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REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, APRIL 26, 2017

MEMBERS PRESENT: T. Catalano, A. Sellers, J. McEvoy, J. Pinter, B. Bergum, M. Connors

ALSO PRESENT: Roberta Rappoccio, Director of Planning & Community Development
Brian Kulpa, AIA, Clark Patterson Lee

EXCUSED: C. Castiglia

Chairman Catalano opened the meeting at 7:00 P.M. The meeting took place in the Court Room of the Evans Municipal Center, Erie Road, Angola, NY 14006.

Chairman Catalano: I would like to welcome everyone to the April 26, 2017 Planning Board meeting. Before we begin our agenda items this evening we have some housekeeping to take care of. Regarding the minutes of the March 22, 2017 public meeting, are there any additions, corrections or questions or may I have a motion to accept them as submitted. Motion please.

Mr. McEvoy: I will make the Motion to accept as submitted.
Ms. Sellers: Second.

Vote: All in favor. Carried.

Chairman Catalano: The first item on the Planning Board's agenda this evening is a:

Tower Special Permit and Site Plan Review – for a 145' cellular telecommunication tower, plus a 4' lightning rod, to be located at 7929 Dennis Rd., Angola, NY (Robert & Linda McFarland property), SBL# 220.00-2-11.21. Petitioner: Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless, One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920.

History – A little bit of history on the proposed project;

- The Planning Board tabled this project at their March 22, 2017 Public Meeting as the Town Board had to declare a Negative Declaration on the SEQR Application for the Cellular Communication Tower to be located at 7929 Dennis Road, Angola, NY prior to the Planning Board approving the Application.
- However, not until the Town received the comments from the New York State Department of Environmental Conservation could the Town Board make a determination on the SEQR.
- A comment letter was submitted by Hildegard Hoch, a direct abutter to the proposed Verizon Cell Tower location will be read into the Record.

Ms. Sellers: See exhibit 'A'.

Ms. Sellers: I have another letter to be read into the record. See exhibit 'B'.

Actually, the reason for this cell tower is the same reason for the mini ones in Amherst. When we first started looking at cell towers and people with cell phones were trying to get coverage each cell tower could cover a designated area, but now there is so much data use with people on their cell phones that the existing cell towers cannot handle all of it and they need more towers to provide more coverage. In very populated places like Amherst or in cities, they are putting smaller ones on buildings closer, but in the country they are still putting up large ones. As a Town, we don't have a lot of say on that. They have a right from the Federal Communication's Act to do this. What we can do is place it, but we can only place it within a very limited area so that the rings of coverage are met so there aren't any gaps in coverage. The area that this covers is

currently covered by other cell towers, but now there is not enough space on these transmitters for all of the data going through them today. Legally, we don't have the right to deny them. I agree with you, I think they are a blight on the environment, they are as ugly as can be, your neighbor is making money on it and the neighborhood has to look at it. They have to post a bond should they go out of business, should it fail, should they no longer be used, that bond is there for it to be taken down. This is an area that is probably more open and gets some better reception in some areas. We've tried putting them on Town dumps, on Municipal property and we've tried keeping them out of neighborhoods, but we can't provide all the coverage that is needed, especially around the lakefront. Eden Evans Center Road has the same problem. We will see where it ends. For awhile, after our law was in place and everybody first got cell towers we had total coverage, but now they need more. What the Town asks for is if we can place our own transmitters on this as well and that's about the best we can do. So, if we didn't have it right here, we'd have it fairly close by because we don't have enough coverage for all the data anymore. I wish I could tell you that we could remove this blight from your neighborhood, but unfortunately I cannot. Anyone else on the Planning Board can add anything else if they would like.

Chairman Catalano: Subsequent, the Town Board received comments from the New York State Department of Environmental Conservation. However, the Planning Office is still awaiting the comment by the New York State, State Historic Preservation Office. With this being said, may I please have a motion to table the decision on the approval of the Site Plan Review for a 145' cellular telecommunication tower, plus a 4' lightning rod, to be located at 7929 Dennis Rd., Angola.

Ms. Sellers: I'll make the motion to table it based on the following reasons:

- The Town Board must declare a Negative Declaration on the SEQR Application for the Cellular Communication Tower to be located at 7929 Dennis Road, Angola, NY prior to the Planning Board approving the Application.
- Receipt by the Planning Board of a comment letter from the New York State, State Historic Preservation Office.

Mr. Pinter: I'll second the motion.

***Vote:** All in favor. Carried.*

Chairman Catalano: Next steps:

- The Planning Office will tentatively place this Site Plan Review Application on the May 24th, 2017 Planning Board Agenda while we are awaiting the SHPO letter. Thank you.

Chairman Catalano: Moving onto to the second item on our agenda this evening:

Rezone – Rezone of a property located at 6889 Erie Road (a.k.a. NYS Route 5), Derby, NY from Motor Service (MS) to General Business (GB) for the purpose of operating a single tenant retail store, SBL#206.07-2-15. Petitioner: The Broadway Group, LLC, 216 Westside Square, Huntsville, AL 35801

History – There is some history on the property:

- The property currently houses a gas station and repair shop. Gas has not been sold in this location for a few years and the garage is currently being used by an individual for storage and repair of his own personal vehicles.
- Precedent exists for the rezone at 6889 Erie Road in that the majority of the adjacent properties are currently zoned General Business, including the properties immediately across Erie Road. The only exceptions are the properties in the rear that are zoned Residential Two Family (R-2).
- The rezone would phase out Motor Service zoning at the site while providing for a viable General Business opportunity.

Reviews –

- **Director of Planning** – Roberta, do you have any objections or comments?
  - **Director Rappoccio** – I have no objections or comments.
- **Town Engineer** – David Johnson, is not present here this evening.
- **Supervising Code Enforcement Officer and Fire Review** – Paul, do you have any objections or comments at this time.
  - **Mr. Ryerse** – no objections or comments.

Chairman Catalano: Are there any questions or comments from the Board or Planning Consultant before I open the floor to the public?
Ms. Sellers: This is in Derby, by the Derby Deli, next to the Hogg property.

