

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
January 5, 2021**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels, Robert Hatch

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to at 7:00 P.M. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

J. Burns made a motion to approve the minutes from 12/1/20, seconded by R. Hatch and unanimously approved as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

**Old Business:**

➤ ***Wheatland Center Rd. Fill permit***

This will be modified to be smaller in scope and will be able to be approved as a fill permit.

➤ **Helios Solar**

There have been no updates on this project.

➤ ***AES - Ravich Solar***

There have been no updates on this project.

➤ ***Damico Resubdivision***

*The application of James H. Missell & Associates as agent for Jack W. Miller, Jr. to seek approval for a (2) lot subdivision to create a separate lot for an existing house and accessory structures on an above-code frontage parcel. The property is located at 2393 North Road and is in an AR-2 Zoning District. The Tax I.D. number 198.03-1-10.*

Mr. Miller stated that he has rented this house out for years and that the tenant is now purchasing the home. It will be subdivided with 2 acres; the remaining lot will be 82 acres. The 2-acre lot and the house will be Lot R1-A, the remaining land will be Lot R1-B.

M. Grasso stated that the standard notes are not on the map, J. Missell stated that they would be added.

**Chairman Coates opened the Public Hearing at 7:11 P.M.**

**NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Section 130-60.B., of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, January 5, 2021** at 7:00 P.M. in the **“virtual” Wheatland Municipal Building, Scottsville, NY** to consider the following:

The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.

*All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call** +1 585-491-9963 United States, Rochester (Toll) **Conference ID:** 592 007 847#. To view documents prior to meeting, please call the Town of Wheatland Building Department.*

Jay D. Coates, Chairman  
Wheatland Planning Board  
Dated: December 10, 2020

The Public Hearing was closed at 7:12 P.M. since there was no one from the Public who wished to speak before the board.

The following 2 comments were received from the Public at an earlier date and entered into the record in favor of the Application. J. Coates stated that these should be entered as support for all three Public Hearings.

T. Rech stated that the second letter had an error which was corrected after contacting the resident for clarification. The resident stated that the word conscientious auto corrected to the word contentious. The resident assured T. Rech that it was an error and that they support Jack Miller 100%.

(1)

Town of Wheatland: Planning Board  
22 Main Street,  
Scottsville, NY 14546

December 28, 2020

To Whom it May Concern,

We, M. Joseph Klingensmith and Maree M. Klingensmith, residing at 2281 North Road, write in support of Jack W. Miller, Jr's request for approval of two 2 acre lots and the modification / expansion of the existing Seasonal Recreational Campground (Gravel Ponds), all within our immediate neighborhood.

Whereas, Jack W. Miller, Jr.

- has demonstrated his ability to reclaim and positively re-purpose unproductive vacant lands in the Town of Wheatland,
- has successfully owned and operated the GP Campground for 23 years to the end that a long waiting list exists for would-be members

and whereas,

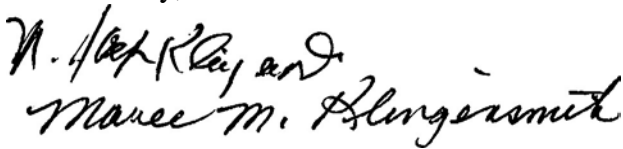
- the expansion of the campground would benefit nearby local businesses,

we encourage approval of his current requests.

When making changes or new plans regarding his properties, Mr. Miller has always shown courteous concern for those residing in the immediate neighborhood. He has been transparent in an appropriate manner. He has managed GP in such a way as to make it of fine reputation and an asset in the community. In summer 2020, Jack Miller and his staff worked diligently with all State and County Departments regulating Covid-19 requirements and thus provided a safe and enjoyable experience for his GP members and friends.

Without hesitation, we recommend the members of the Planning Board grant approval of Jack W. Miller, Jr's s current requests.

Sincerely,



M. Joseph Klingensmith  
Maree M, Klingensmith

(2)

**Terry Rech**

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From: Sandy Anschutz <sanschutz54@gmail.com>  
Sent: Monday, January 4, 2021 2:37 PM  
To: Laurie Czapranski <townclerk@townofwheatland.org>  
Subject: Gravel Ponds

To whom it may concern:

This is in regards to the Gravel Pond expansion. I am adjacent to the new area that Mr Jack Miller would like to develop. I would like to state, for the record, that I don't have any concerns regarding what he would like to do at the campgrounds. ~~cautions?~~ ~~considerate?~~ ~~conscientious?~~

Mr Miller has repeatedly improved the area and is always contentious of myself and the other neighbors. He runs a quiet and clean business. Mr Miller has always kept us informed and addressed any concerns I've had.

I have lived here for 25 yrs and have watched the campground grow from the beginning. If you have any questions or concerns, please feel free to contact me.

Thank you,

Sandra Anschutz.  
1758 Scottsville Mumford Rd  
Scottsville, NY 14546.  
585-746-6694

support Jack 100%

J. Coates reviewed the SEAF part II potential impacts and the Board determined little or no impact.

M. Grasso made a motion to grant a Negative Declaration for the SEQR approval for the Damico Resubdivision, seconded by R. Hatch and unanimously passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

R. Hatch made a motion to approve the Damico Resubdivision with the condition of adding the standard set of notes on the map, seconded by J. Burns, and unanimously passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

### ➤ **Campground Subdivision**

*The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.*

Jack Miller stated that he purchased land and will be subdividing it into 2 lots: Lot 1 will be around 54 acres and Lot 2 will be just over 12 acres. There will be 49 new campsites on Lot 2.

D. Brocht from LaBella stated that he has done a review and does not have any comments.

**Chairman Coates opened the Public Hearing for the Campground Subdivision at 7:32 P.M.**

## NOTICE OF PUBLIC HEARING:

The Planning Board of the Town of Wheatland, pursuant to Section 130-60.B., of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, January 5, 2021** at 7:00 P.M. in the “**virtual**” **Wheatland Municipal Building, Scottsville, NY** to consider the following:

The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.

*All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call** +1 585-491-9963 United States, Rochester (Toll) **Conference ID:** 592 007 847#. To view documents prior to meeting, please call the Town of Wheatland Building Department.*

Jay D. Coates, Chairman  
Wheatland Planning Board  
Dated: December 10, 2020

J. Coates stated that the 2 previous letters, with the correction, would be entered into the record as support for this application.

The Public Hearing was closed at 7:33 P.M. since there was no one from the public who wished to speak.

### ➤ **Special Exception**

*The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.*

Mr. Miller stated that there will be 49 new sites.

J. Coates relayed that Gravel Ponds has numerous conditions since they have been coming before the Planning Board for many years. J. Coates would like the Planning Board to compile a master list of all the conditions approved so that there is consistency. The Planning Board will not be approving this tonight, they will work on the conditions at a future meeting.

**Chairman Coates opened the Public Hearing for the Campground Special Exception at 7:39 P.M.**

## NOTICE OF PUBLIC HEARING:

The Planning Board of the Town of Wheatland, pursuant to Section 130-60.B., of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, January 5, 2021** at 7:00 P.M. in the “**virtual**” **Wheatland Municipal Building, Scottsville, NY** to consider the following:

The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.

*All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call** +1 585-491-9963 United States, Rochester (Toll) **Conference ID:** 592 007 847#. To view documents prior to meeting, please call the Town of Wheatland Building Department.*

Jay D. Coates, Chairman  
Wheatland Planning Board  
Dated: December 10, 2020

J. Coates stated that the 2 previous letters, with the correction, would be entered into the record as support for this application.

The Public Hearing was closed at 7:40 P.M. since there was no one from the public who wished to speak.

J. Coates reviewed the SEAF part II potential impacts for the Campground Subdivision and the Special Exception, and the Board determined little or no impact.

M. Grasso made a motion to grant a Negative Declaration under SEQR to the Gravel Ponds Campground Subdivision and the Gravel Ponds Campground expansion of their special exception use permit. The motion was seconded by R. Hatch and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

R. Hatch made a motion to approve the Gravel Ponds Campground Subdivision map dated January 2020, drawing #201011PL1, with the condition that the standard set of notes be added. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

## **New Business:**

### ➤ **Agrez Subdivision**

*The application of Matija Agrez to seek approval for a (2) lot subdivision and alter the north lot line of 4580 River Road Tax #200.03-01-13.113. The property is located just north of 4580 River Road and is in an AR-2 Zoning District. The Tax I.D. number 200.03-01- 13.114.*

The Applicant purchased a 7-acre lot that they will be subdividing. The Applicant will be adding a piece of land to their current lot, then creating a 2-lot subdivision with the remaining land.

R. Hatch made a motion to set a Public Hearing for the Resubdivision of Lots 1 & 2 of the Grace Acres Subdivision for the February 2, 2021 Planning Board meeting. This was seconded by M. Grasso and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

## **Future Business:**

- Hewitt North Road Re-Subdivision – The Applicant would like to go down to 3 Lots.
- Sabin Metal- Site Plan Change. The Applicant would like to replace the guard house. This will come before the Zoning Board and the Planning Board.

There may be a work session in January.

M. Grasso made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 8:12 P.M.

Respectfully submitted,

Renee Smith



**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
February 2, 2021**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels, Robert Hatch

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order immediately following the Zoning Board of Appeals meeting. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

J. Burns made a motion to approve the minutes from 1/5/2021, seconded by R. Hatch and unanimously approved as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

**Old Business:**

➤ ***AES - Ravich Solar***

The Applicant is working on evaluating the railroad spill and getting a document prepared to submit to the Board.

➤ ***Wheatland Center Rd. Fill permit***

No new information.

➤ **Helios Solar**

*Request for modification and special exception permit conditions*

A new decommissioning plan was submitted. The bond and agreement are still in review by the Building Department and the Attorney for the Town.

This is a modification of the conditions of their previous approval. They had agreed to a cash escrow, and now wish to post a bond. There is also a site plan modification to the point of connection.

Chris Goldie from Cypress Creek Renewables gave a presentation to the Board.

Cypress Creek acquired the Wheatland 2A and 2B Solar projects from Helios in October 2018, they took over the development process fully in late 2019. They would like to start construction in April 2021.

He stated that they would like to have a Public Hearing for the March Planning Board meeting because of the change to the site plan, which is a reconfiguration of the interconnection pole line up. The previous site plan design had the poles running East, parallel to Route 383 with all the poles on one parcel. National Grid requires each project's pole lines be located on their own parcel. The new site design has the poles for each project on their respective parcels.

Cypress Creek would also like an amendment to the Special Exception Use allowing for a decommissioning Bond. Mr. Goldie stated that the decommissioning agreement, bond, and plan paperwork that have been reviewed by Ray DiRaddo, Attorney for the Town, were submitted to the Planning Board.

J. Coates clarified that the Planning Board has not given any type of approval for the Bond agreement at this time. The Board and the Attorney for the Town will review all the paperwork in order to make a decision.

