski
Noes – None
Carried

7. FROM: Town Engineer
RE: PROPOSED SOLAR ARRAY PROJECT – 2487 LONG RD.
INFORMAL DISCUSSION

Katie Soscia, Montante Solar appeared via Zoom and Tom Thompson, owner of the property, appeared for an informal discussion on a proposed solar farm at 2487 Long Rd. They have been working together and talking about this project since 2019. With the new Solar Law now in effect, they want to start discussions on permitting.

There are pros to the parcel.

- It is offset from the road by 1,000', directly south of the National Grid substation.
- It will not be seen from the road.
- The property to the north is owned by a park. There is a major water line easement as well. They are not certain who owns the property.
- A 500' setback would be required from the park edge.
- The parcel is zoned M-1 and borders other M-1 parcels on the west side along with the on-ramp for the I-190.

- It is a less intrusive site than others.

Mr. Thompson and Ms. Soscia met with Supervisor Whitney and Mr. Westfall regarding some of the issues. They discussed the I-190 ramp, park and setbacks. There are also subdivided lots that are inactive.

Mis Soscia does not consider the I-190 ramp a road, but that needs to be clarified. The Board stated anything paved and a registered vehicle can drive on it, is a road. 400' setback is required for a public road.

Mr. Bowman commented that the approved subdivision, that goes around the existing house, has recently been sold. They are planning on building it out. Mr. Starzynski stated that the 30 acres, including 10 or 11 subdivided lots, sold for \$665,000. There is a Map Cover since before 1998. It was sold with the hope of developing. The intention has not been made public. It is zoned R-1D. Setbacks from the undeveloped lots was discussed. Mr. Thompson noted that there are significant Federal wetlands that flow into the adjacent property.

Mr. Starzynski commented that the fenced in area cannot exceed 60% of the total acreage. The proposed site has 22 acres, planned area is about 18 acres, which is more than 60%.

296-8.E.(3) states, A setback of 500 feet from any inhabited residence, or residential primary structure, or sensitive visual receptor, on adjoining lots; The existing house has the 500' setback.

Mr. Starzynski noted that a solar farm is subject to a Special Use Permit. Ms. Soscia mentioned going before the ZBA. However, if a Special Use Permit is not issued, there is no solar farm. Ms. Soscia stated that they need to understand what variances would be approved and what they would look like to appropriately put together a site plan. If the 500' setback from the park to the north is enforced, there would not be a solar project.

There are three criteria that do not come close to conforming, the road and park setbacks and percentage coverage of the facility.

It was suggested that they go back to the Town to see how they can move forward.

No action at this time. Discussion only.

COMMUNICATIONS – OTHER OFFICIALS

1. FROM: Town Board
RE: MINUTES – January 18, 2022
Received and filed.
2. FROM: Board of Architectural Review
RE: MINUTES – January 18, 2022
Received and filed.

UNFINISHED BUSINESS

1. FROM: Town Board/Town Engineer
RE: GRAND ISLAND SUNRISE LLC – 871 WHITEHAVEN RD.
TYPE 3 SOLAR GENERATION PROJECT
SITE PLAN AND SPECIAL USE PERMIT APPLICATION

Jason Burford, Greenman-Pedersen, Inc., appeared and Dan Leary, Grand Island Sunrise LLC appeared via Zoom to address some of the items from last month's meeting. They updated the screening, showing how it will look at construction, in 2 years and in 5 years. There is additional screening along the east and south border that abuts the PDD.

Mr. Leary stated that they made conversation with the PDD owners and shared their plans regarding the designs and any visual impact for any future homes.

This project fits the law as written today without taking up water, sewer, public roads and not sending kids to school. It can be a savings to property owners who cannot put a system on their home or business. It will also add a little more value to the Town. It is a temporary solar system which will be eventually removed. There is a decommissioning bond for the Town. They can add a connector trail for Scenic Woods back to the road along the west side of the solar array.

Mr. Burford showed details of the signage, where it will be located including at the entrance.

Aerials were shown from the southwest looking at the solar array. Added additional screening along the north and south side.

Current view from the existing occupied residence, at two years and five years. Cannot see the solar array in any of the views. The existing neighbor will not be impacted. Visual impact will be reviewed by the Conservation Advisory Board.

View from the road showing utility pole connections. Improved access road, which will be made wider and visual impact five years down the road. The trees, etc. that will be planted, as part of the screening.

View from the west from the adjoining TV Tower. No landscape screening will be done. There is scrub brush 6' to 8' tall.

William Tuyn, representing David Homes, owner of the PDD, appeared. It was moved by Bowman – Worrall to allow Mr. Tuyn to speak.

Roll Call: Ayes – Bowman, Worrall, Bruno, Greco, Lare, Starzynski
Noes – None
Carried

Mr. Tuyn stated that David Homes purchased the PDD, Whitehaven Farms, from the original

developer. The project has been approved as a development for the entire parcel. The first phase is fully engineered with a Preliminary Plat. They bought the property with the intention of building.