Chairman Catalano: There being no further questions by the Planning Board, at this time I will open the floor to the public – please step up to the microphone, state your name and address, spelling your last name for the record. You have three minutes to state your comments to the Board.
David Sippel, 368 Lakeside Ave., Angola: I have a question concerning item number 3 of the agenda which has not been covered. I was holding back until the Board covered that.
Director Rappoccio: Yes, we will call you up to the microphone next.
Chairman Catalano: Are there any further questions from the Planning Board? There being no further questions, may I have a motion to recommend to the Town Board the rezoning of the property located at 6889 Erie Road (a.k.a. NYS Route 5), Derby, NY from Motor Service (MS) to General Business (GB).
Mr. Bergum: I would like to make a motion to recommend approval of this rezoning to the Town Board based on the following reasons:

- The action is consistent with the Town of Evans Comprehensive Plan.
- The project will constitute the use of an underutilized property and provide the opportunity for a viable business.
- The action is not expected to result in any significant adverse impacts.

I would also like to recommend that the following condition be placed on the approval of this action:

- Any future development of these lands to be rezoned are subject to site plan review and approval by the Planning Board and any landscaping shall follow the requirements of Evans Town Code.

Ms. Sellers: Second.

Vote: All in favor. Carried.

Chairman Catalano: Next steps:

- The Planning Office will send a letter to the Town Board notifying them of our recommendation for the rezoning of the said property.

Chairman Catalano: The third and final item on our agenda this evening:

Rezone – Recommendation of a new zoning designation: Waterfront Mixed Use (WMU) for the purpose of rezoning properties currently zoned Neighborhood Business within the Local Waterfront Revitalization District as well as designated areas located along the waterfront.
History –

The Town has tasked Clark Patterson Lee with the development of a new zoning district for our existing "Neighborhood Business" centers along the waterfront. The goal of these new District Design Standards is to improve interaction with the waterfront, including building and site aesthetic improvements; and establishing

an identity as a full time, lakefront community. At this time will the consultant please present their proposal to the Board.

Director Rappoccio: If anyone would like to move down closer so that you may see the presentation, we'll give you a moment to do so.

Brian Kulpa, AIA, Senior Associate, Clark Patterson Lee: I will sit down so as to avoid blocking anybody here as best I can. Clark Patterson Lee (CLP) began work on this project approximately October 2016. The rationale behind the rezone is the Town has an approved and adopted LWRP, which is a Local Waterfront Revitalization District. The plan called out a couple of projects, specifically this rezoning and that plan was approved by NYSDOS with the call to establish the new mixed use district. The Town basically burdened itself with the responsibility of having to move forward on that action. So there is a need to create the district. The next questions that we as a consultant began to explore with the community, with several public forums held at this building, were figuring out what people wanted in that district; what the esthetic, character and quality and the content was. So we began with a series of visual preference surveys and worked with the district itself. The project itself, if you look at the bulk of the Town of Evans, the projects are actually relegated to a few minor areas. They may be higher profile areas but relative to the overall bulk zoning, they are few and they are spread out a little bit along the water.

The first is the Lake Erie Beach area that would be the Castaways area. There is another area up next to the Town Park and the Town Beach and this parcel and parcels across the street have that same designation. Another parcel north and east, which is currently the St. Columban's parcel. So we are tasked with coming up for the zoning designations for those. In working through types of zoning, we talked about using a highbred formed-base zone. A formed-base zoning code creates not only a zoning on paper that tries to describe the parcel, but also takes into account the aesthetics, the bulk densities, the massing, the size and tries to capture character content for the buildings.

So when you look at the draft zoning in front of you, the site plan, planning and design, we were trying to hit on a couple of aspects. First, relative to roads and including parcels like the site at Lake Erie Beach, or the non-Mickey Rats sites, those parcels really are meant to accommodate the street. The buildings are pulled to the street, with minimum and maximum front set-backs so we can create public space, but ultimately pedestrian scale and continuous retail and business corridor in that area. On the properties that abut the water, of which there is only a couple, the set-back actually dealt with the water itself, so we're trying to, in those circumstances, create a continuous wall of businesses and building mass along a public promenade near the water. Again with site planning and design, the sort of keys to this was we wanted to create opportunities for lots with multiple buildings. We want to tuck parking behind the buildings and create avenues and vistas between buildings, if you will, similar in scale to what you might see in some of the Cape Code communities or Nantucket. Building entries – we want the primary entrance to face the street and we want to make sure we have an evening spacing of those entrances and give public connections and cues. We're trying to inform the public where to enter these sites and make the buildings open and inviting to the public. The Code itself has graphics like this which are new massing, we 3-D massed the entire site and to your left you'll see photos that are scaled appropriate or inappropriate. The site plan design component includes sidewalks, pedestrian and vehicular circulation. We want opportunities for pedestrian circulation between buildings and we want to be able to create space for vehicular circulation so we're not just creating multiple drive aisles next to one another. We really need to be able to accommodate shared drive-aisles where possible. Also we are taking into account seasonal outdoor seating, both near the building themselves, facing the road in some circumstances and facing the water. Although you'd be hard to regulate the palm trees. We have conditioned drive-ways and access in the plan, we're trying to avoid this sort of sea of curb-cuts that favor the vehicular access. We prefer to have back-loaded parking with front access, either water-side or street-side access.

In terms of infrastructure and facilities, we want to keep loading and staging areas behind the building, not facing the road or water, along with service and maintenance areas. You'll see some identifications in there about how to handle everything from vehicle and equipment storage to stormwater facilities and those are really concerns that we have with any site that we work on. This is an example of what would be an inappropriate loading dock *(Mr. Kulp pointing to Powerpoint presentation)*; it's visible from the road. This is an example of an appropriate

dumpster or utility enclosure. We are also dealing with stormwater and infrastructure issues. We want to see the handling of stormwater through permeable surfaces through green infrastructure practices when possible to avoid overloading storm sewers. Utilities, I think it goes without saying, some of the utility boxes that you see out there in the community degrade from waterfront properties. We want to make sure we keep our utilities screening appropriate to the conditions. Overall the applicability we are again looking at to either cater to a street or waterfront.

Regarding parking, we've really taken a hard look and said we need appropriate screening and pedestrian access by the parking. Screening is important to create a pedestrian wall and hiding that sort of bulk-parking you see outside of a lot of businesses; which makes for a better pedestrian experience and a better aesthetic for the community. We have included shared parking practices as a means to reduce impervious areas. We are including landscape practices and we want to make sure we are using appropriate landscaping to enhance the screening and buffering of the building edge. Where we have buffer plantings, we are trying to use evergreens and deciduous trees and shrubs along with fencing as appropriate.

