

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
January 3, 2017**

Members present: Mike Grasso, Tim Steves, Joe Burns, Don Woerner, Robert Hatch  
Debra Stokoe, Jay Coates

Alternates Present:

Members absent:

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

Chairman Coates called the Planning Board meeting to order at 7:00 P.M., and asked for any corrections/additions to the minutes from December 6, 2016.

R. Hatch made a motion to approve the minutes from December 6, 2016, seconded by D. Woerner and unanimously approved.

**Old Business:**

T. Rech stated that there have been no updates from Wheatland Commons.

**New Business:**

*The Application of Kane Gascon to seek Special Exception Use approval for an outdoor recreational area (wedding barn) according to section 130-10. The property address is 5015 River Rd. located in an AR-2 Zoning District. The Tax I.D. number is 211.01-1-10.*

T. Rech stated he has not received County Comments on this project.

Kane Gascon and James Cole were present to speak on their behalf. The Applicants gave a summary of their plans for the Wedding Barn operations to the Public in attendance.

J. Coates stated that under our Town Code this is would be a Special Exception Use which means that there are 14 certain conditions that need to be met. At the last meeting it was determined that this would also be an Outdoor Recreation Use, which means there are an additional 7 conditions.

J. Coates and T. Rech went to the site of the Wedding Barn to do sound measurements on 12/20/2016. They turned up the sound within the barn, opened the doors and went to various locations on the property.

The following are the results of the testing:

**12/20/2016**

**5015 River Road Sound Test**

Weather Clear, snow covered ground 28 degrees feels like 22 degrees  
 Winds S - SSE 5 gusts to 20 mph, 64% humidity, barometer 30.19 falling

Location	Distance from Center	Ambient	Noise Level Doors Open	Noise Level Doors Closed	Vocals Heard	Inside level no vocals
<b>Inside Barn</b>	<b>0</b>	<b>40</b>	<b>99-102</b>	<b>99-102</b>	<b>Yes</b>	
<b>Outside Barn</b>	<b>40 ft</b>	<b>55-60</b>			<b>Yes</b>	
North West Property corner	765 ft					
<b>North Property Line</b>	<b>568 ft</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>Yes</b>	<b>90-94</b>
House 1019 River Rd	1019 ft					
Northeast Property Corner	627 ft					
East Road Boundary	348 ft					
<b>Southeast Property Corner</b>	<b>853 ft</b>	<b>45-50</b> <b>65 -70</b> <b>vehicle</b>	<b>50-55</b>		<b>No</b>	
House 5083 River Rd	860 ft					
House 5093 River Rd	1003 ft					
House 5105 River Rd	1758 ft					
<b>South Property Line</b>	<b>925 ft</b>	<b>50-60</b> <b>60-70 wind,</b> <b>vehicle</b>	<b>50-55</b>		<b>No</b>	
House 76 South Rd	2266 ft					
House 88 South Rd	2262					
<b>Southwest Property Corner</b>	<b>1070 ft</b>	<b>50-55</b> <b>60 wind</b>	<b>50-55</b>		<b>No</b>	
West Property Corner	523 ft					

Chairman Coates opened the Public Hearing at 7:32 P.M.

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

***Beth Hague*** – Law enforcement Officer

- People driving under the influence of alcohol
- The intersection of 251 and River Road
- The loss of a quiet country setting

***Margo Boehm*** – 76 South Road

- The loss of a quiet country setting
- Increased traffic making the intersection of 251 and River Road even more dangerous
- The validity of the sound test that was done since weather conditions can greatly influence the outcomes

***Ginny Donlon*** – 5105 River Road

- Noise levels. She stated that she can sit in her backyard and hear her neighbors talking
- She wondered if there could be a temporary permit issued so that the community can see what the impact of the Wedding Barn will be
- It was stated that all the weddings would be Fridays, and Saturdays but when she checked their website she noticed a wedding booked for a Sunday

***Rich Ivie*** - 108 South Road

- Increased traffic
- Questioned whether they can limit the alcohol and stop serving at 9 P.M.
- Concerned about safety
- Limit the hours of operation so they are closed at 10 P.M.
- Concerned about the intersection of 251 and River Road

***Mary McCall*** – 88 South Road

- Stated that she did stand outside when they did the noise testing and was not able to hear anything, but is concerned that the conditions were not ideal.
- She wants to be able to enjoy her home, and not be bothered by noise
- Increased traffic
- Basically shares the concerns of her neighbors

***Bob Kajfasz*** – 4927 River Road

- Questioned whether there will be other types of parties, or strictly just weddings
  - It was stated that they would just have weddings, but would be open to having community events held there also
- Questioned what time the weddings would end
  - K. Gascon stated that last call will be at 10:15 P.M. and the music will be turned off at 11:00 P.M.