The Planning Board is still Lead Agency for this project. There will be a SEQR statement and SEQR findings.

The Public hearing will be in March, either the first or second meeting of the month.

R. Hatch made a motion to set the Public Hearing for March at a future agreed upon date with the applicant for the amendments to the site plan and special exception surety condition, seconded by J. Burns and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

➤ **Gravel Ponds Special Exception**

*The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.*

There is no new information currently.

➤ **Agrez Subdivision**

*The application of Matija Agrez to seek approval for a (2) lot subdivision and alter the north lot line of 4580 River Road Tax #200.03-01-13.113. The property is located just north of 4580 River Road and is in an AR-2 Zoning District. The Tax I.D. number 200.03-01- 13.114.*

The Applicant purchased a 7-acre lot that they will be subdividing. The Applicant will be adding a piece of land to their current lot, then creating a 2-lot subdivision with the remaining land.

***Chairman Coates opened the Public Hearing at 7:58 P.M. by reading the following Public Hearing Notice:***

**NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Sections 116-1 and 116-22.B. of the Code of the Town of Wheatland, will hold a Public Hearing on Tuesday, **February 2, 2021 at 7:00 P.M.** in the “**virtual**” **Wheatland Municipal Building, Scottsville, NY** to consider the following:

The application of Matija Agrez to seek approval for a (2) lot subdivision and alter north lot line of 4580 River Road Tax #200.03-01-13.113. The property is located just north of 4580 River Road and is in an AR-2 Zoning District. The Tax I.D. number 200.03-01- 13.114.

*All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call** +1 585-491-9963 United States, Rochester (Toll) **Conference ID:** 916 498 977#. To view documents prior to meeting, please call the Town of Wheatland Building Department.*

Jay D. Coates, Chairman  
Wheatland Planning Board  
Dated: January 14, 2021

***The Public Hearing was closed at 7:59 P.M. since there was no one from the Public who wished to speak.***

The following is an email that was sent in favor of the Applicant:

**Building Department**

From: Aaron Howard <thalinwb@gmail.com>  
Sent: Tuesday, February 2, 2021 9:52 AM  
To: Building Department  
Subject: Concerning the subdivision request by the Agrez's 200.03-01-13.1 13(1 14)

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I am their neighbor at 4600 River Rd, Scottsville, NY 14546. I have no objection to the planned subdivision.

J. Coates completed the SEQR Review.

M. Grasso made a motion to grant a negative declaration under SEQR for the unlisted action for the re-subdivision of Lot 1 and Lot 2 of the Grace Acres Subdivision.

This was seconded by T, Steves and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye

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Jay Coates -aye

R. Hatch made a motion to approve the re-subdivision of Lots 1 & 2 of Grace Acres Subdivision based on the map prepared by Peter Offerman dated 12/20/2020. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

**New Business:**

None

**Future Business:**

- Hewitt North Road Re-Subdivision – The Applicant would like to go down to 3 Lots.
- Sabin Metal- Site Plan Change. The Applicant would like to replace the guard house. This will come before the Zoning Board and the Planning Board.
- Potential subdivision at the corner of North Rd and Wheatland Center Rd.

There will not be a work session in February.

R. Hatch made a motion to adjourn the meeting, seconded by T. Steves and unanimously approved. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
March 16, 2021**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels,  
Robert Hatch and Kane Gascon

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

R. Hatch made a motion to approve the minutes from 2/6/2021, seconded by M. Grasso and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – inaudible  
Robert Hatch – aye  
Jay Coates -aye

**Old Business:**

➤ *AES - Ravich Solar*

The Applicant sent in a revised environmental form; the Board needs additional environmental information to move forward.

➤ *Wheatland Center Rd. Fill permit*

T. Rech received a letter from Dan Brocht at LaBella. T. Rech would like this to be approved by the Board based on conditions from the Town Engineers approval. D. Brocht stated that he would need a map showing the limits and the general area, and basic erosion control.

J. Coates stated that he received nothing in writing with details regarding size, acreage, and location.

This will be tabled until the next meeting.

### ➤ **Helios Solar**

*Request for modification and special exception permit conditions*

Chris Goldie from Cypress Creek Renewables gave a presentation restating his points from the prior month's presentation to the Board.

Cypress Creek is looking for a minor change to the site plan, for the point of interconnection and for the median voltage line. These are both improvements to the visual impact of the project.

They are also looking for approval for the decommissioning bond, plan, estimate and agreement.

J. Coates stated that the decommissioning bond is close to being in the final format. He stated that they are working to ensure an Evergreen clause so that the Town does not lose the Bond funding.

***Chairman Coates opened the Public Hearing at 7:20 P.M. by reading the following Public Hearing Notice:***

## **NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Sections 116-22 and 130- 60.B of the code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, March 16, 2021, at 7:00 P.M.** in the **“virtual” Wheatland Municipal Building, 22 Main Street, Scottsville, NY** to consider the following:

*Cypress Creek Renewables, on behalf of Helios Energy New York 4 LLC and Helios Energy New York 11 LLC, for a modification of a Special Exception Use for a large-scale solar energy system in an AR-2 Zoning District. Amended Application includes revised point of interconnection configuration and means of financial security.*

**Addendum to clarify location:**



North west corner of Union Street and Scottsville Mumford Road, approximately 600' North of Scottsville Mumford Road and 1100' West of Union Street.

All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 as extended by Orders Number 202.14, 202.28 and 202.48, as may be and to the extent extended, and due to public health and safety concerns associated with the potential gathering of a large number of individuals who may wish to submit public comment, the public will not be permitted to attend the public meeting in person at the Town Hall. The public will have an opportunity to hear the meeting live and provide comments via the Microsoft Teams meeting format. To join the meeting please **CALL** +1 585-491-9963 United States, Rochester (Toll) **Conference ID** 877 069 799#. To view documents prior to the meeting you may make an appointment to come to our office.

Jay Coates,

Chairman Town of Wheatland Planning Board

Dated: February 24, 2021

*The following comments and concerns were made by the public in attendance:*

- **Kip Finley**, 868 Winslow Rd., Churchville, NY
  - Stated that the improvements look great, and it is a good location for the project.
  
- **James Tucker**, 9535 Union St. Scottsville, NY
  - Stated that he is anxious for the project to be completed.

***The Public Hearing was closed at 7:22 P.M.***

Laura Michaels is recusing herself since she is an employee of Stokoe Farms.

The Board stated that they have no issues with the new connection points.

J. Coates stated that the Bond agreement and the Bond language is in the final draft and being reviewed. The Board stated that they have no issues with moving forward once the Town and the Attorney for the Town have reviewed the language for the Bond paperwork.

## ➤ **Gravel Ponds Special Exception**

*The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.*

This application will be discussed at the April meeting, still working on a summary of conditions from past approvals dating back to the 1990's.

## **New Business:**

### ➤ **Paszko Subdivision.**

*9 Lot Subdivision in an AR-2 Zoning area on North Rd. Tax Acct #198.02-1-2.1.*

Kip Finley was present virtually to represent the Applicants. The applicants purchased the property many years ago and have recently decided to sell the parcels. There will be a gas main replacement on the corner lot, it is larger than the rest of the lots because of the safety concerns related to the gas main. The other lots are around 2 Acres, they are zoned AR-2 There was a mine subsidence report done, most of the development will be outside of the mine subsidence area. They are planning to have water and gas come across the back of the lots. The Applicants are looking for Subdivision approval only for these 9 lots.

J. Coates requested the mine subsidence report and stated that there will need to be a release notice for the property owner and a notice will need to be placed on the map.

There was discussion about placing the water lines in the front of the lots as opposed to the rear of the lots.

There was conversation about what the safe radius would be for building on the lot with the gas main. J. Coates stated that 300 feet is what the utility companies recommend, but 415 feet is the burn radius.

### ➤ **Hewitt, North Road Re-Subdivision**

*Amended site plan and subdivision.*

R. Hatch recused himself from this portion of the meeting.

This was approved previously as a 6-lot subdivision with 5 building lots and a remaining lands parcel. It has now been reduced to a 4-lot subdivision with 3 building lots and a remaining land parcel.

M. Grasso made a motion to set a Public Hearing for the April 20 meeting, seconded by T. Steves and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – recused  
Kane Gascon - aye  
Jay Coates -aye

➤ **Sabin Metal**

*Site plan replacement for guard house*

Todd Marchevez from APD Engineering was virtually present to represent the Applicant. He stated that Sabin is planning to remove the existing 400 square foot guard house to replace it with a 1,000 square foot guard house. Sabin needs to enhance security for the site, so they need a larger building.

The new building will be 21' off the right of way, code requirement is 70', so they will also be requesting a variance from the Zoning Board of Appeals.

R. Hatch made a motion to set a Public Hearing for May 4, 2021 to entertain the application for site plan approval, seconded by T. Steves and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – aye  
Kane Gascon - aye  
Jay Coates -aye

**Future Business:**

None

There will be no meeting on April 6, 2021, the next Planning Board meeting will be on April 20, 2021.

J. Burns made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 8:28 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
April 20, 2021**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels,  
Robert Hatch and Kane Gascon

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

Due to technical issues, Kane Gascon and Tim Steves entered the meeting late.

M. Grasso made a motion to approve the minutes from 3/16/2021, seconded by J. Burns and unanimously approved as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Laura Michaels – aye  
Robert Hatch – aye  
Jay Coates -aye

**Old Business:**

➤ *AES - Ravich Solar*

No new information currently.

➤ *Wheatland Center Rd. Fill permit (A & R Pit)*

The original pit has been there since the 60's, they will be able to use the existing access for the pit. The Town may benefit from this project since they are reclaiming land that may be able to be developed into commercial property.

Jack Miller stated that he will not be burying garbage or putting fill around trees. This project will be done in layers and will be buildable in the future. He stated that he also has a street sweeper that will be used as needed throughout the day.

M. Grasso made a motion to declare the Gravel Ponds Campground fill plan, formally A&R Pit, provided by Professional Engineering group, plan dated 1/2020 with a revision date of 4/20/2021, as an unlisted action and a Negative Declaration. This was seconded by L. Michaels and passed as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Mike Grasso – aye  
Robert Hatch – aye  
Laura Michaels – aye  
Jay Coates -aye

R. Hatch made a motion to approve the Gravel Ponds Campground fill plan, formally A&R Pit, submitted by Professional Engineering group, plan dated 1/2020 with a revision date of 4/20/2021 with the following conditions:

1. The construction entrance be stabilized
2. The road be swept when needed

This was seconded by M. Grasso and passed as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Mike Grasso – aye  
Robert Hatch – aye  
Laura Michaels – aye  
Jay Coates -aye

### ➤ **Gravel Ponds Special Exception**

*The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.*

J. Coates stated that they are still researching the conditions.

### ➤ **Helios Solar**

*Request for modification and special exception permit conditions*

J. Coates stated that Helios did not submit their paperwork until 1:00 P.M., so there was not enough time for the Board to thoroughly review the details before the meeting.