Then we get into architectural consistency, which includes building form and massing Commercial character and Residential character. Here we took a lot of time with visual preference surveys and working with staff and the Town on defining character. There is an array of character in the Town of Evans, there isn't a one defined character at the moment. We think that a vernacular design style; pitched roofs, use of divided light windows, traditional sign boards make sense and then we also talk about step-backs and how to arrive at massing. So Commercial, when all is said and done we found ourselves working with preferences towards a Cape Cod, American Colonial style architecture that sets a transparent area on the ground floor and creates delineation between the ground floor and upper floor. We are trying to promote businesses on the ground floor with residential or office above and when we do that we are setting a 14-foot height tolerance minimum on the first floor to really discourage Residential areas. Unless you have business accommodated elsewhere on the site and then doing a Residential stand-alone component on a property. We do show inappropriate character, none of these are from this community but obviously there are ways that buildings kind of come together and get developed that can deteriorate from the character content of a waterfront. So buildings like this with monolithic surfaces are inappropriate in this circumstance. We're looking for movement, set-backs and projections on the ground floor, pitched roofs and some character via projections on the upper floors. Overall, the buildings base and foundations are important. This is an inappropriate condition where we have glass in monolithic block hitting the ground. There is a component in this design standard that calls for water table and focuses on how you announce a doorway and entrance ways. That building base and foundations, inappropriate, again traditional stone, brick block foundation with a water table vs brick to ground conditions. Windows are important, fenestration patterns that are traditional in nature were important. Roofs and cornices is something we looked at; how the roof ends, these kind of baseline culpings that you see on a lot of 70's and 80's era buildings that have seemed to continued through, don't have the same type of character qualities that a lot of our turn of the century, through 1930's buildings would have had in the U.S. We are trying to capture a lot of that same character content. Building materials matter, so vinyl cladding, overuse of eaves or inappropriate signage is something that we deal with as well.

There's a sign component in here that basically says there's allowable signs and then there's way to deal with free-standing signs. A lot of this sign code we are able to refer to your existing sign code; you have a lot of good content in there. So you'll find a lot of the language is borrowed from that and then graphics added. We provide some appropriate examples to make it a little bit easier to describe what could and couldn't fit.

Then we get into light fixtures and the use of light fixtures; we describe sort of a traditional light fixture complimentary to building architecture. We talk about building lighting, site lighting, accent lighting and we lay-out sort of what I think is a basic, but useful graphic representation of different styles of lights and what would or wouldn't be appropriate in this circumstance. Obviously what we are trying to do is avoid light spillage, while still providing adequate lighting, but that use of unshielded flood lights, old cobra head lights for parking and site lighting, exterior fluorescent fixtures that are domed, that send light traveling away from the property would be inappropriate. So that's the rundown, from the entirety of what I think is like a 110 page document or so, in a nutshell. I think there is probably some questions from the Board, the public and the staff.

Reviews –

- **Director of Planning** – Roberta, do you have any objections or comments?
    - **Director Rappoccio** – Thank you Brian. I have a few comments. Basically, aside from edits, the only thing I wanted to add that I felt wasn't quite emphasized, in mostly just the introduction, is that this Waterfront Mixed Use will really effectively replace the current Neighborhood Business (NB) District and the Lake Erie Beach Overlay. Those would no longer exist once this is approved at some point. So that is just something I wanted to stress and possibly be added to the introduction. I had asked you earlier, so I got my answer to the other one, so I think that's it for me right now.
- **Town Engineer** – David Johnson, is not present here this evening.
- **Supervising Code Enforcement Officer and Fire Review** – Paul, do you have any objections or comments at this time?
    - **Mr. Ryerse** – Yes, you just said this would take out the Neighborhood Business District; is that across the board?
    - **Director Rappoccio** – Oh no sorry. Only in the Local Waterfront Revitalization District. Thank you Paul, that is qualified to just that area.

Chairman Catalano: Are there any questions or comments from the Board before I open the floor to the public?
Ms. Sellers: I have two things. One – I'd like you to explain in section 200-20.1-A; Summary of Building Area Requirements. The building transparency, 40% minimum between 3 feet and 10 feet above grade for first floor.
Mr. Kulpa: Could you please repeat the section number.
Ms. Sellers: Section 200-20.1-A, where you're talking about building transparency. You'll be able to see through the building?
Mr. Kulpa: No. What building transparency refers to is, what we see happens a lot of times is a building is built with solid walls, street facing main facades, corner facing and what we are saying is that promotes two things. A lot of times it promotes Residential use on the ground floor or an office environment. If what you're looking to do is attract retail and retail use on those ground floors, then you really want to get traditional storefront vantage points.
Ms. Sellers: So what you really want is 40% glass.
Mr. Kulpa: I would argue that it's not aggressive enough at times. There didn't seem to be a lot of will to really put the pedal down on this.
Ms. Sellers: So if we're talking road frontage which is road frontage, if it's lakefront construction we're talking about what's facing the water. I have a couple other concerns. In this district there would be no single family homes. Now I understand for development we like that, but if I am a property owner on Lake Shore Road – *and I realize we have such small areas that are already totally developed,* but if I had an undeveloped stretch – *developing remains because we are looking at one near the Town Park,* what if I wanted to build houses for my kids there? I could not because it could not be single family Residential.
Mr. Kulpa: No it could not.
Ms. Sellers: So these people could have their property rezoned, even if they were opposed to it?
Mr. Kulpa: I apologize for not knowing this off the top of my head, but I don't believe your Neighborhood Business (NB) allows single family Residential now. So, if that is the case, it's not creating a detriment on those districts. What it's doing is taking your existing Commercial districts and providing an opportunity for someone to develop Residential on the district as well. But it is still asking the district to have a Commercial purpose.
Ms. Sellers: The property that I'm thinking of, across from the Residential property adjoining Connor's Hot Dog Stand, going between there and the Erie County Sewer Building at the end of the street, is that currently Neighborhood Business?
Mr. Ryerse: Yes, it is currently Neighborhood Business.
Ms. Sellers: So in the past, people could come in and say I'm in Neighborhood Business and I'd like this much rezoned for family Residential, but you would now say no.
Mr. Kulpa: And to be clear, the property owner always has the right to petition for a rezoning or for a sse variance if the Zoning Board felt it necessary to deal with a use variance. The question here is the betterment of the Town. You have limited access to commercial corridors along your waterfront and the LWRP asked to create

Mixed Use Areas. So, a petitioner would have to provide an ample reason for the rezoning with a Town Board action and that subject also to review by your Local Waterfront Review Board, however that was set-up in the LWRP, for consistency with the LWRP. The LWRP is a Waterfront Revitalization Plan, yours is not written very deep into your community, a lot of times you'll see boundaries that sweep in a quarter to a half a mile. Yours is pretty snug and what your LWRP states is that your resource is limited on the water and so you're looking to create a string of retail and Mixed Use development in that area. Single family Residential is great, but it blows holes in retail districts. Case and point, your neighboring community of Eden. The Hamlet has gaps in it; beautiful old homes, but they create gaps in the retail district that prevent it from being pedestrian favorable, and fails to create the density of retail that really makes a district thrive.