***Carol Taylor*** – 5093 River Road

- Noise levels. She stated that she can sit in her backyard and hear her neighbors talking
- The guests will be drinking and will be loud
- Increased traffic making the intersection of 251 and River Road even more dangerous
- The loss of a quiet country setting
- The effect on her property value

***Charlie McClive*** – 5110 River Road

- Traffic, the house is on a curve and there is limited sight distance, with a 55 mph speed limit
- No shoulder on the road
- Questioned whether the sound test was really accurate and suggested having a professional company come to do a test
- Increase in water consumption
- What will happen to the barn if it is no longer being used for a wedding barn?
- Fire safety issues, will candles be allowed in the tables?
  - T. Rech stated that there will be no candles allowed, and that their fire alarm system and number of exits complies with the code
- Wants to make sure that the Board clearly defines what they can and can't do

***Roger Lane*** – 5083 River Road

- Noise levels. He stated that he can hear neighbor's dogs barking from farther away than the wedding barn

***Nancy Scheerens*** – 57 South Road

- Noise, she can hear the gravel pit from her house, sound travels
- Can hear music from neighbor's house

***Patricia Fenton*** – 214 South Road

- Noise, she can hear music from the Scottsville Family Fun Festival at her house
- Wonders how the weddings will be affected when farmers spread manure on the fields

The Public Hearing was closed at 8:05 P.M.

J. Coates stated that if the application was approved, it would be approved so that the noise would not travel past the property boundaries. Any noise problems would then be a Code Enforcement issue. It was also stated that this business is an accepted use in an AR-2 zoning district as long as they follow the conditions that are in place.

K. Gascon stated that noise is obviously the number one concern with the neighbors. He stated that if there is ever an issue with noise that the neighbors can call and they will resolve the issue. J. Cole stated that they attend every wedding and have never had any incidents at any of their weddings. They start breaking things down and cleaning up at 10:00 P.M. and everyone leaves at 11:00 P.M.

K. Gascon stated that he doesn't think of this as a commercial business, he lives here and is a tax paying member of this community.

J. Burns stated that the days of operation should be clearly defined and put into the conditions of approval.

D. Woerner stated that the intersection where the Jerris Wedding barn is located is extremely busy also, and there have not been any traffic issues at that location.

J. Coates and the Planning Board went through the code regulations for a Special Exception Use approval (130-61) and determined that the following items were still needed from the Applicant:

- sight distances on both driveways from the State along with the proper DOT signatures
- Buffering needs to be shown on site plan
- Soil disturbance with the driveway, parking and deck modifications
- Storm water evaluation
- Plans for proposed deck area

J. Coates and the Planning Board went through the code regulations for an Outdoor Recreation Facility Use approval (130-62). There was discussion about needing a lighting plan. The Applicant mentioned using 8 foot poles for the parking area, having some lighting on the deck and up lighting on the barns.

The Board discussed the following conditions that may be put in place in order for the application to be approved.

- Days and hours and season of operation
- Owner occupied
- Adequate parcel size
- Noise level

The Applicants were agreeable to the conditions. J. Coates mentioned cutting off alcohol before the 11:00 P.M. closing time.

It was decided a professional engineer that T. Rech and J. Coates approve should be hired to do a sound test. K. Gascon has concerns about vegetation and different seasonal conditions causing different sound variations and doesn't want to have to repeat the test. J. Coates stated that whoever is doing the test needs to consider both ambient, crowd noise, music, and the effects of wind, terrain, weather and vegetation. J. Coates stated that the company they hire should have the ability to calculate the variables and create a report.

J. Cole stated that he contacted the DOT and received a traffic report for the property which stated that 12,000 cars per day go past the property daily.

K. Gascon stated that they have an existing well which was drilled for 90 head of cattle. They will be using bottled water for consumption at the weddings, the well water will only be used for bathrooms. The Applicant will be putting in a new septic system. They will be getting their septic plan designed once they move farther through the approval process.

T. Rech and J. Coates will get a list of everything that they need to the Applicants.

R. Hatch made a motion to table this application for a special exception for a completed application and further information. Seconded by M. Grasso and passed as follows:

Mike Grasso - aye  
Joe Burns - aye  
Debra Stokoe - aye  
Tim Steves- aye  
Don Woerner -aye  
Robert Hatch - aye  
Jay Coates -aye

**Other New Business:**

*The Application of Fred Lockman to seek a lot line adjustment. The property address is 1459 South Road, Tax Parcel No. 209.04-1-10.*

D. Stoke recused herself from this part of the meeting.

Fred Lockman owns farmland that the Stokoes farm. He would like to sell the tillable land to the Stokoes and keep 1.8 acres that are adjacent to the existing parcel. The Applicant would like to see this as an alteration of lot line in order to waive a Public Hearing. M. Grasso stated that he didn't believe this to be a simple alteration of lot line and believed that a Public Hearing should take place.

D. Woerner made a motion to Waive the Public Hearing for lot line alteration and combination for the Lockman South Road subdivision, map dated 12/28/16, by Keven O'Donoghue. Seconded by R. Hatch and passed as follows:

Mike Grasso - nay  
Joe Burns - aye  
Debra Stokoe - recused  
Tim Steves- aye  
Don Woerner -aye  
Robert Hatch - aye  
Jay Coates -aye

**Future Business:**

- T. Rech stated that they will be working on Solar Regulations in the work session

M. Grasso made a motion to adjourn the meeting, seconded by D. Stokoe and unanimously approved. The meeting was adjourned at 9:17 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary



**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
February 7, 2017**

Members present: Tim Steves, Joe Burns, Don Woerner, Robert Hatch  
Debra Stokoe, and Jay Coates

Alternates Present:

Members absent: Mike Grasso

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

Chairman Coates called the Planning Board meeting to order at 7:00 P.M., and asked for any corrections/additions to the minutes from January 3, 2017.