➤ **Hewitt, North Road Re-Subdivision**

*Amended site plan and subdivision.*

Received County Comments will have a Public Hearing on May 4, 2021.

➤ **Sabin Metal**

*Site plan replacement for guard house*

There will be a Public Hearing on May 18, 2021 for both the Planning Board and the Zoning Board.

➤ **Paszko Subdivision.**

*9 Lot Subdivision in an AR-2 Zoning area on North Rd. Tax Acct #198.02-1-2.1.*

No new information on this application.

**New Business:**

➤ **2100 North Road**

*Lot line alteration*

R. Hatch recused himself from this portion of the meeting.

R. Hatch was virtually present to represent the applicant. The applicant is in the process of getting residential solar panels, to do this, they need to combine their 3 parcels into 1 parcel which will be 11.2-acres. The panels will go behind an existing shed and garage.

J. Burns made a motion to waive a Public Hearing for 2100 North Road for a lot line alteration, seconded by L. Michaels and passed as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Mike Grasso – aye

Robert Hatch – recused  
Laura Michaels – aye  
Tim Steves - abstained  
Jay Coates -aye

J. Burns made a motion to declare an unlisted SEQR action and negative declaration for 2100 North Road lot line alteration, seconded by M. Grasso and passed as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Mike Grasso – aye  
Robert Hatch – recused  
Laura Michaels – aye  
Tim Steves - abstained  
Jay Coates -aye

J. Burns made a motion to approve the Edwards Subdivision 2100 North Road and other lands based on map dated 4/12/2021, subject to County Comments, seconded by M. Grasso and passed as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Mike Grasso – aye  
Robert Hatch – recused  
Laura Michaels – aye  
Tim Steves - abstained  
Jay Coates -aye

### **Other New Business:**

- J. Coates stated that he and the Supervisor met with RG&E and the contractor DDS. They will be starting construction on the transmission line starting in May. This will run from Chili through Wheatland Center Road, Armstrong Road to the town of Caledonia. They will be using the Miller's pit as a staging area. RG&E will be using a fiber optic monitor to watch for subsidence in real time.

### **Future Business:**

- There may be a Special Exception for a monitoring hut for the fiber optic monitoring.



The next meeting will be on May 4, 2021, there will also be a work session meeting on 5/18/2021.

R. Hatch made a motion to adjourn the meeting, seconded by J. Burns and unanimously approved. The meeting was adjourned at 7:41 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
May 4, 2021**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels,  
Robert Hatch and Kane Gascon

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

T. Steves made a motion to approve the minutes from 4/20/2021, seconded by L. Michaels and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Mike Grasso – aye  
Laura Michaels – aye  
Robert Hatch – aye  
T. Steves - aye  
Jay Coates -aye

**Old Business:**

➤ ***AES - Ravich Solar***

No new information currently.

➤ **Helios Solar**

*Request for modification and special exception permit conditions*

**TOWN OF WHEATLAND  
HELIOS ENERGY WHEATLAND SOLAR  
PROJECT SEQR RESOLUTION - NEGATIVE  
DECLARATION**

At the meeting of the Town of Wheatland Planning Board held on May 4, 2021 Board Member *R. Hatch* moved adoption of the following resolution: Board Member *J. Burns* seconded the motion.

**WHEREAS,**

- 1) In November 2018, the Town of Wheatland Planning Board (“Planning Board”), received applications from Helios Energy New York 4 LLC and Helios Energy New York 11 LLC (together, the “Applicants”) pursuant to the Town of Wheatland Zoning and Subdivision Laws for a re-subdivision to facilitate the application for a Special Exception Use to allow a large-scale Solar Energy System in an AR-2 Zoning district and to construct and operate two solar facilities on adjacent properties totaling 9 MW on two adjoining parcels located near the intersection of Scottsville Mumford Road and Union Street. The project includes two solar arrays, an access road, utility trenching, ancillary electrical facilities, fencing and a landscaping berm (the, “Project”). The Town Code Enforcement Officer confirmed that Project and the associated site plan were Special Exception uses under the Code of the Town of Wheatland.
- 2) The Planning Board, having determined to review the two adjacent projects together to avoid segmentation, issued a Notice of Intent to act as Lead Agency pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively, “SEQRA”), and no agency objected to the Planning Board acting as Lead Agency; and
- 3) On or about July 2, 2019, the Planning Board, as Lead Agency under SEQRA, determined the action to be a “Type I” action under SEQRA adopted a resolution issuing a negative declaration of significance,
- 4) On or about July 2, 2019, the Planning Board further adopted resolutions approving the application for re-subdivision to facilitate the projects, issuing the special exception and approving the site plan for each project (the, “Approvals”),
- 5) On or about January 29, 2021, the Applicants submitted an application, revised set of site plans and environmental assessment form, (i) seeking to amend the Approvals to accommodate a minor revision to the site plan to allow for a revised Point of Interconnection (“POI”) and to eliminate overhead wires to the revised POI as shown on the revised plans, (ii) to approve certain plans, reports and agreements related to the decommissioning of the projects, and rename the projects “Wheatland 2A” and “Wheatland 2B” respectively (the “Action”);
- 6) On or about February 2, 2021, the Planning Board, reaffirmed its status as SEQRA Lead Agency and referred the application to the Monroe County Planning Board pursuant to GML § 239-m;
- 7) On or about March 16, 2021, the Planning Board held a duly noticed public hearing on the application for action and acknowledged receipt of the review from the Monroe County Planning Board.

**NOW THEREFORE BE IT RESOLVED**, by the Planning Board of the Town of Wheatland that:

1. The Planning Board declares that it serves as Lead Agency for the Wheatland 2A and Wheatland 2B Solar Projects subject of this action; and,
2. The Planning Board has considered the Environmental Record prepared for this action, including any comments received from the public and other agencies, and caused to be prepared an environmental assessment

of the significance of and potential environmental impact of the action described above and finds that the Action will lessen the visual impact of the project by realigning the overhead pole lines and placing electric lines underground, therefore will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared.

3. The negative declaration, attached hereto as Exhibit A and incorporated herein by reference, is issued, and adopted for the reasons stated in the attached negative declaration.
4. The Planning Board Chairperson is hereby authorized and directed to issue, on behalf of the Planning Board, the Negative Declaration in the Part 3 of the Environmental Assessment Form.
5. The Planning Board Chairman is authorized to file, distribute and publish notice of this negative declaration with involved and interested agencies and in the Environmental Notice Bulletin and generally in accordance with 6 NYCRR § 617.12.
6. This resolution shall take effect immediately.

PASSED AND ADOPTED this 4<sup>th</sup> day of May 2021 by the Planning Board of the Town of Wheatland.

ROLL CALL VOTE	AYE	NAY	ABSTAIN
Chairperson Coates	X		
Vice-Chairperson Grasso	X		
Timothy Steves	X		
Joseph Burns	X		
Laura Michaels			X
Robert B. Hatch	X		

**NEGATIVE DECLARATION  
Determination of Non-Significance**

**Lead Agency:**           **Town of Wheatland Planning Board**

**Date:**                   **May 4, 2021**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (“SEQRA”).

The Town of Wheatland Planning Board (the “Planning Board”), as lead agency, has reviewed the proposed action and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:**           Minor changes to the Wheatland 2A and Wheatland 2B Solar Projects.

**Location of Project Site:**    Intersection of NYS Route 383 and Union Street, Town of Wheatland, Monroe County, New York

**SEQRA Status:**

Type I

**Description of Action:**

The Planning Board is considering an application, full environmental assessment forms (“FEAF”) and revised site plans for a minor amendment to the previously approved site plans and special exception uses from Helios Energy New York 4 LLC and Helios Energy New York 11 LLC respectively (i) seeking to amend the Approvals to accommodate a minor revision to the site plan to allow for a revised Point of Interconnection (“POI”) and to eliminate overhead wires to the revised POI as shown on the revised site plans, (ii) to approve certain plans, reports and agreements related to the decommissioning of the projects, and (iii) rename the projects “Wheatland 2A” and “Wheatland 2B” respectively for two solar energy generating facilities totaling 9 MW ac (4.5 MW ac each) at the intersection of NYS Route 383 and Union Street in the Town of Wheatland (the, “Amended Application”).

**Reasons Supporting this Determination:**

On or about July 2, 2019, the Planning Board issued a negative declaration for the Projects Upon receipt of the Amended Application, the Planning Board conducted a review of the revised site plans, FEAF and decommissioning agreement, plan and form of decommissioning security, identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required under SEQRA. The Planning Board compared the Amended Application with the negative declaration issued on July 2, 2019 as well as the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Amended Application will not create any new, significant adverse environmental impacts from those identified on the July 2, 2019 negative declaration which were determined to not create a significant adverse environmental impact. As a result, the Planning Board hereby determines that the Amended Application will not have a significant adverse impact on the environment.

The Planning Board has reviewed the FEAFs and the criteria contained in 6 NYCRR §617.7, as well as the applications, revised site plans and supporting materials, the comments at the public hearing, and has determined that the Amended Applications will not have a significant impact on the environment and are consistent with the July 2, 2019 negative declaration for the Projects as follows:

- A. As required by §617.7(a)(2), the Planning Board has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant and are consistent with or lessen the impacts identified in the July 2, 2019 negative declaration.
- B. As required by §617.7(b), the Planning Board has:
  - 1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
  - 2. Reviewed the revised site plans and Full EAF for each of the projects, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
  - 3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
  - 4. Set forth herein its written Finding of No Significant Environmental Impact.
- C. The Planning Board has compared the impacts reasonably expected to result from the Amended Application to the July 2, 2019 and negative declaration and the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:

**(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;**

**a. Traffic Impacts**

The Amended Application will not have a significant adverse impact upon traffic or transportation. This action involves short-term impacts from traffic during the construction and decommissioning periods and traffic during operational period is insignificant and consistent with the 2019 negative declaration. All such traffic will utilize the existing road network.

**b. Noise Impacts**

There will be no significant adverse noise impacts from the Amended Application different from the July 2, 2019 negative declaration.

**c. Air Quality Impacts**

The Amended Application will not create any significant adverse impact to air quality, the only impacts different from those considered in the July 2, 2019 negative declaration and will be short-term, temporary and reversible disturbances only occurring during construction and decommissioning.

**d. Wetland Impacts**

There are no wetlands impacts from the Amended Application different from the July 2, 2019 negative declaration.