Ms. Sellers: We here tend to be very practical and say it's a farming community, those are the old homes for those farms, the commercial district is very tiny and population only supports tiny. We see restaurants going in and out because they can't be supported. Now concerning shared parking – I continue with this because the gentlemen from Point Breeze are here tonight. The parking can be reduced up to 25%. I understand if we put in a commercial strip with some rentals above it, which would be allowed under this and his area for development, parking could be reduced to 25% possibly, not guaranteed. Say he has a hairdresser shop, they are not going to be using the same parking spaces at the same time, when the bar at night is in full swing, but we have such tight parking in some of these areas; around the Town Park around Point Breeze. There is no ability for the roads to take any overflow for roadside parking, so this shared parking is just a possibility; we are not guaranteeing it to anyone.

Mr. Kulpa: No, you are not, you are offering it as an opportunity for consideration in your site planning.

Ms. Sellers: *(Addressing the Wojda Brothers who own property along the waterfront next to Castaways)* Have you seen copies of this seeing as you are directly affected?

Lance & Kurt Wojda: No.

Director Rappoccio: I don't think the public has seen it yet, no.

Ms. Sellers: You need to place close attention here, seeing as you are directly affected.

Mr. Kulpa: As a planner, I would argue two points on that; first – any good place worth going to has a parking problem. Places that are most visited don't have parking at all at the center of them. If you were to tell me that…

Ms. Sellers: If you go to Williamsburg, you walk 2 miles from where you park.

Mr. Kulpa: In Lake Placid you're on a trolley or you're walking. Skaneateles has parking in reserved areas, but there are areas that rely on street. So, the thing that parking does, like single family Residential, it blows holes in your district. You take an area that has the ability to grow up commercial and you start to accommodate asphalt, your Assessor is not here, but your Assessor would tell you property value doesn't see an increase from asphalt parking lot improvements, however…

Ms. Sellers: Buy, we have parking nightmares, for example on the 4th of July in these neighborhoods. Emergency vehicles can't get down the streets.

Mr. Kulpa: If I might offer this as a suggestion – any waterfront community doing fireworks, even those with really tremendous parking assets, like the city of Tonawanda & Grand Island, have parking problems on the 4th of July. The bottom line is, you have an asset that people are coming to, they are traveling either from other areas of the community or other areas of the region to access that site; it's going to create parking issues. Your option is to (A) disregard the commercial sector and say we are not interested in having parking issues on the waterfront, so we are trying to diminish the amount of space that is developed commercially or (B) you can accept that parking will be a problem. I have a community that is parking starved that I represent and one of my favorite stories is a shop owner, telling me upon me entering his shop that we have no parking available in that community so her customers have no where to park. I asked her how she knew that and she replied "They tell me that they weren't able to find parking", while they are in the store. So then I asked, how they got into the store, did they circle back and take a bus?

Ms. Sellers: I have no intention of burdening the neighboring Residential areas and I have no intention of cutting back on any potential retail, so I guess we're going to have to find some happy medium here. Shared parking, I don't think is guaranteed to anyone, just so anyone listening understands that.

Mr. Kulpa: And in this off-street parking requirement, again similar to the 40% transparency, I would deem very moderate in terms of what we would recommend parking wise here, so we've constricted it quite a bit by not

making it guaranteed. I would strongly encourage you to look at some thoughts on that. There are some great analytics out there on the high price of surface parking and what it costs communities to develop surface lots.
Ms. Sellers: So in the area of the Town Park, our Mixed Use could be considered now with residencies and restaurants, like the old Mickey Rats. There could be a scenario where residents of those, should they build condos, would have difficulty finding parking when the restaurant is going – or not?
Mr. Kulpa: Again, this is one of those scenarios where the answer isn't always; you don't always need to lead with legislation on this one. The market force will determine if somebody is going to buy a multi hundred thousand dollar condo they are going to want associated parking; whether it's internal or guaranteed external. Again, the market is going to dictate how that developer deals with those condominiums; you don't necessarily have to. You can review it and by all means question the development when it moves forward but I would suggest that in a lot of circumstances the market is going to dictate. In the case of the shared parking; if a developer is building a significant restaurant or commercial venue that commercial operator is going to have parking demands. They may be in excess of what you zone for, but in a lot of cases it will be market driven. What you're doing is providing the opportunity for somebody to develop a traditional block, a traditional standard. Frankly your current parking loads would not allow. That's a scenario that plays out throughout Western New York. All of what we think are traditional retail centers or traditional commercial districts, in most cases would not be tolerated under existing zoning in any of those communities and that's because in the 50's through 70's we implemented baseline minimum parking restrictions and now we end up with Zoning Boards dealing with non-compliant issues on building changes of use.
Chairman Catalano: Do any of the other Board members have any questions or comments?
Mr. Pinter: What would you definition of a list of permitted uses would be a Townhouse or a Townhome and how would that differ from a single family dwelling?
Mr. Kulpa: A Townhome or a Townhouse is traditionally multi-floor with shared walls or abutment walls, where Multi-Family dwellings may have internal corridors servicing multi-apartments. A Townhome traditionally has ground floor entrances per unit.
Mr. Pinter: You had mentioned earlier that in order to have a Residential building in this district there had to be a commercial use on the site for it first?
Mr. Kulpa: The goal is to have a true mix of use. There is a potential to build a Residential only building if the site has a commercial use. So, your bigger sites, and frankly there is only a couple of them here, St. Columban's would definitely fall into play. The Mickey Rats site would certainly fall into play. Those sites, you could imagine somebody saying I'm going to build Townhomes; if you're going to build Townhomes, there's also a need to add a commercial entity.
Ms. Sellers: That concerns me, and I think that's your concern Joe. Say a conference center wants to made out of the Columban's Retreat House. Is there a commercial use in the idea that the business has a conference center? If its condos and it's in an isolated area, other than the people living in those condos on that site, it's a pretty small market for commercial it seems to me.
Mr. Kulpa: We're talking about Columban's itself or ?
Ms. Sellers: I think that is a concern, to have that restriction.
Mr. Kulpa: It's a tough district because the district is split and scattered. In Columban's case there is certainly a case to be made for saying someone's going to operate a conference center. That would certainly meet the commercial threshold for the site. Somebody may also say they want to develop residences with no business. The Town has identified that site as a good potential to introduce Mixed Use, accommodate new business and bring new business to the water, but if somebody can make a case for Residential only, then the opportunity remains for them to go to the Zoning Board and ask for a use variance. That comes with criteria they would have to meet, but…
Ms. Sellers: You can't create your own hardship to get that use variance.
Mr. Kulpa: Right and they may say that there's a definitive hardship…
Ms. Sellers: On other estates, like the Rumsey estate became the Bluffs, which is all condos and not commercial.
Mr. Kulpa: Yes, so the other opportunity would be for them to petition for a Rezoning.
Mr. Ryerse: Like we do today. If they have a project, they come to the Planning Board…