D. Woerner made a motion to approve the minutes from February 7, 2017, seconded by T. Steves and unanimously approved.

**Old Business:**

T. Rech stated that there have been no updates from Wheatland Commons. The Board decided that correspondence should be sent to the Applicant requesting a letter of intent.

**Old Business:**

*The Application of Fred Lockman to seek a lot line adjustment. The property address is 1459 South Road, Tax Parcel No. 209.04-1-10.*

T. Rech stated that the County Comments came back for this project with no issues. The Board concurred that they also have no issues with the project.

The Board completed the SEQRA Review. It was decided that this is an unlisted action. J. Coates stated that there were a few corrections to be made on the application. On page 1 the total acreage should be changed to 32 acres, and on part 4 under land uses, J. Coates suggested that residential should be checked off as well as agricultural.

D. Woerner made a motion to approve this as a Negative Declaration, seconded by R. Hatch and passed as follows:

Joe Burns - aye  
Debra Stokoe - recused  
Tim Steves- aye  
Don Woerner -aye  
Robert Hatch - aye  
Jay Coates -aye

R. Hatch made a motion to approve the final Platt for the Lockman South Road Subdivision prepared by Kevin O' Donoghue, Licensed Land Surveyor, dated 12/28/2016. This motion was seconded by D. Woerner and passed as follows:

Joe Burns - aye  
Debra Stokoe - recused  
Tim Steves- aye  
Don Woerner -aye  
Robert Hatch - aye  
Jay Coates -aye

**Old Business:**

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T. Rech stated that he received County Comments on this project, they did have 4 comments.

Kane Gascon and James Cole were present to speak on their behalf.

K. Gascon stated that he hired Dr. Thorton to do the sound testing for this project. He is a Mechanical Engineer who has been educated in acoustics, vibrations and noise.

Dr. Thorton measured the background noise on the property line for 1 hour and got a reading of 35 dBs. He stated that the traffic noise was very loud, he was there between 4 and 5:00 P.M. Dr. Thorton stated that there shouldn't be much change in noise levels based on time of day or season. Dr. Thorton made a distinction between naturally occurring noises like voices, mowing the grass, chainsaws, and intrusive noises like compressor stations. He stated that there should be different standards depending on the type of noise.

Dr. Thorton started his testing using white noise to get a reading with amplifiers and speakers. He placed the speakers facing out and drove to the property line to do his readings. He adjusted the volume in the barn until it

reached a reading of 35 dBs at the property line. Dr. Thorton then stated that after the white noise, they played music in the barn and again adjusted the level. These settings were then locked into place so that the sound level will not change. K. Gascon will be purchasing a noise suppression system. The DJ will plug his equipment into this system which will limit noise and music to the approved decibel level.

J. Coates questioned whether they have a decibel level inside the barn recorded which will result in the desired ambient noise level at the property line. Dr. Thorton mentioned that a setting of 75-80 dBs resulted in the 35 dBs being recorded at the property line. The speakers are going to hang face down above the dance floor to concentrate the sound to the middle of the dance floor. K. Gascon suggested being able to get a reading of 80 decibels in the middle of the dance floor and using that as the measure for sound.

T. Rech stated that there cannot be a condition stating that the sound will be no more than 35 dBs at the property line because it is in direct conflict with the current code. T. Rech suggested putting in a condition for a dB level in the center of the dance floor where the speakers will be directed. Dr. Thorton stated that each speaker creates a sound power output which can be measured. The condition can then be that the sound power of the loud speakers combined does not exceed a certain sound power level.

K. Gascon stated that 35 dBs at the property line should be considered zero, they could not get any measurement than lower than 35 dBs. When the loud speaker system was turned up to 80 dBs, they measured 35 dBs at the property line, which is the ambient or environmental noise. K. Gascon is agreeable with setting the speaker level at 75-80 dBs. They have a limiter that will prohibit the speakers from exceeding 80 dBs. Dr. Thorton believes that the 80 dBs in the barn will create no loud speaker noise at the property line. K. Gascon stated that he would like time to discuss this and come up with a sound plan.

J. Coates stated that he is going to need something that states what the inside sound level is that would equate to no loud speaker noise at the property line. The record will be held open for 10 days once this letter is received so that the Public will be able to respond by writing only, there will not be another Public Hearing.

J. Cole stated that they have the Engineers review, he stated that DOT relies on the engineers to do this review. Their plan meets all the required sight distances; they took trees down on the hedgerow so there is no obstructed view.

J. Cole stated that the farm well was dug for 90 head of cattle, which would equate to 6,800 gallons of water per day. The Wedding Barn water usage based on a MCWA study stated that their usage would be 838 gallons with 180 quests.

The septic system will be a raised bed system based on MCWA and Land Tech survey of where the septic system will be located. It is a dual tank made for the amount of people that will be at the barn every week.

Land Tech stated that there is no additional drainage needed. The acreage disturbed will be .52 acres.

There was a fence added on the left side of the site plan. They stated that they had no plans to put one up right now, just wanted to get it approved in case it was needed in the future. J. Coates stated that since the Public was not informed of this at the Public Hearing, it could be challenged in court. The Public could state that they were not informed of this prior to approval. The Applicant specified that they will remove the fence from the site plan.