**e. Erosion, Flooding and Drainage Impacts**

The Projects will comply with all applicable state and federal laws and regulations, including compliance with the Clean Water Act and the requirement to obtain applicable permits for stormwater discharges from construction activities. The Project will comply with the submitted Stormwater Pollution Prevention Plan. There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**f. Solid Waste Production**

The Amended Application will not increase solid waste production. The decommissioned system and construction waste will be disposed of in accordance with applicable State regulations. There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;**

The site has not changed since the July 2, 2019 negative declaration and is currently an agricultural property. The loss of agricultural property, however, will not be permanent as site restoration (backed by a decommissioning agreement, plan and bond) will occur. The loss the acreage used for the Projects to the volume and quality of Town and region's agricultural resources is minimal. There will be no interference with the movement of any resident or migratory fish or wildlife species. The property is not a significant habitat area and there will be no substantial adverse impacts on any threatened or endangered species of animal or plant, or

the habitat of such a species, nor other significant adverse impacts to natural resources. There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;**

The Project area has not changed in the Amended Application. As was previously determined in the July 2, 2019 negative declaration and illustrated in the FEAF for the Amended Application, there are no Critical Environmental Areas within the Project area. Thus, there will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;**

The proposed Project is consistent with the Town's current plans and goals, which specifically authorizes solar projects in the zoning district where the Projects are located. The Planning Board notes that the changes to the plans eliminating the overhead lines to the revised point of interconnection by placing the lines for both Projects underground in a single trench with a depth of  $\pm 36$ " represent an improvement over the previously approved plans, further avoids and/or minimizes the visual impact of the Project and represents a greater degree with of conformity with the Town's zoning laws regulating solar energy projects. There will be no impacts from the Amended Application greater than those set forth in the July 2, 2019 negative declaration.

**(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

The Amended Application does not change any of the previously approved vegetative screening and landscaping which must be maintained through the life of the Projects which were determined to mitigate the visual or aesthetic impacts of the Projects to the maximum extent practicable. In addition, the realignment of the overhead utility connect points, the elimination of overhead lines for both Projects, the placement of the lines to the revised point of interconnection underground and within a single trench ( $\pm 36$ " deep) eliminates the aesthetic impact of the overhead lines, poles and related work and minimizes soil disturbance from the previously approved plans. The Projects remain located in a zone designated by the Town Code as appropriate for solar and, in light of the vegetative screening, landscaping and elimination of the overhead lines and revised location for the point of interconnection, the Amended Application will not negatively impact neighborhood character, the character or quality of important historical, archeological, architectural, or aesthetic resources and is consistent with the July 2, 2019 negative declaration.

**(vi) a major change in the use of either the quantity or type of energy;**

There will be no negative impacts as a result of the Amended Application and, once constructed, the Projects will generate electricity and increase the supply of renewable energy to the electrical grid. There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(vii) the creation of a hazard to human health;**

There will be no such impacts as a result of the Amended Application. There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration. The proposed Projects do not represent a substantial change in the use or intensity of use of land from those allowed under the Town's current zoning law, the land will be returned to agricultural use after decommissioning.

**(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(x) the creation of a material demand for other actions that would result in one of the above consequences;**

There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.**

There will be no impacts from the Amended Application different from the July 2, 2019 negative declaration.

**For Further Information:**

Contact Person: Jay Coates  
Planning Board Chairperson

Address: Wheatland Municipal Building  
22 Main Street  
Scottsville, NY 14546

Telephone Number: (585) 889-1553

**TOWN OF WHEATLAND PLANNING BOARD**

**HELIOS ENERGY NEW YORK 4 LLC  
HELIOS ENERGY NEW YORK 11 LLC  
(WHEATLAND 2A and WHEATLAND 2B SOLAR PROJECTS)**

**AMENDED APPROVALS – SPECIAL EXCEPTION USE AND SITE PLAN**

At the meeting of the Town of Wheatland Planning Board held on May 4, 2021 Board Member *R. Hatch* moved adoption of the following resolution; Board Member *M. Grasso* seconded the motion.



## WHEREAS,

- 8) In November 2018, the Town of Wheatland Planning Board (“Planning Board”), received applications from Helios Energy New York 4 LLC and Helios Energy New York 11 LLC (together, the “Applicants”) pursuant to the Town of Wheatland Zoning and Subdivision Laws for a re-subdivision approval to facilitate the application for a Special Exception Use to allow a large-scale Solar Energy System in an AR-2 Zoning district and to construct and operate two solar facilities on adjacent properties totaling 9 MW on two adjoining parcels located near the intersection of Scottsville Mumford Road and Union Street. The properties are owned by Seldon Stokoe and Sons LLC and located on Scottsville Mumford Road with access to Union Street. The parcels are shown as Proposed Lot 1 (64.1) and Proposed Lot 2 (41.4 acre) and as detailed on the Subdivision Plat Sheet 3 of 8 dated: 9/21/2018 revised 4/19/2019. The project includes two solar arrays, an access road, utility trenching, ancillary electrical facilities, fencing and a landscaping berm (the, “Project”). The Town Code Enforcement Officer confirmed that Project and the associated site plan are Special Exception uses under the Code of the Town of Wheatland.
- 9) The Planning Board, having determined to review the two adjacent projects together to avoid segmentation, issued a Notice of Intent to act as Lead Agency pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively, “SEQRA”), and no agency objected to the Planning Board acting as Lead Agency; and
- 10) On or about July 2, 2019, the Planning Board, as Lead Agency under SEQRA, determined the action to be a “Type I” action under SEQRA adopted a resolution issuing a negative declaration of significance,
- 11) On or about July 2, 2019, the Planning Board further adopted resolutions approving the application for re-subdivision to facilitate the projects, issuing the special exception and approving the site plan for each project (the, “Approvals”),
- 12) Any and all documents submitted for this project listing the location as 9565 Union Street, Scottsville Mumford and Union Street and Scottsville Mumford Road as well as using the several names Helios Solar Farm, Helios Wheatland Solar Farm, Helios Energy NY LLC, Helios Energy New York 4 LLC and Helios Energy New York 11 LLC are incorporated into this decision and are deemed effective and binding on these entities and any successor entities.
- 13) On or about January 29, 2021, the Applicants submitted an application and environmental assessment form, revised site plans and decommissioning materials including an agreement, plan and form of security (i) seeking to amend the Approvals to accommodate a minor revision to the site plan to allow for a revised Point of Interconnection and to eliminate the overhead lines to the revised point of interconnection, (ii) to approve certain plans, reports and agreements related to the decommissioning of the projects, and (iii) rename the projects “Wheatland 2A” and “Wheatland 2B” respectively (the “Action”);
- 14) On or about February 2, 2021, the Planning Board reaffirmed its status as SEQRA Lead Agency and referred the application to the Monroe County Planning Board pursuant to GML § 239-m;
- 15) On or about March 16, 2021, the Planning Board held a duly noticed public hearing on the application for action and acknowledge receipt of the review of the Monroe County Planning Board.
- 16) The Planning Board, prior to this determination, adopted a resolution issuing a negative declaration under SEQRA after having made and reviewed an EAF Part 1, 2 & 3 with attachments, and

17) The Planning Board having reviewed all information provided, referred to and reviewed the Town's engineering report and comments, referred to and reviewed the County of Monroe's comments and this decision is based upon documents, specifications and information submitted including the following:

- Schedule of drawings prepared by Ingalls & Assocs LLP Cover sheet 1, last revised March 2, 2021
- Schedule of drawings prepared by Ingalls & Assocs LLP, "Existing Conditions", sheet 1 of 1 dated March 12, 2019, last revised April 1, 2019
- Schedule of drawings prepared by Ingalls & Assocs LLP, "Subdivision Plat", Sheet 3 of 7 dated September 24, 2018, last revised March 20, 2021
- Schedule of drawings prepared by Ingalls & Assocs LLP, "Site Plan", sheet 4 of 7 dated July 27, 2018, last revised March 2, 2021
- Schedule of drawings prepared by Ingalls & Assocs LLP, "ESC Plan", sheet 5 of 7 dated July 27, 2018, last revised March 2, 2021
- Schedule of drawings prepared by Ingalls & Assocs LLP, "Details", sheet 6 of 7 dated July 27, 2018, last revised March 2, 2021
- Schedule of drawings prepared by Ingalls & Assocs LLP, "Site Profiles", sheet 7 of 7 dated September 24, 2018, last revised March 2, 2020
- NYS Parks, Recreation, and Historic Preservation letter, dated June 3, 2019
- Glare Analysis, dated April 16, 2019 Helios Solar Farm - Scottsville Mumford and Union Street
- CCR Operations and Maintenance Plan – undated – Cypress Creek O&M LLC Helios Solar Farm, 9565 Union Street., and
- Decommissioning Agreement dated April 26, 2021,
- Decommissioning Plan (prepared by Ingalls & Assocs LLP) dated March 12, 2019, and last revised February 23, 2021, and form of decommissioning security ("Decommissioning Plan"),

18) The Planning Board referred the Amended Application to the town's designated engineer, Daniel Brocht, PE of LaBella Associates PC and received confirmation that the revised plans, decommissioning plan and estimate were accurate and suitable for action by the Planning Board.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town of Wheatland Planning Board hereby:

1. approves the applications of Helios Energy New York 4 LLC and Helios Energy New York 11 LLC for an amendment of the Special Exception Uses and site plan approvals issued on July 2, 2019 for the construction of two solar facilities on two adjoining properties two adjoining parcels of the lands of Seldon Stokoe and Sons LLC located on Scottsville Mumford Road, as depicted on the plans listed above, subject to the following conditions,
2. approves subject to conditions of approval the decommissioning agreement and the Decommissioning Plan for each project, and authorizes the Planning Board Chairperson to execute the Decommissioning Agreement for each project on behalf of the Town,
3. determines that decommissioning security in the form attached to the Decommissioning Plan shall be provided by the Applicant in the amounts of \$282,899.00 for the Project proposed by Helios Energy New York 4 LLC and \$321,049.00 for the project proposed by Helios Energy New York 11 LLC as set forth in the Decommissioning Plans prior to construction,

4. Any and all documents submitted for these projects listing the location as 9565 Union Street, Scottsville Mumford and Union Street and Scottsville Mumford Road as well as using the several names Helios Solar Farm, Helios Wheatland Solar Farm, Helios Energy NY LLC, Helios Energy New York 4 LLC and Helios Energy New York 11 LLC are incorporated into this decision and are deemed effective and binding on these entities and any successor entities,
5. determines the Project by Helios Energy New York 4 LLC on the northern lot shall be renamed as “Wheatland 2A” and the Project by Helios Energy New York 11 LLC on the southern parcel shall be renamed as “Wheatland 2B”,
6. directs the Planning Board secretary or Chairman to file this resolution within five days from its adoption, and
7. this resolution shall take effect immediately.