Mr. Kulpa: My suggestion would be similar to the project that came before you tonight. If you're going to consider rezoning, at the very least this gives the Town the opportunity to review a project prior to agreeing to rezone. But you were talking about some other properties, so I didn't mean to interject there.
Ms. Sellers: It's just because the property is so, well it's 14 acres, and it's a fairly narrow totally Residential neighborhood. You try to think of what commerce would actually, other than a conference center, something that is contained on the property; it's hard to imagine. I don't want to preclude anything from the developer.
Mr. Kulpa: The difference becomes if you wanted to allow for a small signature hotel or a bed and breakfast. It would provide that opportunity. Small conference center, a restaurant; certainly that campus could accommodate a very nice wedding reception center; there is certainly enough room on that site as well to provide adequate parking for such an entity. Whether that is something the Town is interested in – that is purely a recommendation from you to the Town Board. If you say we'd rather see it zoned Residential, then the Town Board would have to weigh that in the final rezones. But that's not for us to determine, the spot and the location of this, we're really here to provide the tool package that we can to help you provide a good zoning district.
Mr. Pinter: I was looking at it from the opposite way Anne was looking, where those two sites are so distinctly different; the St. Columban's and the Town Park/Mickey Rats site. One would meet the retail, the other one maybe doesn't, but what would prevent; you're telling me in order to put a Multi-Family or Townhouse in that site that it has to have retail on the first floor.
Mr. Kulpa: It doesn't have to have retail, it would have to have a minimum floor – frankly in that circumstance in that building, you're probably going to get into some historic content and there's a good chance that somebody there would be looking to retain existing infrastructure. The goal is to have the business classification, or the business use, accompany the Residential in that circumstance.
Mr. Pinter: So, what prevents somebody from just going in there and putting in Townhouses and nothing else?
Mr. Kulpa: You would have to carry commercial use on the site. It doesn't have to be retail use per say, but it has to be an allowed commercial use.
Mr. Pinter: Just so I'm clear on all this, what would the definition of commercial use be?
Ms. Sellers: Everything that's allowed in permitted uses 200-20.1A.
Mr. Pinter: That's what I want to be sure.
Mr. Kulpa: So again, somebody could very well come in there and say we are interested in opening a restaurant, that would be a permitted use. Somebody could come in there and say they are interested in creating a museum or a bed and breakfast. Any of those things would be considered a commercial use. The Residential use can still have a business purpose; it could be a lease or a rent, but it's not a daily rent or lease, it's a lease or rent on a time commitment of months or years traditionally. Frankly a little bit of this is meant to be open to Town interpretation, so starting with your Building Department, coming to your Planning Board, you should be able to interpret use and if you feel that there is a need to think about a rezone, then that's a recommendation I don't think you have to over think it that much. Somebody could come in with a good argument for Residential and I don't see how this document would limit you from moving forward other than you would have an opportunity to have a conversation about whether or not that's what you want and the style and maybe some concessions, made to accommodate that.
Chairman Catalano: I have a quick comment. The sites that you mentioned on there, the Muddy Creek site, the Delaware Creek site, the Pike Creek site, are there other sections in the Town, or can there be any other sections in the Town that, as Lakefront property becomes available, that we might want to put in there?
Mr. Kulpa: We really think that there could be some opportunity, specifically around Sturgeon Point, there could be some other opportunities in that waterfront. What we are trying to do is provide a baseline zoning that would allow the future Comprehensive Plan Committee or future LWRP update to suggest that there could be different areas where it would be acceptable. Right now, all we're doing is abiding by the existing LWRP that is on file. So yes, it could be more expansive.
Ms. Sellers: That's what we call Fernbrook; closest to the Town Park. Is it the same thing?
Mr. Kulpa: Fernbrook itself is actually a little bit further down.
Chairman Catalano: Any further comments from the Board at this time?
Mr. Ryerse: Going back to St. Columban's for a minute. Because it was owned by the Catholic Dioceses, there is certain uses under the Catholic Dioceses, there's some of these state homes – we have one on Rt. 20 – it's zoned Residential single-family right now and currently the main building has 5 different rooms that could be made for

places of assembly like a conference center. Adjacent to that the second building, I think at one time it may have been a convent, there is 36 bedrooms in there with 18 adjoining bathrooms, but it's zoned Single-family Residential on a 14 acre parcel . Anybody that is calling, any of these items that have been listed, almost every single one of these things, someone has called up for St. Columban's to ask what they could do there and the answer is nothing but a single-family home right now. This would at least open up that parcel and that is the reason why we included the St. Columban's parcel in this packet. It's just to try and get some activity going.
Ms. Sellers: We had talked in our Work Session about another large camp that's on the market, thinking should someone buy that they'd be looking to do something else, they would be able to come in for a rezoning to this.
Mr. Ryerse: Yes, any parcel in the Town; there is a process to go through for a rezoning. So even if these parcels get rezoned to Mixed Use and your use doesn't fit into this, then you can approach the Board.
Ms. Sellers: I always have a problem when restricting and telling people what they can do with their private land and saying the Town is rezoning this because we want to keep this corridor for this kind of use and your little Neighborhood Business district is now gone in this zone, so you're going to need to do it this way. I think that's always a problem.
Mr. Ryerse: The Neighborhood Business zoning district right now pretty much prevents anybody from building anything, the way it's currently written. That's why nothing has been developed in the last 20 years.
Ms. Sellers: Well, except for Small Business.
Mr. Kulpa: What tries to be inherent in a Mixed Use district like this is a 'freeing up' of expectations. Traditionally with places like Neighborhood Business we've made it very difficult for somebody to actually do Residential on the same side as Commercial in the same building built to a traditional flair because we created the zoning practice that tries to suburbanize or homogenize development. This is an attempt to return to a traditional building style that will allow somebody some flexibility with their property and at the same time attempts to preserve or create a sense of place for the Town. There is certainly some trade-off. We've given you new restrictions but at the same time we've liberated your uses.
Director Rappoccio: I just have one final comment as the Town's Planner. If anyone was here last night for the State of the Town and they heard Supervisor Hosler talking about the Town moving forward and how we need economic development and we need to use our assets and the waterfront is our jewel, it's our asset, so I think this is the Town's and some of the residents idea of the first step to look at these areas where they are a place where people want to be and want to come. So I think this approach, this process; we did have several meetings as Brian had mentioned and we got a lot of input and it's a positive thing – it's a moving forward thing and our canvas to paint as Supervisor Hosler has said. So as I planner I think this is a positive step and the right way to go. Thanks.