The Applicant stated that the hours of operation will be Friday and Saturday from 5-11:00 P.M.

J. Coates questioned Dr. Thorton about the effects of weather and foliage on his tests. Dr. Thorton stated that it would not have an impact on the tests.

Dr. Thorton believes that the Town Code is not well written for the noise ordinance. He stated that he has a model noise ordinance code and that he would be willing to get together at a later date to go over that with the Board.

J. Coates asked the Applicant if they will agree to an extension of decision. The Board is required to make a decision within 62 days of the Public Hearing. The Applicant agreed to the extension. J. Cole asked if they could attend the workshop meeting to go over some items.

T. Rech distributed information on a court decision of a similar case. It was confirmed in that case that the Town could set noise limitations, hours of operation, size and numbers of events.

**Future Business:**

- T. Rech stated that they will be working on Solar Regulations in the work session

D. Woerner made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 8:32 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
February 7, 2017**

Members present: Tim Steves, Joe Burns, Don Woerner, Robert Hatch  
Debra Stokoe, and Jay Coates

Alternates Present:

Members absent: Mike Grasso

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

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Renee Smith

Recording Secretary



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PLANNING BOARD MINUTES  
March 7, 2017**

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Alternates Present:

Members absent: Joe Burns, Debra Stokoe

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

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**Old Business:**

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**Old Business:**

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The Board was given a copy of the NYS DEC program policy concerning Assessing and Mitigating Noise Impacts to review. The Board was in consensus to enter this report into the record as a reference document to be used in this proceeding.

J. Coates reviewed the report that the Board received from Dr. Thorton on his sound level study for the Applicant. The conclusion of the report is that the speaker output level of 89 dBA at 1 meter from the speaker, would result in a measurement of 32 dBA at the closest property line, which is 6 dBAs lower than the ambient level. The Applicant is agreeable to setting the level on their speakers even lower, which would lower the sound level at the property line even more. The Board and the Applicant are agreeable to setting the speaker limit to 75 dB. K. Gascon purchased a certified tool to measure the sound output levels.

T. Rech stated that the Board has all the revised plans for this project.

It was stated that the sight distances exceed the NYSDOT minimum.

This will be mostly dark sky lighting, the parking lot will be down lighting, and the only up lighting will be on the barn. There will be no lights staying on after hours except the lights around the house.

The parking lot will be grass; the driveway will be gravel with an overall disturbance of 0.52 acres so there will be no storm water plan needed.

The parking lot will be grass, and the driveway will be gravel, so there will be no storm water plan needed.

M. Grasso stated that they will need DOT and DOH permits, so the approval will have to have this as a condition.

The Board did a short form SEQR with a negative declaration review.

### **SEQRA** Part 3 5015 River Rd

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

No, this is a permitted use within the district subject to special exception review and conditions.

2. Will the proposed action result in a change in the use or intensity of use of land?

No the land will continue to be used for agriculture and a residential dwelling.

3. Will the proposed action impair the character or quality of the existing community?

No, the historic Wells Barns and historic house will be preserved and maintained.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

No CEA is in the area

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

No there will be minor increases in traffic mitigated by days and hours of operation.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

No

7. Will the proposed action impact existing:

a. public / private water supplies?

No there is an existing well system that the applicant has provided information that it is adequate for the proposed needs

b. public / private wastewater treatment utilities?

Private septic and wastewater system will need to be installed to MCDOH standards.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

No in fact will enhance as the proposal is to restore two Wells Barns and a National Historic Registry home.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

No, disturbance is minimal agricultural lands, tress and natural vegetation are being preserved.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

No, approximately .52 acres will be disturbed, gravel driveways are being used to minimize runoff.

11. Will the proposed action create a hazard to environmental resources or human health

No. the Board finds no evidence of this.

The Planning Board determines this is an unlisted action and makes a negative declaration on this action.

This was passed as follows:

Mike Grasso - aye

Tim Steves- aye

Don Woerner -aye

Robert Hatch - aye

Jay Coates -aye

### **Finding of facts:**

§ 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 after careful review of the information submitted, considering the comments raised at the public hearing, review of County comments and review of the Code of the Town of Wheatland that with the limits requested in the original application, conditions both those required and those agreed to by the applicant that the proposal is in harmony and promotes the general purposes of the Town Code.

B. The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

The Planning Board finds that the parcel is 29.66 acres in size with 6 acres involved in this special exception use that the plot area is sufficient.

C. The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.

The Planning Board finds that based upon the lot size and location and the special conditions required as part of this approval that this application will not prevent the orderly and reasonable use of the adjacent properties.

D. The site is particularly suitable for the location of such use in the community.

The Planning Board finds that based upon the lot size, separations from existing dwellings, location and presence of two historic Wells barns and a historic house that this site is particularly suitable for this accessory use as a wedding barn

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.

The Planning Board finds that based upon review of neighboring existing uses – none of the uses specified currently exist 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.

The Planning Board finds that based upon and having accepted the Code Enforcement Officer letter of Interpretation that this usage is conforms with a special exception use for a Recreational Facility Outdoor.

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.