**BE IT FURTHER RESOLVED THAT**

This approval of the amended special exception use and site plan for each Project is subject to the following conditions:

1. Energy Storage. There will be no energy storage systems allowed on these sites. (The application did not include the provision for any electric storage systems on the project site). The applicant has agreed to this in letter dated June 7, 2018 to the Building Inspector.
2. PILOT. The Town of Wheatland and the project sponsor entered into those certain a payment-in-lieu-of-taxes (PILOT) agreements for each project respectively on or about April 1, 2021. Payment to the Town pursuant to the PILOT shall commence at Commercial Operation of each solar installation as set forth in said agreements.
3. Project Designation. As this project has used several names and locations, the Building Inspector shall issue an address on Scottsville Mumford Road for each property wherein Wheatland 2A and Wheatland 2B are to be constructed. The applicant shall have sufficient signage to enable emergency response approved by the Code Enforcement and Fire Marshal.
4. Operations and Maintenance. Prior to issuance of a Certificate of Completion, the operator shall submit an updated and complete Operations and Maintenance Manual to the Code Enforcement and Fire Marshal for their reasonable approval. Maintenance and reports shall be performed and be made in accordance with the current Operations and Maintenance Manual. Should the site not be maintained in accordance with the Operations and Maintenance Manual, this will be considered a violation of the Operating Permit and Town Code.
5. Emergency Response. Prior to the issuance of a Certificate of Completion, the applicant shall provide the Town of Wheatland in writing, with the name and contact information of a local qualified emergency contact, which contact will be able to respond to any emergency on the site within ONE (1) hour or less response time. If emergency response times exceed one hour the

Town may contact a qualified local contractor, the owner/operator will bear all costs of this and hold the Town and contractor harmless for any actions taken. The applicant/operator must provide initial and ongoing and up to date fire department site specific emergency response training to the reasonable satisfaction of the Town Fire Marshal and Scottsville Fire Chief and must participate in the Town Knox-box program. Violations will be considered as a violation of any Operating Permit which may result in cancellation of the Operating Permit.

6. Operating Permit. Pursuant to 19 NYCRR Part 1203, together with the Certificate of Completion, the Town will issue an operating permit for these facilities. Fire inspections, report of operations and events as detailed in the current Operations and Maintenance Manual are required as well as required updating and filing of the current Operations and Maintenance Manual.
7. Planting and Landscaping. Applicant shall install the plantings and landscaping as shown on the Approved Site Plan and Tree Planting Schedule (See, Schedule of drawings prepared by Ingalls & Assocs LLP, "Subdivision Plat", Sheet 3 of 7 dated September 24, 2018, last revised March 2, 2021). The proposed trees will be planted in mounds, leaving adequate space for the site to drain unimpeded and will not be planted deeper than six (6) inches into existing ground level. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced as soon as possible but no later than by the following growing season.
8. Stormwater Plan. The Stormwater Pollution Prevention Plan must be submitted to the Town's Engineer and Building Inspector.
9. Decommissioning. The Applicant has supplied a satisfactory Decommissioning Agreements, Decommissioning Plans (including removal estimates), and form of decommissioning security, which have been reviewed and approved by the Town's Designated Engineer and Town Attorney. A Decommissioning Bond shall be delivered to the Building Inspector for each Project prior to issuance of any building permits.
10. Insurance. The Applicant shall certify that they have public liability insurance against liability, New York State Workers Compensation and Disability insurance which might result from the proposed construction, operations or use, covering any and all damage which might occur within three years of completion of such operations.
11. Indemnity. The Applicant submitted to the Building Inspector an Indemnity Affidavit which commits the owner/operator to indemnify and save harmless the Town or agency or agent thereof from any claims arising out of or connected with operations under the permit and from all acts, omissions, commissions, or negligence on the part of the Applicant or their agents or employees. The executed Affidavit shall be submitted prior to the commencement of construction.
12. Modifications to Plans, Bonds or Agreements. Any changes or modifications to the

Decommissioning Plans, Decommissioning Bonds and Decommissioning Agreements shall be satisfactory to and approved by the Town Building Inspector, Town Planning Board Chair and Town Attorney.

13. Changes in Ownership or Operator. The Town will be notified of any changes in ownership or operations.

14. Binding Resolution. This decision and the conditions contained herein are binding on the applicant, owner or operator or their partners, successors or assigns.

PASSED AND ADOPTED this 4th day of May 2021 by the Planning Board of the Town of Wheatland.

ROLL CALL VOTE	AYE	NAY	ABSTAIN
Chairperson Coates	X		
Vice-Chairperson Grasso	X		
Timothy Steves	X		
Joseph Burns	X		
Laura Michaels			X
Robert B. Hatch	X		

➤ **Gravel Ponds Special Exception**

*The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.*

J. Coates stated that they are still researching the conditions.

➤ **Hewitt, North Road Re-Subdivision**

*Amended site plan and subdivision.*

R. Hatch recused himself from this part of the meeting.

Matt Tuttle was virtually in attendance to represent the Applicant. He stated that this was approved by the Planning Board as a 6-lot subdivision with 5 building lots and 1 land parcel. The Applicant would like to make the change to a 4-lot subdivision with 3 building lots and 1 land parcel.

There was discussion about widening the road and a turnaround for emergency vehicles. The plans will be revised when M. Tuttle receives a comment letter from LaBella.

County comments were received, there were no significant comments.

***Chairman Coates opened the Public Hearing at 7:17 P.M. by reading the following Public Hearing Notice:***

### **NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Sections 116-1,116-22 and 130-22.F. of the Code of the Town of Wheatland, will hold a Public Hearing on Tuesday, May 4, 2021 at 7:00 P.M. in the “virtual” Wheatland Municipal Building, Scottsville, NY to consider the following:

*The application of Shultz Associates as agents for Good Living Properties, LLC to seek approval for a (4) lot subdivision and site plan with (3) proposed single family building lots and (1) remaining agricultural land parcel (this is a modification of a previously approved 6-lot subdivision). The property is located approximately 3,000 feet West of the intersection of Scottsville-Chili and North Road on the North side of the road and is in an AR-2 Zoning district. The Tax I.D. number 186.04-1-19.2*

All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call +1 585-491-9963 Conference ID: 434 022 187#**. To view documents prior to meeting you may make an appointment to come to our office or Public access to view Planning Board files use link:

Jay D Coates, Chairman  
Wheatland Planning Board

Dated: April 14, 2021

***The Public Hearing was closed at 7:18 P.M. No one from the Public wished to speak.***

M. Grasso made a motion to grant a Negative Declaration for the Hewitt Subdivision and Site Plan based on plans by Schultz Assoc., seconded by J. Burns and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – recused  
Kane Gascon - aye  
Jay Coates -aye

M. Grasso made a motion to approve the Hewitt Subdivision North Road both the plat drawing P1 and the Site drawing F1 by Schultz Assoc dated 2/5/2021 with the condition that the Town Engineer’s comments have been addressed to his satisfaction before the maps are signed. This was seconded by T. Steves and passed as follows:

Joseph Burns – aye  
Mike Grasso – aye  
Tim Steves -aye  
Laura Michaels – aye  
Robert Hatch – recused  
Kane Gascon - aye  
Jay Coates -aye

➤ **Sabin Metal**

*Site plan replacement for guard house*

There will be a Public Hearing on May 18, 2021 for both the Planning Board and the Zoning Board.

**New Business:**

- None

**Future Business:**

- None

R. Hatch made a motion to adjourn the meeting, seconded by T. Steves and unanimously approved. The meeting was adjourned at 7:26 P.M.

Respectfully submitted,

Renee Smith



**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
May 18, 2021**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels,  
Robert Hatch and Kane Gascon

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order immediately following the Zoning Board of Appeals meeting. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

Due to computer issues M. Grasso entered the meeting late.

R. Hatch made a motion to approve the minutes from 5/4/2021, seconded by T. Steves and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon - aye  
Laura Michaels – aye  
Robert Hatch – aye  
Tim Steves - aye  
Jay Coates -aye

**Old Business:**

➤ ***AES - Ravich Solar***

Tabled

➤ **Gravel Ponds Special Exception**

*The application of Scott A Harter, P.E. as agent for Jack W. Miller, Jr. to seek approval for a modification and expansion of an Existing Special Exception Use and Site Plan for Seasonal Recreational Campground. The property is located at the North West corner of Wheatland Center and Scottsville*

*Mumford Road and is in an AR-2 Zoning District. The proposed is on a portion of current Tax I.D. #198.04-1-10.1 concurrently under subdivision approval.*

Working on conditions to be presented at the June 2021 Planning Board meeting.

➤ **Sabin Metal**

*Site plan replacement for guard house*

Will Falcheck was present to represent the Applicant. Sabin Metal would like to replace their current 400 sq. foot guard house with an updated facility.

County Comments came back with no actions needed.

Since this project is in a mine subsidence area, there will be a release that will need to be signed.

***Chairman Coates opened the Public Hearing at 9:13 P.M. by reading the following Public Hearing Notice:***

**NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Sections 130-22. of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, May 18, 2021** at 7:00 P.M. in the “**virtual**” **Wheatland Municipal Building, Scottsville, NY** to consider the following:

The application of APD Engineering/Architecture as agent for Sabin Metal Corporation, to seek site plan approval for the demolition of an existing Guardhouse and replace it with an approximate 1038 square foot Guardhouse. The property is located approximately 600 feet North of the intersection of Wheatland Center Road and Stewart Road. The Tax I.D. number 209.02-1-1.

All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call +1 585-491-9963 Conference ID: 692 022 145#**. To view documents prior to meeting you may make an appointment to come to our office or Public access to view Planning Board files use link: [https://townofwheatland.sharepoint.com/:f:/s/WheatlandPublicAccess/EjV1qV9gVSRKicp\\_WiKWTUEBiwVttCXSDlp7Jw5SV42XfA?e=chu5Xc](https://townofwheatland.sharepoint.com/:f:/s/WheatlandPublicAccess/EjV1qV9gVSRKicp_WiKWTUEBiwVttCXSDlp7Jw5SV42XfA?e=chu5Xc)

Jay D Coates, Chairman  
Wheatland Planning Board  
Dated: April 29, 2021

***The Public Hearing was closed at 9:14 P.M. No one from the Public wished to speak.***

T. Rech stated that there were no calls or written statements from the Public.

R. Hatch made a motion for a Negative Declaration under SEQR for the application of Sabin Metal Corporation plans submitted by APD Engineering dated 12/18/2020 and revised 2/16/2021 as an unlisted action. This was seconded by T. Steves and passed as follows:

Joseph Burns – aye  
Kane Gascon – aye  
Mike Grasso - abstain  
Robert Hatch - aye  
Laura Michaels – aye  
Tim Steves - aye  
Jay Coates -aye

**New Business:**

None

**Future Business:**

- RG&E accessory structure will be coming before the Board for a Special Exception.

j. Burns made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 9:18 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
July 6, 2021**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Laura Michaels,  
Robert Hatch, Tim Steves and Kane Gascon

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison

Pursuant to Executive Order 202.1 this meeting was to be held remotely via Microsoft Teams. On June 5<sup>th</sup>, 2021, all Executive Orders not superseded or modified were extended until July 5<sup>th</sup>, 2021. On June 24<sup>th</sup>, 2021, Executive Order 210 was issued rescinding Executive Orders 202 thru 202.111 effective June 25<sup>th</sup>, 2021. This meeting and public hearing were scheduled on June 16<sup>th</sup>, 2021 under active Executive Orders that have been rescinded after public notice was given. This meeting will be held in person with the public able to attend. In addition, the meeting will be available to be heard and public participate remotely.