They just made contact and are trying to get a meeting with Mr. Leary to have a conversation regarding this project. They have serious concerns. Trying to build and sell houses in the shadow of the TV tower is a problem. Adding the solar array is not a good selling feature and adds to the problem.

They have purchased a lot of land. They want to tie Scenic Woods into the development pattern of Ransom Oaks. They own property across the street and now Whitehaven Farms. Scenic Woods has a trail system that comes down through Whitehaven Farms, out to Whitehaven, goes down along Whitehaven back up East River Rd. and circulates back into Scenic Woods. They have a comprehensive plan to do something the Town can be proud of.

Mr. Tuyn stated that they do not have occupied residences. We didn't buy it not to build houses. On the west property line, those lots are only 140' deep. They are willing to talk and listen to find some common ground. They have reservations with this project. This is not something they expected to see. Mr. Tuyn was not sure of the exact date of the purchase. It is deeded to the LLC.

Mr. Starzynski commented that Preliminary approval was granted in 2011. Permitting has been renewed on schedule. A Special Use Permit has to be approved for the solar farm. Is it compatible with the surrounding area and planned uses? In the PDD, there are 18 or 20 of the parcels on the west side and north side of the PDD that are contiguous to where the solar farm would be sited. 50' from the rear side line of the property line.

Mr. Burford commented that their project has a limited time period. There is a 20 year life span. David Homes has approval for sanitary and water for Phase 1. They could start construction. The balance has not been fully engineered. It has not received utility approvals. We are approximately 500' to 600' from the Phase 1 buildings. Additional landscaping will be fully grown at 10' – 12' tall. There is visual screening for anything built on the east side of the solar array.

They have had conversations with the Town for access to the Scenic Woods Park system. Mr. Burford stated that they are proposing a scenic trail along the property with an easement to the Town from Whitehaven Rd. and the development across the street, back to the Scenic Woods trail system. Access to Scenic Woods would be part of the solar development.

Lighting code calls for minimal lighting. They are proposing zero lighting. When it is dark outside there is no energy being generated by this facility. There will not be any emergency to the facility as far as an operational emergency. There would have to be a separate service for minimal lighting. The facility is deenergized in the evening.

Glare – The type of panels they will use have anti-reflective glass. Full glare analysis on each project goes to the FAA. The full analysis can be provided for the Board. They will install

panels like those used all across New York State. The panels are on a tracker system. The rows run north and south. Panels tilt from a 45 degree in the east and track the sun to the west during the day. The panels face east to west as opposed to a fixed tilt system, where the panels are positioned at 20-30 degrees tilted angle facing south. This system would not be facing south and not facing into the homes directly below them. The height is 8'-10', fencing is 7' in height. There is screening per the Code at the height or greater than the solar panels to accommodate any visual impact to future residences.

Western New York Broadcasting owns the property. Solar farm would be a lessee from an owner operating under a Special Use Permit. Solar farm would have a Special Use Permit under the umbrella of a Special Use Permit.

It was moved by Starzynski – Bowman to recommend that the application for a Special Use Permit be DENIED.

There was a discussion regarding the owner of the PDD and the discussion to be held with the applicant, meeting regulations of the Solar Law and the criteria for the Special Use Permit, which is compatibility with the surrounding area including planned uses.

Roll Call: Ayes – Starzynski, Bowman
Noes – Bruno, Greco, Lare, Worrall
Not carried

It was moved by Bruno – Worrall to **TABLE** per applicant's request.

Discussion followed regarding wording in the Solar Law versus Special Use Permit. Inhabited residence and planned uses. The possibility of both parties finding acceptable common ground. The need for a legal interpretation.

Roll Call: Ayes – Bruno, Worrall, Bowman, Greco, Lare, Starzynski
Noes – None
Carried

2. FROM: Town Board

RE: LOCAL LAW INTRO #11 OF 2021 – REZONING PORTION OF SBL #38.11-2-6.11
WHITEHAVEN ROAD – B-1 TO R-2
CORRESPONDENCE – LONG RANGE PLANNING COMMITTEE
To remain on the **TABLE**.

3. FROM: Town Board

RE: ACCESSORY USES AND STRUCTURES – PROPOSED CODE MODIFICATIONS
To remain on the **TABLE**.

4. FROM: Code Enforcement Officer
RE: EMERY FARM SOLAR – 2595 WHITEHAVEN RD.
SPECIAL USE PERMIT APPLICATION
(Tabled 12/14/20 until it is referred.)
To remain on the **TABLE**.

5. FROM: Code Enforcement Officer
RE: LONG ROAD DISTRIBUTION FACILITY – 2780 LONG RD.
SITE PLAN APPROVAL
To remain on the **TABLE** until such time as SEQR is resolved.

It was moved by Bruno – Worrall to **ADJOURN** at 9:35 P.M.

Roll Call: Ayes – Bruno, Worrall, Bowman, Greco, Lare, Starzynski
Noes – None
Carried

Respectfully submitted,

Arlene Ehde, Recording Secretary