The Planning Board finds that based upon the lot size and driveway location that there is no intersection within 75 feet, that the two existing driveways as modified to meet DOT standards will be adequate for the intended use and that the sights distances involved exceed DOT standards.

H. All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.

The driveways are both preexisting. A DOT permit will be required.

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 Planning Board finds that based upon the lot size and as proposed in the site plan that there is sufficient space for off street parking, screening and that the parking will be on grass thereby maintaining the rural look and feel of the location.

J. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.

The Planning Board finds that based upon the proposed plan, the lot size and location that the nearest property line is approximately 500 feet from the barns and there are hedgerows and woods that will provide adequate screening.

K. Adequate provisions will be made for the collection and disposal of storm water runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

The Planning Board finds that based upon the proposed plan, the lot size, the use of gravel driveways to minimize run off and proposed location of the private septic system (the system is subject to Monroe County Health Dept. approval) that there are adequate provisions.

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

The Planning Board finds that based upon the proposed plan and use that it is compatible.

M. Consideration has been given to preserving significant trees and natural features in the vicinity.

The Planning Board finds that based upon the proposed plan and owners statement that they intend to maintain natural vegetation as much as possible, and that the parking area will maintain grass, trees and use gravel driveways to access.

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

The Planning Board is imposing specific conditions on this application as detailed below.

#### § 130-62 Special conditions and safeguards for certain uses.

No authorization for a building permit shall be granted by the Planning Board for any use listed in this section unless the Board shall specifically find that, in addition to meeting all the general standards set forth in § 130-61, the proposed special exception use also meets the special conditions and safeguards required in this section.

#### V. Recreation facility, outdoor.

(1) The site shall be located on either a state or county highway.

The Planning Board finds that based upon the proposed plan that site is on a state highway

(2) The site shall have adequate land area for traffic planning. The driveways and entrances and exits shall be approved by the County Highway Engineer or the District Engineer of the State Department of Transportation, depending upon in whose jurisdiction the abutting highway or highways are located.

The Planning Board finds that based upon the proposed plan, the lot size, review based upon existing DOT standard that he driveways are currently existing and will be modified to reflect current DOT standards. The Planning Board authorizes the Town Code Enforcement Officer and Fire Marshal to require any additional changes based upon their review or other input from the Fire Department.

(3) All driveways, parking areas and structures shall be located at least 100 feet from any residence district boundary.

The Planning Board finds that based upon a review the proposed plan that the site is greater than 100 feet from a district boundary.

(4) Outdoor floodlighting shall be limited to a height, intensity and coverage such that it will not have an impact on neighboring properties, the boundary highway or the general area.

The Planning Board finds that based upon the proposed plan and revisions required by the Planning Board that there will be minimal impact to adjoining properties. The Code Enforcement Officer is empowered to review any final modifications as part of the building permit process. The Planning Board endorses "dark sky" concepts and only will permit direct lighting of the Wells Barns. Parking lot and any event related lighting shall be turned off when not in use.

(5) No public address system shall be used outside an enclosed building, and its sound shall not be audible beyond the limits of the lot.

The Planning Board is imposing conditions to ensure that this is met as detailed below.

(6) No such use or its lot shall be located within 500 feet of any existing or proposed church, school, library, playground or similar place of public assembly.

The Planning Board finds that based upon the proposed plan that there are none of those uses in the area.

(7) All driveways, parking areas, structures and activity areas shall be landscaped in a manner which shall make them compatible with surrounding land uses, existing and future, including adequate transitional yards with planting and/or fences to assure compatibility with residential districts.

The Planning Board finds that based upon the proposed plan, the lot size, existing woodlot, hedgerows, use of gravel driveways, grass parking areas, limited lighting, no signage, limited times of use and the restoration of two Wells barns and historic home that the proposed use will be compatible.

### **Specific conditions:**

1. Hours, days and months of operation as requested in the application is limited to Friday and Saturday 9:00 a.m. to 11:00 p.m. for the months of May to the end of October.
2. This is an accessory use to the owner/operator primary residence on the property.
3. The Planning Board has requested from the applicant a sound analysis and standards for review. The Code of the Town of Wheatland is clear to approve this special exception use that no public address system shall be used outside an enclosed building, and its sound shall not be audible beyond the limits of the lot. The Planning Board does not agree with the applicant's assertion that this code is "grossly outdated" or "that it does not follow current practice of modern well written noise ordinances." The Code clearly intends to have this special exception use not impact adjoining properties with noise from public address systems. This application is using a public address system for music and its wedding operations. The Planning Board has considered both the applicant's analysis and the New York State Department of Environmental Conservation policy for assessing and mitigating noise impacts. Summary of information gleaned and pared from Dr. Thornton's noise analysis:
  - a. Ambient noise level determined with accurate, precision equipment is 36 dB
  - b. Regulated A-weighted sound level is taken from 1 meter from each speaker cone in the axial direction of the speaker
  - c. Any change in sound level at 1 meter will produce an identical change at the 1-meter measure point and a corresponding change at the property line
  - d. The nearest property line (498 ft.) measurement yields a 32 dB level at property line when 1-meter measure at speaker is 89 db. This is below the aforementioned 36 dB ambient level. This is also below the referenced "modern noise code's" night (22:00-7:00 hours) level of 35 dBA; the lowest level.