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M.

R. Hatch made a motion to approve the minutes from 6/15/2021, seconded by M. Grasso and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Mike Grasso -aye  
Robert Hatch – aye  
Laura Michaels -aye  
Tim Steves -abstain  
Jay Coates -aye

**Old Business:**

➤ *AES - Ravich Solar*

Tabled

**New Business:**

➤ **Paszko Subdivision**

*The application of Kip Finley to seek approval for a (2) lot subdivision on North Road. The property is located at the southwest corner of North Road and Wheatland Center Road and is in an AR-2 Zoning District. The Tax I.D. #198.02-1-2.1.*

Kip Finley was present to represent the Applicant. He stated that this will be a 2-lot subdivision with one lot being purchased by Jack Miller, owner of Gravel Ponds, the other lot will remain a farm lot.

County comments came back with nothing significant.

J. Coates stated that the map notes should contain a gas pipeline notice, a mine subsidence notice, and the typical Agricultural notes.

B. Hatch indicated that the lots should be re-numbered as R1A & R1B and add a note stating that they are not approved building lots. He also indicated that there were no coordinates on the map.

*Chairman Coates opened the Public Hearing at 7:20 P.M.*

## **NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Sections 116-1 and 116-22.B. of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, July 6, 2021** at 7:00 P.M. in the “**virtual**” **Wheatland Municipal Building, Scottsville, NY** to consider the following:

*The application of Kip Finley to seek approval for a (2) lot subdivision on North Road. The property is located at the southwest corner of North Road and Wheatland Center Road and is in an AR-2 Zoning District. The Tax I.D. #198.02-1-2.1.*

All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or [building@townofwheatland.org](mailto:building@townofwheatland.org) concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call +1 585-491-9963** United States, Rochester (Toll) **Conference ID: 627 465 396#**. To view documents prior to meeting, please call the Town of Wheatland Building Department. Due to the lifting of Executive Order restrictions, the meeting/Public Hearing may be held in person at the Wheatland Municipal Building, 22 Main St. Scottsville, NY, as well. Please check the Town website calendar at [www.townofwheatland.org](http://www.townofwheatland.org) for updates.

Jay D. Coates, Chairman  
Wheatland Planning Board

Dated: June 16, 2021

*The following comments and concerns were made by the public in attendance:*

- **Doreen Edwards**, 2100 North Rd., Scottsville, NY
  - Questioned if the land would be Agricultural or residential?
    - J. Coates stated the land could be either Agricultural or Residential.
  - Questioned whether it will ever be zoned as Business
    - J. Coates stated that right now it is zoned as AR-2, but that can change.
  - Wondered if the current property would be divided into two 10 acre lots?
    - J. Coates clarified that one lot will be around 3.5 acres and the other will be around 27.03 acres.

***The Public Hearing will remain open for Public comment until the August 3<sup>rd</sup> Planning Board meeting.***

### **Future Business:**

- RG&E accessory structure will be coming before the Board for a Special Exception.
- A major home occupation on Fairview Road.
- Special Exception for Garbuttsville Cemetery.
- Commercial Site Plan for 3721 Scottsville Rd.

There was discussion about implementing a policy for Board Member's to be able to participate in meetings remotely while out of town.

J. Burns made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
August 3, 2021**

Members present: Joseph Burns, Jay Coates, Laura Michaels,  
Tim Steves and Kane Gascon

Members absent: Mike Grasso, Robert Hatch

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M.

J. Burns made a motion to approve the minutes from 07/06/2021, seconded by T. Steves and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Laura Michaels -aye  
Tim Steves -abstain  
Jay Coates -aye

**Old Business:**

➤ ***AES - Ravich Solar***

Tabled

➤ **Paszko Subdivision**

*The application of Kip Finley to seek approval for a (2) lot subdivision on North Road. The property is located at the southwest corner of North Road and Wheatland Center Road and is in an AR-2 Zoning District. The Tax I.D. #198.02-1-2.1.*

**The Public hearing was re-opened from the last meeting at 7:04 P.M.**

**The Public Hearing was closed at 7:06 P.M. since there was no one from the public who wished to speak.**

Kip Finley was present to represent the Applicant. He stated that they had updated the maps with the recommendations from the last Planning Board meeting.

J. Burns made a motion to approve the Paszko Subdivision as an unlisted action under SEQR, seconded by T. Steves and unanimously passed.

J. Burns made a motion to approve the Paszko Subdivision (Volkman Re-subdivision), map dated 5/29/2021, seconded by K. Gascon and approved as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Laura Michaels -aye  
Tim Steves -aye  
Jay Coates -aye

**New Business:**

➤ **RGE Pipeline North Rd fiber optic monitoring building**

*The application of Rochester Gas and Electric, 1300 Scottsville Road, Rochester, NY 14624, for a Special Exception Use to construct a Public Utility structure in an AR-2 Zoning District. Subject is Tax Parcel #198.04-1-10.1, owned by Jack W. Miller.*

RG&E is currently in the process of installing a new 8-mile, 24inch pipeline. The Town recommended looking into a mine subsidence monitoring system, consequently RG&E is installing a fiber optic cable which will be installed next to the pipeline. The mine subsidence monitoring system requires equipment which will need to be installed in an 8x8 building.

The County Comments have not been received at this time.

***Chairman Coates opened the Public Hearing at 7:24 P.M. by reading the following Public Hearing Notice:***

**NOTICE OF PUBLIC HEARING:**



The Planning Board of the Town of Wheatland, pursuant to 130-60.B, of the Code of the Town of Wheatland, will hold a Public Hearing on Tuesday, August 3, 2021, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY, to consider the following:

The application of Rochester Gas and Electric, 1300 Scottsville Road, Rochester, NY 14624, for a Special Exception Use to construct a Public Utility structure in an AR-2 Zoning District. Subject is Tax Parcel #198.04-1-10.1, owned by Jack W. Miller.

All interested parties are asked to attend and be heard or to submit written comment concerning this application.

Jay Coates, Chairman  
Town of Wheatland Planning Board  
Dated: July 14, 2021

*The following comments and concerns were made by the public in attendance:*

- ***Kip Finley***, 868 Winslow Rd., Churchville, NY
  - As an Engineer for a neighboring property, he recalled an issue with the site plan, but then noted that the problem had been addressed on the map.
  - He wanted to make sure that there was 30 feet of clearance from the County right of way.

## **The Public Hearing was closed at 7:26 P.M.**

L. Michaels made a motion for a negative declaration under SEQR for the RG&E accessory structure on Wheatland Center Rd. for the mine subsidence monitoring system housed in an 8x8 shed. Seconded by T. Steves and passed unanimously.

L. Michaels made a motion to approve the RG&E Special Exception for Utility structure for the subsidence monitoring systems based on the drawing dated 7/28/21 subject to the County Comments. Seconded by J. Burns and passed as follows:

Joseph Burns – aye

Kane Gascon -aye  
Laura Michaels -aye  
Tim Steves -aye  
Jay Coates -aye

**Future Business:**

- Special Exception for Garbuttville Cemetery.
- Commercial Site Plan for 3721 Scottsville Rd.
- Commercial Kennel application on River Rd

J. Burns made a motion to adjourn the meeting, seconded by K. Gascon and unanimously approved. The meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
October 5, 2021**

Members present: Joseph Burns, Laura Michaels, Robert Hatch, Mike Grasso  
Tim Steves and Kane Gascon

Members absent: Jay Coates

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison

Vice-Chairman Grasso called the Town of Wheatland Planning Board meeting to order immediately following the Zoning Board of Appeals Meeting.

T. Steves made a motion to approve the minutes from 08/03/2021, seconded by L. Michaels and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Mike Grasso - abstained  
Robert Hatch -abstained  
Laura Michaels -aye  
Tim Steves -aye  
Jay Coates -absent

**Old Business:**

➤ ***AES - Ravich Solar***

Tabled

**New Business:**

➤ **Garbuttsville Cemetery Subdivision and Site Plan**

*The application of Garbuttsville Cemetery Association as agent for Garbuttsville Cemetery to seek Alteration of Lot Line and Site Plan approval for cemetery expansion. The property address*

*is 9596 Union St located in an AR-2 zoning district. The Tax ID# is 199.03-1-15 and 199.03-1-14.14.*

Kevin Whitman from Livingston Assoc. was present to represent the Applicant. Mr. Whitman stated that the cemetery purchased the lot in either 2015 or 2016, and an application was submitted to combine the parcels. The surveyor ran into issues with the research on the deed, the Cemetery Association is now trying to complete this process so that current Cemetery can expand into the new lot.

***Vice Chairman Grasso opened the Public Hearing at 7:50 P.M. by reading the following Public Hearing Notice:***

### **NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Sections 116-1, 116-22, and 130-60.B. of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, October 5, 2021** at 7:00 PM in the **Wheatland Municipal Building, 22 Main Street, Scottsville, NY** to consider the following:

The application of Garbuttsville Cemetery Association as agent for Garbuttsville Cemetery to seek Alteration of Lot Line and Site Plan approval for cemetery expansion. The property address is 9596 Union St located in an AR-2 zoning district. The Tax ID# is 199.03-1-15 and 199.03-1-14.14.

All interested parties are asked to attend and be heard or to submit written comment concerning this application.

Jay D. Coates, Chairman  
Wheatland Planning Board  
Dated: September 15, 2021

*The following comments and concerns were made by the public in attendance:*

- ***Carl Bell***, 9598 Union St Rd., Scottsville, NY
  - Mr. Bell is concerned about putting a new road through the cemetery, he stated that it would go alongside his property. He also stated that more people would be able to get back into the cemetery and he has had issues with people who shouldn't be there. He indicated that there are hunters that go back there, and kids, and there are people who steal from the cemetery.
- ***J. Lanny Tucker***, 9535 Union St Rd., Scottsville, NY

→ He stated that he is in favor of the expansion. Mr. Tucker stated that in the 80's there were a limited number of plots available. He stated that the expansion would allow for more money coming in which helps maintain the cemetery. Mr. Tucker stated that there should be enhanced security.