Chairman Catalano: Are there any further questions or comments from the Board before I open the floor to the public? Being that there is no one wishing to speak, at this time I will open the floor to the public – please step up to the microphone, state your name and address, spelling your last name for the record. You will be given three minutes to state your comments to the Board.
John Haak, 766 Beach Rd., Angola: I have some questions about the Waterfront Mixed Use. Should I give you a list of questions or do you want them one at a time? I don't need the microphone. I say that seriously because I can't hear; I didn't hear anything that went on here tonight. The microphone system does not work. I have a 40% hearing loss and have both hearing aids in as loud as I can turn them up and I can't hear what anyone is saying. So, I'm going to ask a question on the first 2 items on the agenda. Did you already settle those?
Director Rappoccio: Yes.
Mr. Haak: So I can't talk about those?
Director Rappoccio: You can state your comments for the record.
Mr. Haak: Ok, I'll do that after I ask my other questions. The 3 sites that were proposed for the Waterfront Mixed Use zoning designation. I'd like to try and understand the difference between grouping 3 individual sites together and calling them a Mixed Use Zone and how does that compare to Spot Zoning? If each individual site were to apply separately would that be considered Spot Zoning? If we group them together it's not?
Mr. Kulpa: The circumstances is you have an existing zone that is spread out over 3 sites; well 2 sites, Neighborhood Business. The LWRP which is a binding document that the Town adopted says that you're going to change those 2 sites to a Waterfront Mixed Use zone. It's not considered Spot Zoning because you've already

established a legal document stating that you are going to do that. That document was available for challenge publically and at the State level. So, now that it's there it's binding and the Town has to create that zoning.
Mr. Haak: So they are not Spot Zoning these 3 places?
Mr. Kulpa: I understand your sentiment because it seems like its walking a line.
Mr. Haak: Exactly. The reason I ask that is because there was another spot in Derby that petition 15 or 20 years ago to have condos put on the waterfront and the Town refused them. That's Hans Schmidt's property. That was a long time ago when this Board used to meet down in the Village upstairs.
Ms. Sellers: I was here for that Hans Schmidt inquiry. That site had a lot of problems. I don't want to go through them all, but he had a driveway that was coming through Dr. Lipke's property which Dr. Lipke did not agree to and had no knowledge of. We denied it for a host reasons, not because of Spot Zoning – truthfully. The driveway circulation alone is coming through a neighbor's property who objected. It was a very difficult situation.
Mr. Haak: Thank you. It's not Spot Zoning. Now, you showed on there buildings that are proposed to be built on those properties. Some of those buildings were two-stories high; some were three-stories high. What is the maximum height of a building that can be built on those properties once the Waterfront Mixed Use designation is adopted?
Director Rappoccio: Fifty foot to the eaves.
Mr. Haak: Which is how many stories?
Ms. Sellers: The first floor is 14-feet because it's Commercial, so you're probably up to 4-stories.
Mr. McEvoy: Four stories.
Mr. Kulpa: It's based on a 4-story building.
Mr. Haak: Thank you. When you mentioned Mixed Use, this is businesses on the bottom, like little shops that sell Cape Cod like things…
Ms. Sellers: Or a restaurant.
Mr. Haak: I understand that. Condos or apartments above?
Ms. Sellers: Could be.
Mr. Haak: Okay. Multi-Family or whatever. How close to the water will they be? First of all let me say, he mentioned parking in the back. I'm assuming parking would be facing the Old Lake Shore Road and the front would be considered facing the lake. How close to the lake would that wall be?
Mr. Kulpa: The set-back is 140 to 170-feet off the property line.
Ms. Sellers: Now remember, that's a minimum. You have to take each site separately; that is a Town minimum. But an engineer for an individual contractor may come in and look at that site and say with the lake at this angle it may not work. So we are not telling them what they have to do, we're telling them what the minimum is.
Mr. Haak: Can you relate 150-feet to the wall that is at Mickey Rat's now? Would it be closer to the water or further away from the water?
Mr. Kulpa: So the graphic that's on the screen is actually modeled on the Mickey Rats site, this is the building next door.
Mr. Haak: So it wouldn't go another 50-feet closer to the lake? I'm envisioning something sticking out there and would we have the right to do this.
Chairman Catalano: No, no, no, no.
Mr. Haak: Ok, well if I don't ask that question somebody could do that.
Chairman Catalano: Absolutely, I understand.
Mr. Haak: We can't assume anything. Ok, the Commercial aspect of the buildings – the first floors. Could there be boat rentals, kayak rentals; that kind of thing that could require storage space someplace and transportation to and from the water?
Director Rappoccio: Yes.
Chairman Catalano: Yes, it could be.
Mr. Haak: Ok, it could be that kind of property use. From that wall will there be any kind of a projection; think of a fence or some kind of a restriction that would prevent people from walking up and down the beach?
Mr. Kulpa: No, there is a requirement for continuity of travel service.
Mr. Haak: Ok, thank you. Somebody mentioned transparency; I point out Walgreens and Rite Aid with the big windows in the front, you're supposed to be able to see in, yet they put their displays in front of the windows and