The applicant has stated to the Board and agrees that a 75-80 dB level in the barn was a comfortable limit for wedding guests. This level is also coincident with the DEC standards although on the higher end. This obviously would yield a greater factor of safety for inaudibility at the property line. The applicant has agreed to use sound system that restricts the output level. Accordingly, the Planning Board requires that the applicant use a sound system that limits the sound output to no more than 75 dB at one (1) meter along the axial direction of the speaker cones.

4. The Applicant must obtain an Operating Permit from the Fire Marshal.
5. No alcoholic beverages will be served after 10:15 p.m.
6. The applicant must obtain DOT and MCDOH permits.
7. Parking lot and any event related lighting shall be turned off when not in use.
8. There will be no subdivision of the existing property.

J. Coates made a motion to approve with conditions the application for special exception use and site plan dated 2/08/17 at 5015 River Road as detailed in the application and modified by this order and subject to the special conditions; Seconded by D. Woerner and passed as follows:

Mike Grasso - aye  
Tim Steves- aye  
Don Woerner -aye  
Robert Hatch - aye  
Jay Coates -aye

**New Business:**

None

**Future Business:**

- T. Rech stated that the Board will be working on Solar Regulations in the work session on 3/21/17.

R. Hatch made a motion to adjourn the meeting, seconded by T. Steves and unanimously approved. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
June 6, 2017**

Members present: Tim Steves, Mike Grasso, Don Woerner, Robert Hatch, Joe Burns, Debra Stokoe and Jay Coates

Alternates Present:

Members absent:

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

Chairman Coates called the Planning Board meeting to order at 7:40 P.M., and asked for any corrections/additions to the minutes from March 7, 2017.

M. Grasso made a motion to approve the minutes from March 7, 2017, seconded by D. Woerner and unanimously approved.

**Old Business:**

T. Rech stated that Wheatland Commons would like to bring in fill. The Board consensus is not to allow fill to be brought in since they don't have any formal plans. J. Coates questioned how long the application should be left open.

**New Business:**

***The application of the Schillinger Estate, Glenda Melville to seek subdivision of 517 and 537 South Rd. Tax I.D. number 210.01-1-11, in an AR-2 Zoning District.***

R. Hatch recused himself from this part of the meeting since he is representing the applicant. There are two existing homes on the one parcel, they would like to make it 4 separate parcels. Lots 1 and 2 will be residential lots; parcels A and B will be agricultural lots. Part of the land is in Monroe County and part is in Livingston County the entire parcel is around 60 acres. The homes both have their own electric, telephone, well and septic. There are 2 driveways with the leech field for house number 537 running right in between them; because of this, the property line for house 537 will be on the edge of the driveway. The new property line will follow the County line in the rear. Parcel B on the east side will be around a 15-acre agricultural lot and parcel A on the west side will be around an 8.6-acre agricultural lot. These lots will be considered non-approved lots which means they would need to come before the board to get approval to build anything.

There will be a Public Hearing on June 20, 2017.



T. Rech stated that everything seems straightforward with the application. The County and the D.O.T. came back with no comments.

**Future Business:**

- Potential application for Rodney Farms to create a lot around existing home in order to sell the house, the lot would need to be 5 acres because it's in a flood zone district. Frontage will be an issue and setbacks may be an issue. J. Coates stated that there should be notices on the map regarding the flood zone district.

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

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
June 20, 2017**

Members present: Tim Steves, Mike Grasso, Don Woerner, Robert Hatch, Joe Burns, Debra Stokoe and Jay Coates

Alternates Present:

Members absent:

Also present: Terry Rech, Bldg. Inspector

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

**Old Business:**

*The application of the Schillinger Estate, Glenda Melville to seek subdivision of 517 and 537 South Rd. Tax I.D. number 210.01-1-11, in an AR-2 Zoning District.*

R. Hatch recused himself from this part of the meeting since he is representing the applicant. He gave a summary of the application that had been presented to the Planning Board at the June 6, 2017 meeting. R. Hatch stated that the only thing to change is that the lots are now numbered 1,2,3, and 4 instead of 1,2, A and B.

J. Coates opened the Public Hearing at 7:05 P.M.

The following concern was brought forth by a member of the public:

***Lisa Clark – 413 South Road***

- Ms. Clark stated that she had concerns about the effect on her well if they were to subdivide and develop the residential land next to her home.

J. Coates stated that the land could be subdivided and houses could be built in the future, but at this time it is an unapproved lot. If the land was going to be developed, the owners would have to come before the Planning Board and possibly need a Public Hearing.

There being no other public who wished to speak to the Board, the Public Hearing was closed at 7:07 P.M.

T. Rech stated that the application seemed very straightforward.

The Board came to the consensus that there were no conditions needed for the approval.

The SEQR approval was completed.

D. Woerner made a motion to approve the subdivision per the map by Schultz and Associates dated 5/1/17 and last revised on 6/19/17 for the Schillinger Estate subdivision for 517 and 537 South Road.

Seconded by D. Stokoe and passed as follows:

Mike Grasso – aye  
Debra Stokoe - aye  
Tim Steves- aye  
Joe Burns - aye  
Don Woerner -aye  
Robert Hatch - Recused  
Jay Coates -aye

**Future Business:**

- Application for Bruce Howlett to create a lot around an existing home in order to sell the house, the lot would need to be 5 acres because it's in a flood zone district. This will come before the Board at the July Meeting and a Public Hearing should be scheduled for the August meeting.