**The Public Hearing will remain open until the next Planning Board meeting.**

R. Hatch made a motion to keep the Public Hearing for The Garbuttsville Cemetery Subdivision and Site Plan open until the next meeting. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Mike Grasso - aye  
Robert Hatch -aye  
Laura Michaels -aye  
Tim Steves -aye  
Jay Coates -absent

R. Hatch made a motion to table the application for The Garbuttsville Cemetery Subdivision and Site Plan open until the next meeting. This was seconded by T. Steves and passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Mike Grasso - aye  
Robert Hatch -aye  
Laura Michaels -aye  
Tim Steves -aye  
Jay Coates -absent

➤ **Ranieri Subdivision, 77 Fairview Road**

*The application of Schultz Associates as agent for Scott Ranieri, 125 Fairview Road, Scottsville 14546 to seek a (2) lot re-subdivision. The property, located at 77 Fairview Road, Tax Parcels # 187.03-1-19 and 187.03-1-18, is in an R-16 Zoning District.*

R. Hatch recused himself from this part of the meeting since he is representing the Applicant.

Mr. Ranieri would like to take 4.1-acre lot and create 2 lots, one lot will be 40,000 square feet, and the other will be 3.2 acres. The existing house has water and septic, this lot line change will not interfere with the leech field. There is a ground water use restriction because of a past leak at Cooper Vision, but the house has public water.

***Vice Chairman Grasso opened the Public Hearing at 8:13 P.M. by reading the following Public Hearing Notice:***

### **NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Sections 116-1 and 116-22 of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, October 5, 2021** at 7:00 P.M. in the **Wheatland Municipal Building, 22 Main Street, Scottsville, NY** to consider the following:

The application of Schultz Associates as agent for Scott Ranieri, 125 Fairview Road, Scottsville 14546 to seek a (2) lot re-subdivision. The property, located at 77 Fairview Road, Tax Parcels # 187.03-1-19 and 187.03-1-18, is in an R-16 Zoning District.

All interested parties are asked to attend and be heard or to submit written comment concerning this application.

Jay D. Coates, Chairman  
Wheatland Planning Board  
Dated: September 15, 2021

T. Rech stated that he had 1 phone call regarding the Public Hearing, but once he explained the resident had no concerns.

**Since there was no one in attendance who wished to speak, the Public Hearing was closed at 8:15 P.M.**

T. Rech stated that the County Comments came back with no concerns.

Vice Chairman Grasso reviewed the Short Environmental Assessment form with the Board.

J. Burns made a motion to declare this a Negative Declaration under SEQR for the Ranieri Subdivision. L. Michaels seconded this motion, and it was passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Mike Grasso - aye  
Robert Hatch -abstain  
Laura Michaels -aye  
Tim Steves -aye  
Jay Coates -absent

J. Burns made a motion to grant preliminary and final approval to the Ranieri Subdivision with the print date 8/24/2021 prepared by Schultz Assoc. project number 21.233. T. Steves seconded this motion, and it was passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Mike Grasso - aye  
Robert Hatch -abstain  
Laura Michaels -aye  
Tim Steves -aye  
Jay Coates -absent

### **Future Business:**

- Commercial Site Plan for 3721 Scottsville Rd.
- Commercial Kennel application on 4580 River Rd
  - The Dusett's have 7 dogs that they breed and train. They are applying for a Special Exception for a kennel permit. There will be a Public Hearing for this application.

R. Hatch made a motion to adjourn the meeting, seconded by T. Steves and unanimously approved. The meeting was adjourned at 8:33 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
November 3, 2021**

Members present: Joseph Burns, Laura Michaels, Robert Hatch, Kane Gascon,  
Jay Coates

Members absent: Tim Steves, Mike Grasso

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Ray DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order immediately following the Zoning Board of Appeals Meeting.

J. Burns made a motion to approve the minutes from 10/5/2021, seconded by K. Gascon and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Robert Hatch -aye  
Laura Michaels -aye  
Jay Coates -abstained

**Old Business:**

➤ ***AES - Ravich Solar***

The Applicant reported to J. Coates that they are reconfiguring the project. They will be coming before the Board in either December or January with the changes.

➤ **Garbuttville Cemetery Subdivision and Site Plan**

*The application of Garbuttville Cemetery Association as agent for Garbuttville Cemetery to seek Alteration of Lot Line and Site Plan approval for cemetery expansion. The property address is 9596 Union St located in an AR-2 zoning district. The Tax ID# is 199.03-1-15 and 199.03-1-14.14.*



## **The Public hearing was reopened from last meeting.**

*The following comments and concerns were made by the public in attendance:*

- **Kim Bell**, 9598 Union St Rd., Scottsville, NY
  - Ms. Bell is not opposed to the expansion but is not in favor of the gravel road.
  - She stated that 750 plots on 1 acre seems excessive.
  - Ms. Bell stated that she would like the road to be on the other side of the cemetery so that it doesn't run alongside their property.
    - J. Coates stated that it does in fact run along the far side of the cemetery from their property.
  - Ms. Bell also asked if they would be taking down trees for the project.

## **The Public Hearing was closed at 7:37 P.M.**

County comments were received. They stated that the property was a cemetery, and a nationally registered historic site.

The following input was received from the Town:

Points to be made about the Garbutt Cemetery expansion:

1. Cemeteries operate by laws set forth in Article 15 of the NFP Corporation Law. They are then regulated by the NYS Department of State Division of Cemeteries.
2. If a cemetery becomes abandoned, the Town is obliged to maintain it. It would go on the Town Tax roles and be paid by the taxpayer per NYS Law.
3. Wheatland currently has two (2) cemeteries that have both approached the Supervisor to express financial concerns. The meeting with the Garbutt Cemetery association in 2019 was held in the presence of a NYS Department of State, Division of Cemeteries Director, who had advised that one option for the cemetery was to expand it available sites to bring in additional revenue that could be used to meet their expenses. The Town also assumed mowing several times per year to lengthen the time the Association could sustain its ownership of the Cemetery.
4. Cemeteries are required by NYS Law to turn 10% of every sale and \$35.00 from each burial to be placed in a managed permanent maintenance fund. This fund would NOT be turned over to the Town of Wheatland to assist in maintenance if the Garbutt Cemetery were to dissolve due to lack of financial resources. NYS retains the funds.

J. Coates stated that the Board is not approving the Special Exception, nor the subdivision, it is just the Site Plan approval. The lots need to be combined, the updated maps show the combination.

J. Coates stated that there was a great deal of review done on the existing Special Exception and existing combination and he doesn't see a need to modify anything. The Board was in concurrence.

J. Coates reviewed the SEAF part II potential impacts, and the Board determined little or no impact.

R. Hatch made a motion to declare a negative declaration under SEQRA for the site plan approval for the Garbuttsville Cemetery. This was seconded by K. Gascon and passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Robert Hatch -aye  
Laura Michaels -aye  
Jay Coates -aye

R. Hatch made a motion to approve the site plan for the Garbuttsville Cemetery. With the following conditions:

- Maintain the historic aspect
- Maintain as many trees and vegetation as feasible
- Combine the 2 lots and submit a suitable map which the County approves

This was seconded by K. Gascon and passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Robert Hatch -aye  
Laura Michaels -aye  
Jay Coates -aye

## New Business:

### ➤ Duset Special Exception Commercial Kennel

*The Application of Daria and Nate Duset, 4580 River Rd, Scottsville, NY 14546, Tax Parcel #200.03-1-13.113, for a Special Exception Use to keep or maintain (4) or more dogs constituting a Commercial Kennel in an AR-2 Zoning District.*

The Dusetts were present to address the Board. Ms. Duset stated that they have 8 dogs. They breed the dogs and then sell the puppies at 8 weeks old. Mr. Duset is a dog trainer, so on occasion they will keep a puppy to train until 4 months old. They stated that they have a heated barn that they keep some of the dogs in, and some of the dogs also reside inside their home.

T **Linda M. Dobson** anonymous piece of correspondence was re

*Supervisor*

**Lisa Wasson**  
*Councilwoman*

**Edward Shero**  
*Councilman*

**Howard Hazelton**  
*Councilman*



**Josh Davis**

*Highway Superintendent*

**Laurie B. Czapranski**  
*Town Clerk*

**Town Office**

*22 Main St.*

*P.O. Box 15*

*Scottsville, NY 14546*

*Tel: (585) 889-1553*

1.

## NOTICE OF PUBLIC HEARING:

The Planning Board of the Town of Wheatland, pursuant to 130-10, Article VII, Sections 130-60 and 130-62.J. of the Code of the Town of Wheatland, will hold a Public Hearing on Wednesday, November 3, 2021 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY, to consider the following:

The application of Daria and Nate Dusett, 4580 River Road, Scottsville, NY, 14546, Tax Parcel #200.03-1-13.113, for a Special Exception Use to keep or maintain (4) or more dogs constituting a Commercial Kennel in an AR-2 Zoning District.

All interested parties are asked to attend and be heard or to submit written comment concerning this application. Jay Coates, Chairman

Town of Wheatland Planning Board

Dated: October 14, 2021

I don't wish to have a dog kennel in this area due to noise of a lot of dogs. I heard the dogs at 3am and it was noisy. My vote is no! I love dogs but a kennel is too many.

L. Michaels stated that the homeowner at 4600 River Rd. was in contact with her stating that they are in support of the Dusett's Application.

T, Rech stated that the Board will have to make a checklist of items to look at in relation to the Application. A decision will be made at the December 7<sup>th</sup> Planning Board meeting.

***Chairman Coates opened the Public Hearing at 8:06 P.M. by reading the following Public Hearing Notice:***

**NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to 130-10, Article VII, Sections 130-60 and 130-62.J. of the Code of the Town of Wheatland, will hold a Public Hearing on Wednesday, November 3, 2021 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY, to consider the following:

The application of Daria and Nate Dusett, 4580 River Road, Scottsville, NY 14546, Tax Parcel #200.03-1-13.113, for a Special Exception Use to keep or maintain (4) or more dogs constituting a Commercial Kennel in an AR-2 Zoning District.

All interested parties are asked to attend and be heard or to submit written comment concerning this application.

Jay Coates, Chairman  
Town of Wheatland Planning Board  
Dated: October 14, 2021

**Since there was no one in attendance who wished to speak, the Public Hearing was closed at 8:06 P.M.**

J. Coates stated that there would need to be conditions on the approval regarding the commercial kennel.

**Future Business:**

- Commercial Site Plan for 3721 Scottsville Rd.
- Clearview Farms would like to extend their Special Exception.

There will be no work session in November.

R. Hatch made a motion to adjourn the meeting, seconded by K. Gascon and unanimously approved. The meeting was adjourned at 8:12 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
December 7, 2021**

Members present: Joseph Burns, Laura Michaels, Robert Hatch, Kane Gascon,  
Jay Coates, Tim Steves and Mike Grasso

Members absent:

Also present: Terry Rech, Building Inspector  
Ed Shero, Town Board Liaison  
Ray DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M.