all you see is the back of the display – there's no more transparency, because they now occupy the building. The building is transparent, but they made it un-transparent with their displays. Does that come into affect here? Transparency is seeing into the building, not seeing through the building to see the water?
Director Rappoccio: Not see through it, no.
Mr. Kulpa: It's a constant dilemma in every community with Walgreens and Rite Aid and they are the two worst offenders of this.
Mr. Haak: I don't mean to single them out, but I use them as an example that's close by that everyone would be familiar with.
Mr. Kulpa: Yes, in zoning this we have to zone to create window openings. If the windows are then blocked with cover, that's really up to your Code Enforcement Officer to decide whether they are violating the agreed upon conditions of a permit.
Mr. Haak: Someone or some entity somewhere is now establishing these guidelines or are they already established?
Mr. Kulpa: The guidelines are actually codified in the zoning. The new zoning will be the guidelines.
Mr. Haak: The new zoning will contain the guidelines. So someone is in affect establishing the guidelines. So something in the guidelines could suggest that you must have site through 80% of the window or something like that.
Chairman Catalano: Yes. Then it would go to the Code Enforcement Officer at that point.
Mr. Haak: If you give dimension structure to it then when obstructions are put in place the Code Enforcement Officer then has the authority to enforce the ordinance. Ok, I got that. You mentioned parking; shared parking and dedicated parking to the business/condo areas. I question parking run-off what is the plan for parking run-off? How do we handle that?
Mr. Kulpa: We will handle stormwater run-off through green infrastructure and permeable paving. The goal is to keep stormwater on site and not fill stormwater receivers or tie into a Town storm system. We want you to retain your own stormwater on your site.
Mr. Haak: Like they do at Family Dollar – underground?
Director Rappoccio: Yes, the one up on Route 5; they have it underground.
Mr. Haak: That's what's going in there then?
Director Rappoccio: No.
Mr. Haak: There won't be a retention pond, so where does it go?
Director Rappoccio: Through green infrastructure; bioswales, rain gardens, permeable paving, alternative green infrastructure.
Mr. Kulpa: So if you were to go outside to a lawn and pour water on it, it's going to absorb into the earth. Now once we build a parking lot or a building that water needs to travel because it can't get into the earth. What this code says is you have to create a circumstance wherein that water can travel vertically into the earth. We don't want you to create a deep retention pond. We're trying to mitigate the water over a surface. So you could say we're going to have sidewalks here, it's not permeable but if I use Unilock Pavers I have made it permeable and now the water can infiltrate.
Mr. Haak: Ok. Since it's a parking lot, is it safe to assume there could be oil residue in the parking lot which would be washed away by stormwater, which would then be in the stormwater going into the ground?
Mr. Kulpa: In theory, if your appropriate bio-retention area, bio-retention is in keeping with basically practices of using plant matter to break down pollutants prior to ground absorption. It is really something the Planning Board when dealing with a parking lot is going to ask 'what is your plant mix and how are you handling stormwater.' So that we are not putting containments into the storm system or into the watershed and dumping it into the lake.
Mr. Haak: I think that might be an issue because if you have a parking lot that's permeable that the water goes through into the ground with this oil dripped off of cars contained in it, I don't understand (and I probably don't have to understand) how that same water gets to plant life that will…
Mr. Kulpa: In the circumstance of a sidewalk we would want something to be considered permeable. In the circumstance of a parking lot, we'd want the parking lot to drain to a bio-retention area where you create a stormwater rain garden, stormwater garden, area that is going to actually to breakdown fluids.

Mr. Haak: Do you have that retention area shown in your…
Mr. Kulpa: Yes, it's on page 17 figure 21.
Director Rappoccio: I can have a copy reserved for you at the Planning Department if you'd like and you can read the entire document.
Mr. Haak: It is accounted for in your package.
Director Rappoccio: Yes.
Mr. Haak: I think that is the extent of my questions on that particular rezone – item #3. I have two questions, one each, on items 1 and 2. Item #1, 145-foot tall cellular communications tower; how tall is the one here? I can't relate 145-feet. Is it taller than this one?
Director Rappoccio: The one here is taller.
Mr. Haak: Tall enough where it needs wires?
Mr. Ryerse: The one in the back does not have wires.
Mr. Haak: So, not that tall, okay. The rezone of the property on Erie Road from Motor Service to General Business. Is this what use to be the old Mobil Station?
Chairman Catalano: No, it's the former service station across from McDonald's.
Mr. Haak: Then I have no questions about that. I thank you for your time.
Chairman Catalano: Thank you.
David Sippel, 368 Lakeside, Angola – This is the first meeting I've been to here and I just have a few questions. Number 1, do you have a card; I've never met you and don't even know your name *(Addressing Brian Kulpa).*
Mr. Kulpa: Sure, I can provide that.
Mr. Sippel: Thank you very much.
Ms. Sellers: Brian is from the Engineering firm that replaced Wendel.
Mr. Sippel: My eye caught item #3 on the agenda that talks about replacing the Neighborhood Business with Waterfront Mixed Use; is it at this point just a name change which will eventually have some other restrictions negotiated with it? I also didn't know exactly what was meant because of the fact that it said "as well as designated areas along the waterfront."
Ms. Sellers: You know David, it's a whole law and we were debating whether we would pass this on tonight to the Town Board, table it and go to the next meeting or; I'm thinking maybe we should make this law available to the public somehow. I mean we could still make the recommendation to send it on to the Town Board but before…
Mr. McEvoy: It's not a law yet.
Ms. Sellers: No, but before their public hearing make copies available at Town Hall so if someone wanted to come in and read the law which has all of the specifics and answers everybody's questions. You could not answer David's questions without giving him a copy of the law.
Mr. Sippel: Even if you were to just stamp it Draft.
Ms. Sellers: There would be a public hearing with the Town Board so if we made a copy available at the Town Hall, whether it was in your office or…
Director Rappoccio: That's the procedure once the Town Board gets the recommendation; they have to have a resolution to set a public hearing and at that point they have to make the document available to the public. So it would be available once it's passed to the Town Board.
Ms. Sellers: There is a whole law for you to read.
Mr. Kulpa: If you pass this on to the Town Board tonight it will become a public document and they can disperse it on the website and we can make copies available; that's really the next step. It is more than a name change; it actually creates an entire new section of zoning.
Chairman Catalano: It eliminates one and creates a new one technically. Isn't that what happens?
Mr. Kulpa: It's not eliminating it because it's not eliminating all of your Neighborhood Business districts, just within the LWRP. So we are adding a section and then replacing the code in this area.
Mr. Sippel: So, what is the purpose of the rezone?
Mr. Kulpa: Two reasons – first, back prior to Clark Patterson being involved the Town adopted a Local Waterfront Revitalization Plan.
Mr. Sippel: I was part of that committee.