R. Hatch made a motion to adjourn the meeting, seconded by D. Stokoe and unanimously approved. The meeting was adjourned at 7:28 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
July 5, 2017**

Members present: Tim Steves, Mike Grasso, Don Woerner, Robert Hatch, Joe Burns,  
and Jay Coates

Alternates Present:

Members absent: Debra Stokoe

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

Chairman Coates called the Planning Board meeting to order at 7:40 P.M., and asked for any corrections/additions to the minutes from June 6, 2017.

D. Woerner made a motion to approve the minutes from June 6, 2017, seconded by R. Hatch and unanimously approved.

Chairman Coates asked for any corrections/additions to the minutes from June 20, 2017.

D. Woerner made a motion to approve the minutes from June 20, 2017, with a clarification under future business to “an application from Richland Resources LLC” instead of “an application from Bruce Howlett”. This was seconded by J. Burns and unanimously approved.

**Old Business:**

*Wheatland Commons:*

T. Rech stated that Wheatland Commons would like to bring in fill. T. Rech stated that the proposed fill site is appropriate, and the engineer indicated that it will take a good deal of fill for that location. D. Woerner suggested placing some conditions on the Plaza in regards to the fill. He suggested a time limit for the fill to be used so that it is not just sitting in a pile. He also suggested asking them as a condition to clean up the lot. M. Grasso stated that the pile should be contoured so it's not just a pile. T. Rech suggested needing erosion control. R. Hatch recommended asking for a fill plan. T. Rech stated that if this is a small fill operation, which would be less than a 1/3 of an acre and less than 10% of the building site, the Building inspector can approve it. If it is larger than that, it would have to come before the Planning Board. J. Coates also stated that the type of fill being used would be important.

**New Business:**

*The application of Richland Resources, LLC, to seek subdivision of no less than five (5) acres to allow for sale of existing house, in an AR-2 Zoning District. The property address is 620 Scottsville West Henrietta Road. The Tax I.D. #187.04-1-1.*

R. Hatch recused himself from this part of the meeting since he is representing the applicant. This is an application to create a lot around an existing home in order to sell the house, the lot would need to be 5 acres because it's in a flood zone district. There will be a private drive created in order to have the required 300-foot width. Most of the set backs are preexisting. It has an existing well and leech field and utilities. J. Coates stated that there is a trailer which sits back on the private road which was a holdover from the previous operation. This trailer could not become a primary residence on this property and would need to be removed at some point. The Board may need to place a condition or clarification on this action. T. Rech stated that everything looks straightforward. M. Grasso stated that it is a conforming lot. It was stated that the County Comments have not been received at this time.

The Public Hearing will be set for August 1, 2017.

**Future Business:**

- None at this time

There will be no work session this month.

M. Grasso made a motion to adjourn the meeting, seconded by J. Burns and unanimously approved. The meeting was adjourned at 8:07 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
August 1, 2017**

Members present: Tim Steves, Mike Grasso, Don Woerner, Robert Hatch, Joe Burns,  
Debra Stokoe, and Jay Coates

Alternates Present:

Members absent:

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

Chairman Coates called the Planning Board meeting to order and asked for any corrections/additions to the minutes from July 5, 2017.

R. Hatch made a motion to approve the minutes from July 5, 2017, with a clarification to the third sentence under new business to “frontage” instead of “width”. This was seconded by J. Burns and unanimously approved.

**New Business:**

None

**Old Business:**

*Wheatland Commons:*

T. Rech stated that he passed along the fill information that was discussed at the July Planning Board meeting to the Applicant, but has not had any reply at this time.

**Old Business:**

*The application of Richland Resources, LLC, to seek subdivision of no less than five (5) acres to allow for sale of existing house, in an AR-2 Zoning District. The property address is 620 Scottsville West Henrietta Road. The Tax I.D. #187.04-1-1.*

R. Hatch recused himself from this part of the meeting since he is representing the applicant. The County approved the name Riverbend Drive for the private drive, the house will be need to be renumbered. Bruce Howlett stated that the person who lives in the trailer will be moving out by October 1<sup>st</sup>, and the trailer will be removed from the property by December 1<sup>st</sup>, 2017.

The County comments came back stating that it is in a Flood Zone and that there is a stream on the property.

The Public Hearing was opened at 7:35 P.M.

There being no Pubic in attendance who wished to speak, the Public Hearing was subsequently closed at 7:36 P.M.

The Board completed the SEQR review.

D. Woerner made a motion to approve the Richland Subdivision per a map prepared by Schultz Associates dated 7/19/17, seconded by M. Grasso and passed as follows:

Mike Grasso – aye  
Debra Stokoe - aye  
Tim Steves- aye  
Joe Burns - aye  
Don Woerner -aye  
Robert Hatch - Recused  
Jay Coates -aye

**Future Business:**

- Alteration of lot line for 227 Baker Road.

There will be no work session this month.