J. Burns made a motion to approve the minutes from 11/3/2021, seconded by R. Hatch and unanimously approved as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Robert Hatch -aye  
Laura Michaels -aye  
Jay Coates -aye  
Time Steves -abstain  
Mike Grasso - abstain

**Old Business:**

➤ ***AES - Ravich Solar***

Nothing new to report

➤ **Dusett Special Exception Commercial Kennel**

J. Coates did the SEQR review, and it was determined that this would be an unlisted action.

***The Application of Daria and Nate Dusett, 4580 River Rd, Scottsville, NY 14546, Tax Parcel #200.03-1-13.113, for a Special Exception Use to keep or maintain (4) or more dogs constituting a Commercial Kennel in an AR-2 Zoning District.***

The applicant is requesting a maximum of 8 dogs both used for breeding and as pets. Any litters are sold within 4-8 weeks of birth. The applicant is breeding Berne doodles. This breed is known for general behavior of being gentle loving, quiet and are often used as therapy dogs. The dogs will be housed in both the house as pets and in an existing accessory building with an attached fenced in yard. The yard is designed to facilitate waste removal and minimize any odor. The yard has approximately 2 feet of gravel overlain with an artificial turf. Solid waste will be collected and disposed of in a dumpster. A Special Exception Use is required under the Town of Wheatland code for a property owner to keep or maintain (4) or more dogs, since the harboring of 4 or more dogs constitutes a Commercial Kennel in an AR-2 Zoning District. (Four or more dogs over four months of age kept or maintained for any commercial purpose, including but not limited to boarding, breeding, grooming, letting for hire, training for a fee or selling. Town of Wheatland §130-3 ). Furthermore, under § 130-62(J) all kennels must adhere to the requirements for kennel , set for below.

**WHEREAS**, The Town of Wheatland Planning Board (Board), as authorized under the Code of the Town of Wheatland, held a public hearing to obtain public input, on the 3<sup>rd</sup> day of November 2021

**WHEREAS** , the Planning Board of the Town of Wheatland determines that this action of approval of a special exception use is classified as an Unlisted action pursuant to 6 NYCRR, Part 617, the implementing regulations of the New York State Environmental Quality Review Act (“SEQRA”) under Article 8 of the Environmental Conservation Law, resulting in no significant adverse environmental impact and the Board having considered the environmental record including zoning compliance issues a negative declaration on this action.

**WHEREAS** the Planning Board of the Town of Wheatland as required under the Code of the Town of Wheatland has reviewed the special exception application Section 130-61 General standards.

For every such special exception use the Planning Board shall determine that:

A. Such use will be in harmony with and promote the general purposes and intent of this chapter, as stated in § 130-2. The Planning Board finds this use to be compatible with the general area. The area is zoned AR2 with neighboring properties being rural and agricultural in nature. Nearby properties include vacant farmland and large lot residential where horses and farm animals are maintained.

B. The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof. This property is 4.5 acres in area larger than the standard area of 2 acres.

C. The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts. The northern property is vacant and used as farmland, the neighboring property to the south has barns and horses.

D. The site is particularly suitable for the location of such use in the community. This is a rural area with several neighboring properties maintaining horses, livestock and farmland.

E. The characteristics of the proposed use are not such that its proposed location would be unsuitable near to a church, school, theater, recreational area or other place of public assembly. None of these uses are present in the area.

F. The proposed use, particularly in the case of controlled industry, conforms with the definition in this chapter of the special exception use, where such definition exists, or with the generally accepted definition of such use where it does not exist in the chapter. This is not a controlled industry, and the use conforms to the Section J uses for Kennels

G. Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and further, that vehicular entrances and exits shall be clearly

visible from the street and not within 75 feet of the intersection except under unusual circumstances. Access facilities are an existing residential driveway with adequate sight distances.

H. All proposed curb cuts have been approved by the street or highway agency which has jurisdiction. No curb cuts are required for this special exception it is an existing driveway.

I. There are off-street parking and truck loading spaces at least in the number required by the provisions of § 130-38, but in any case, adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further, that the layout of the spaces and driveways is convenient and conducive to safe operation. The traffic for this proposed use will be minimal and intermittent.

J. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses. The applicant is building a solid fence to the south for the yard and has agreed to install a vegetative screen if required by the Code Enforcement Officer.

K. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character. The applicant will be disposing of waste in a dumpster. In addition, the applicant is installing a designated area for the dogs to use designed to minimize odor and facilitate cleanup. It is a gravel-based area overlain with turf.

L. The site development plan shall be compatible with the distribution of soil characteristics on the site and their implications for such development. The soil is suitable for residential and agricultural uses.

M. Consideration has been given to preserving significant trees and natural features in the vicinity. This is open field there are no trees.

N. The proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses in § 130-62, if any.

#### 130-62 Special Conditions and Safeguards for Certain Uses

##### J. Kennels.

- (1) Shelters for animals within kennels shall not be closer than 100 feet to any side or rear lot lines. No shelter may be permitted in the front yard. There are no shelters in front yard the shelter is approximately 85 feet from north lot line which is a vacant farm field the Board determines this to be sufficient. The distance to the south lot line is over 100 feet.
- (2) No outdoor area enclosed by fences shall be permitted within a front yard. Fenced areas shall not be located closer than 25 feet to the side or rear lot line. There are no fences in the front yard. The fenced area will be to the north of the existing accessory structure and will not be closer than 25 feet to the northern property line.
- (3) No shelter shall be located closer than 200 feet to an existing residential dwelling on an adjacent lot. The nearest neighboring residential dwelling is approximately 225 feet from the accessory structure.
- (4) The site plan shall contain provisions for adequate measures to prevent offensive noise and odor and provide for disposal of all animal waste. The applicant will be disposing of waste in a dumpster. In addition, the applicant is installing a designated area for the dogs to use designed to minimize odor and facilitate cleanup. It is a gravel-based area overlain with turf.

Now therefore be it

**RESOLVED**, that the Planning Board of the Town of Wheatland issues a negative declaration on the granting of this special exception request pursuant to SEQRA, which will result in no significant adverse environmental impact, and it further

**RESOLVED**, that the Town of Wheatland Planning Board, as authorized under the Code of the Town of Wheatland, approves the special exception for a commercial dog kennel subject to the following conditions:

The property owner /applicant shall breed his dogs in accordance with the criteria set forth in the Town of Wheatland Code.

In addition,

There will be no signage allowed on the property.

There will be an annual Inspection by the Wheatland Dog Control Officer.



The applicant must maintain licenses for all dogs registered and comply with all Department of Health Regulations where applicable.

If there are confirmed issues with noise the Code Enforcement Officer will request, and the applicant has agreed to install, a vegetative barrier around the fenced in area.

Boarding of dogs as a primary activity will not be allowed.

A total of no more than 8 personal dogs and 1 additional for intermittent short-term training will be allowed.

Dogs kept temporarily for training (no longer than 60 days) will be allowed.

Litters shall be sold within 4-8 weeks of birth.

Motion: **R. Hatch**

Second: **J. Burns**

Joseph Burns	AYE [X]	NAY [ ]	Abstain [ ]
Kane Gascon	AYE [ X]	NAY [ ]	Abstain [ ]
Mike Grasso	AYE [ ]	NAY [ ]	Abstain [X]
Robert Hatch	AYE [ X]	NAY [ ]	Abstain [ ]
Laura Michaels	AYE [ ]	NAY [ ]	Abstain [X]
Tim Steves	AYE [ X]	NAY [ ]	Abstain [ ]
Jay Coates	AYE [ X]	NAY [ ]	Abstain [ ]

## **New Business:**

### **➤ Clearview Farms extension for Special Exception**

T. Rech stated that Clearview will not need an extension since he issued a Site Development permit on December 14, 2020, because Covid was affecting their ability to begin construction. He will be renewing the Site Development permit this December 14<sup>th</sup>, which will be effective for another year.

### **➤ Clearview Farms Lot Minor Subdivision**

*The application of Clearview Farms LLC, to seek approval for a minor subdivision. The project includes a 2 lot subdivision, subdividing out the Clearview Farms Clubhouse and apartment building (302-306 Robert Quigley Dr.). The parcel is located at 300 Browns Road in a RA (Garden Apartment Residence District) zoning district. The Tax I.D. number is 187.18-1-1.*

Chris Nadler from Mark IV was present to speak to the Board. He stated that the estate of Tony DiMarzio owns the Club house and 3 units which will need to be transferred to Clearview Farms.

**Chairman Coates opened the Public hearing at 7:20 P.M. by reading the Public Hearing Notice.**

## **NOTICE OF PUBLIC HEARING:**

The Planning Board of the Town of Wheatland, pursuant to Section 116-1 A. and 116-28. of the Code of the Town of Wheatland, will hold a Public Hearing on Tuesday, December 7, 2021, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY to consider the following:

The application of Clearview Farms LLC, to seek approval for a minor subdivision. The project includes a 2-lot subdivision, subdividing out the Clearview Farms Clubhouse and apartment building (302-306 Robert Quigley Dr.). The parcel is located at 300 Browns Road in a RA (Garden Apartment Residence District) zoning district. The Tax I.D. number is 187.18-1-1.

All interested parties are asked to attend and be heard or to submit written comment concerning this application.

Public access to view files using link:

[https://townofwheatland.sharepoint.com/:f:/s/WheatlandPublicAccess/EjV1qV9gVSRKicp\\_WiKWTUEBiwVttCXSDlp7Jw5SV42XfA?e=chu5Xc](https://townofwheatland.sharepoint.com/:f:/s/WheatlandPublicAccess/EjV1qV9gVSRKicp_WiKWTUEBiwVttCXSDlp7Jw5SV42XfA?e=chu5Xc)

Jay D. Coates, Chairman  
Wheatland Planning Board  
Dated: November 17, 2021

### **The Public Hearing was closed at 7:25 P.M.**

M. Grasso made a motion to declare the Clearview Farms phase 2N Subdivision an unlisted action and based on the SEQRA review grant a negative declaration. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Robert Hatch -abstain  
Laura Michaels -aye  
Tim Steves aye  
Mike Grasso -aye  
Jay Coates -aye

M. Grasso made a motion to grant preliminary and final approval to the Clearview Farms 2N Phase 1 Subdivision according to a map by Passero Associates dated 2/2020, with the condition that Lot area of lot 1 and 2 are checked and corrected if necessary. This was seconded by T. Steves and passed as follows:

Joseph Burns – aye  
Kane Gascon -aye  
Robert Hatch -abstain  
Laura Michaels -aye  
Tim Steves aye  
Mike Grasso -aye  
Jay Coates -aye

**Future Business:**

- Commercial Site Plan for 3721 Scottsville Rd.
- New Solar Farm on Riga Mumford Rd.

There will be no work session in December.

R. Hatch made a motion to adjourn the meeting, seconded by K. Gascon and unanimously approved. The meeting was adjourned at 7:37 P.M.

Respectfully submitted,

Renee Smith