Mr. Kulpa: When you did that, one of the projects, or binding policies was that you were going to do this. Therefore, the Town has an obligation to do this and to create a Waterfront Mixed Use zone.
Mr. Sippel: Very good. Why is this being proposed at this time as opposed to a couple years down the road or a couple years previous to this?
Mr. Kulpa: As far as I know as a consultant, the Town is facing development pressure or lack thereof with the sale of St. Columban's, as well as other commercial properties *(I don't know if they are sales or not)*. And because of the LWRP approving development in those areas under your existing zoning would put the Town at legal risk. You would be approving a building under existing zoning which you said you would replace. So when asked how to best move forward it was obvious that this had to be done – it should have been done at the time of passage of the LWRP; it wasn't and now you have to.
Ms. Sellers: Well they did do some of it, David's committee did some of it. They did the overlay in Lake Erie Beach and they did some action plan.
Mr. Kulpa: This specific action wasn't performed, or whether or not it wasn't adopted by the Town Board. The Town Board didn't act upon this specific zoning out of the LWRP and it was compelled to do that.
Chairman Catalano: For economic development; to boost the Town's economic development – bring some movement into this Town, some growth – controlled growth. That's what we're looking for.
Mr. Sippel: That's good. What are the designated areas along the waterfront?
Mr. Kulpa: The designated area along the waterfront that was not included in the LWRP is St. Columban's.
Mr. Sippel: So we are talking Lake Erie Beach, the area around Mickey Rats/Captain Kidd's and then St. Columban's. Does the area around Mickey Rat's also extend to the other side of Lake Shore Road?
Mr. Kulpa: Yes, but we did not vary from the LWRP.
Mr. Sippel: So that does include the Connors development and so forth. You mentioned during your presentation "we" quite frequently; I didn't know who "we" pertained to because I've been out of Town.
Mr. Kulpa: I apologize, I tend to use the word "we" but the consultant to the Town in working with the Town Board and with the Comprehensive Plan Committee staff. I'm not a Town employee, I'm a consultant.
Mr. Sippel: You're an employee at arm's length so to speak. Thank you very much for your time.
Chairman Catalno: Thank you.
Hildegarde Sasse Hoch, 7941 Dennis Rd., Angola: I entered a written objection that I was very pleased was read into the record and I also appreciate very much the empathy that I've heard. It's just that I find it incredible that agencies and government bureaus that you have to abide by where you have to follow through on a required approvals for, in many cases, nameless, faceless, abstract distant and even underground entities. I applaud those things but what really boggles my mind is that a real person with a real need for preservation of their environment and you don't need their approval; I just don't get it. Abstracts count, government bureaus have power, but one individual with a real problem and wanting to preserve their environment can't do it; don't need my approval. I just can't understand that.
Ms. Sellers: We have heard that from neighbors on Evans Center when one neighbor contracted with a cell tower. I don't want to say your neighbor sold you out, because he profits from it, but they were going to be looking in this area because they had to cover this area with better coverage and they probably approached 2 or 3 properties that had large expansive properties that didn't have a lot blocking it. We tried putting them along thruways, if you look around Town, around dumps, Town owned property; any place you can get in that area and give that covereage. We put one in behind Monroe Muffler. We didn't place it there, the company came in with rings as to where they had to increase coverage and then they contact property owners to see what property owner in that area will contract with them; it's really like a rental agreement for that land.
Chairman Catalano: It hasn't been approved yet at this time.
Ms. Sellers: I don't want to give her false hope. Chances are they'll get a SHPO approval and we'll have to declare a negative declaration on the environmental impact.
Ms. Hoch: It's having a big environmental impact on me and my family. I mean 70 years of owning that property, paying taxes on it; 70 years and I feel like I have no voice. I feel like the faceless person.
Ms. Sellers: Maybe your neighbor will be, I mean you can't plant enough to hide a cell tower. I don't know what the location of your …
Ms. Hoch: I wish you could see the property; it is like God's green acre

REGULAR MEETING OF THE
TOWN OF EVANS PLANNING BOARD
WEDNESDAY, APRIL 26, 2017
MINUTES
SUPPLEMENT

To correct and clarify the comment by Director Rappoccio on page 13 of the Draft Minutes:

Once a DRAFT document is listed in a Public Notice in the official local paper, the document then becomes available for the public to review at Town Hall or via the website. The date the Notice appears in the local paper is the date the document is a public document to be reviewed and commented on by the public. In this case the Draft Waterfront Mixed Use Design Standards document was made public on April 16, 2017.

Ms. Sellers: I go by it a lot.

May I please have a motion to adjourn.

Mr. Bergum: I'll make the motion to adjourn.

Ms. Sellers: Second

Vote: *All in favor. Carried.*

Chairman Catalano: Thank you for attending this evening. Good night.

Respectfully submitted by:

Debra L. Wilson
Secretary

Approved: 06/28/17

Hildegard Hoch
Exhibit 'A'

To the Evans Town Board
April 26, 2017

My sister Elizabeth Geater and I own 48+- acres. This land has been in our family for over 70 years.

Our property and the McFarland land adjoining ours, where the cell tower would be located, are open mowed fields that flow into each other with an unpaved road dividing them. It looks like one continuous landscape.

Visually the proposed placement of the cell tower would have the same effect as putting a cell tower on our property.

My sister and I would not do that because the intrusion of a cell tower is out of character with the unspoiled natural landscape.

A cell tower would depreciate the value of our property.

Therefore, Elizabeth Geater and I object to the cell tower on the proposed McFarland location.

Submitted by,
Hildegarde Lauer Hoch

Exhibit "B"

To the Evans Town Board

On Monday, April 24, 2017, Channel 7, 6 pm News presented Amherst residents health and safety concerns over small cell tower units placed on top of existing utility poles. Residents say they want more research done. One interviewed homeowner asks: "where will it end?"

Technology advances so quickly.
We have today what was unimagined a decade or two ago.

What happens to the cell towers if they become obsolete because of future advances in the next decade? Do they stand idle and rust in place?

(or)

Who would be required to pay for them being dismantled if those who put them up merge, go bankrupt or for another reason go out of business?

It must be expensive to manufacture parts and construct these massive cell towers. It would not surprise me if right now less expensive and less intrusive transmitters are being researched into existence or will be soon.