D. Stokoe made a motion to adjourn the meeting, seconded by J. Burns and unanimously approved. The meeting was adjourned at 7:50 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
September 5, 2017**

Members present: Mike Grasso, Don Woerner, Joe Burns,  
Debra Stokoe, and Jay Coates

Alternates Present:

Members absent: Robert Hatch, Tim Steves

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

Chairman Coates called the Planning Board meeting to order at 8:15 P.M. and asked for any corrections/additions to the minutes from August 1, 2017.

D. Woerner made a motion to approve the minutes from August 1, 2017, seconded by D. Stokoe and unanimously approved.

**Old Business:**

*Wheatland Commons:* T. Rech stated that there has been no new information or updates.

**New Business:**

*The application for Paul Grabbenstetter for a resubdivision to combine an additional 40-foot lot to an existing parcel. The property address is 227 Baker Road in an AR-2 Zoning District, Tax parcel 184.04-2-5.*

There was discussion of whether this should be an alteration of lot line or a resubdivision. J. Coates specified that under Town Code 116-5 it is a resubdivision and that it is up to the Board to make a determination that it is an alteration of lot line.

The Applicant was present to speak to the Board. He explained that he wants to buy 40 feet of land from the Kolman farm which gives him room for his garage.

T. Rech stated that this is straight forward, it is correcting an existing set back issue.

The Board determined that this will be a simple alteration of Lot lines.

M. Grasso stated that he would like to see a new map since the current one shows this as a new lot.



The Board determined that there will need to be two conditions for approval.

*1-The lots will be combined*

*2- A new map that shows lot 1 with the total acreage with a heavy line and the current north line being lightened and dotted with a note changes to conveyed and combined.*

M. Grasso noticed that the Ag notes were not on the map either. The Board was in consensus that a revised map should be provided by the Applicant before an approval can be made by the Board.

M. Grasso made a motion to table the Application until the Board receives a revised map, seconded by D. Stokoe and passed as follows:

Mike Grasso – aye  
Debra Stokoe - aye  
Joe Burns - aye  
Don Woerner -aye  
Jay Coates -aye

**Future Business:**

- None at this time

There will be a work session this month. J. Coates stated that as long as the maps are received before the work session, an approval can be made at that meeting.

D. Woerner made a motion to adjourn the meeting, seconded by M. Grasso and unanimously approved. The meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
September 19, 2017**

Members present: Mike Grasso, Joe Burns, Tim Steves, Jay Coates

Alternates Present:

Members absent: Robert Hatch, Debra Stokoe, Don Woerner

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

Chairman Coates called the Planning Board meeting to order at 7:13 P.M.

**New Business:**

*The application by Paul Grabbenstetter for a resubdivision to combine an additional 40-foot lot to an existing parcel. The property address is 227 Baker Road in an AR-2 Zoning District, Tax parcel 184.04-2-5.*

The Board reviewed the SEQR and determined this to be a negative declaration.

M. Grasso made a motion for final subdivision approval of the Kohlman Subdivision with the condition that the 40' strip of land be combined as per the map by Smith Land Surveying, dated 9/08/17. This was seconded by J. Burns and passed as follows:

Mike Grasso – aye  
Tim Steves - aye  
Joe Burns - aye  
Jay Coates -aye

The meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
November 21, 2017**

Members present: Mike Grasso, Don Woerner, Joe Burns, Tim Steves,  
Debra Stokoe, Robert Hatch and Jay Coates

Alternates Present:

Members absent:

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

Chairman Coates called the Planning Board meeting to order at 7:00 P.M. and asked for any corrections/additions to the minutes from September 5, 2017, and from September 19, 2017.

T. Steves made a motion to approve the minutes from September 5, 2017, seconded by D. Woerner and unanimously approved. R. Hatch abstained from the vote due to his absence from that meeting.

J. Burns made a motion to approve the minutes from September 19, 2017, seconded by M. Grasso and unanimously approved. R. Hatch, D. Stokoe and D. Woerner abstained from the vote due to their absences from that meeting.

**Old Business:**

None

**New Business:**

*A Subdivision and Site Plan Concept Review for Clearview Farms Apartments: Phase IV.*

Don Rowley was present to speak to the Board. Anthony DiMarzo, Brian Powers and Richard Rosen were also present at the meeting. They would like to begin construction in the Spring. The Applicant is proposing construction of traditional style Townhomes for rent. They would also like to build a storage unit for the people renting the Townhomes. Mr. Rowley stated that there are no major drainage issues.

J. Coates talked to the Scottsville Fire Chief and he saw no issues at this time with the plans. Mr. Rowley stated that he would like to consult with the Fire Chief as they continue with their planning in order to make sure that there are no issues with the roads and fire hydrants.

J. Coates would like to see sidewalks constructed along Robert Quigley Drive and Scottsville Road. The sidewalks would be plowed and maintained by the Town once they are built. J. Coates stated that if they do the sidewalks they would not be required to do additional greenspace or park developments.

There was discussion of sewer impacts, T. Rech stated that this construction would likely require a pump upgrade.

J. Coates questioned if there would be a master key in case of fire. Mr. Rowley stated that he would like to meet with the Fire Chief in order to talk about the fire code issues. There was discussion of having a Knox box for the existing structure as well as the proposed new construction.

**Future Business:**

- None at this time

D. Woerner made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 7:36 P.M.

Respectfully submitted,

Renee Smith

Recording Secretary