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

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

ALSO PRESENT: Roberta Rappoccio, Director of Planning & Community Development

EXCUSED: T. Catalano

ABSENT: C. Castiglia

Planning Director Rappoccio 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.

Planning Director Rappoccio: I would like to welcome everyone to the July 26, 2017 Planning Board meeting. First things first, regarding minutes from the June 28, 2017 public meeting are there any additions, corrections or questions or may I have a motion to accept them as submitted. Motion please.

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

Vote: *All in favor. So moved.*

Director Rappoccio: The first item on the agenda this evening is a:

- **Site Plan Review** – for eight (8) apartment buildings, housing eight (8) units each on a 6± acre portion of a 14± acre parcel located near the corner of Beach and North Main Street, Angola, NY. Property owners E&K Estates, LLC, SBL# 235.07-4-5. Petitioner: Metzger Civil Engineering, PLLC, 8245 Sheridan Drive, Williamsville, NY 14221

This item has been tabled at the request of the applicant. Please watch the Penny Saver for a rescheduling date. May I have a motion to Table please.

Mr. McEvoy: Motion to table approval for a site plan review; at the request of the applicant and their representative, I would like to make a motion to table the approval of the Site Plan Review until the necessary documentation has been received by the Planning Department.
Mr. Connors: Second

Vote: *All in favor. So moved.*

Director Rappoccio: The second item on our agenda this evening:

- **Zoning Amendment Recommendation** – Planning Board to recommend to the Town Board a zoning amendment for the Motor Service zoning district in its entirety to be absorbed into the General Business zoning district with all uses requiring a Special Use Permit except 'Tire, battery and other automotive parts and accessories and sales.'

History – We have some current history on the property:

- The Town, as part of the Comprehensive Plan update has determined that continuing to administer a separate Motor Service zoning district is antiquated and therefore would like to absorb it into the existing General Business zoning district.
- There are currently five (5) permitted uses under the MS zoning, three (3) of which will require a Special Use Permit.

- The majority of MS lots are located along Erie Road/NYS Route 5 and the remainder located along Southwestern Blvd./US Route 20

Interdepartmental Reviews –

- **Director Rappoccio:** No objections or comments at this time.
- **Town Engineer:** No objections or comments at this time.
- **Code Enforcement Office and Fire Review:** No objections or comments at this time.

Outside agency reviews –

- **Erie County Depart. of Environment & Planning** – we are pending the receipt of the 239M response.

Are there any questions or comments from the Board before I open the floor to the public?

Director Rappoccio: There being no further questions from the Planning Board, 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.
Greg Suffoletto, 8673 Erie Road, Angola: I am the property owner at 8673 Erie Road. I think it is a wise decision to change Motor Service into General Business as it will definitely help development in the Town which I think is clearly needed in the past 6 months or so; I am definitely in favor of it as a resident. Thank you.
Mr. McEvoy: Thank you.
Director Rappoccio: Is there anyone else who wishes to speak? There being no comments from the public, I will close the floor and bring it back to the Planning Board for further questions/comments. Are there any further questions or comments from the Planning Board?
Ms. Sellers: No, but I want to make sure that the gentlemen who just spoke understands if you currently have a Motor Service you are grandfathered in. If more than 50% of your property is destroyed by fire, you take it down and you want to rebuild more than 50% you would have to come back and get a Special Use Permit, you would not be grandfathered in under the old zoning law. But, you would automatically be eligible to do any of the other businesses that are in General Business. That's why there should not be an issue for people who are currently in Motor Service zoning district.
Director Rappoccio: Thank you Anne. There being no further comments from the Planning Board, may I please have a motion to recommend approval to the Town Board of a zoning amendment, whereas the Motor Service zoning district in its entirety will be absorbed into the General Business zoning district with all uses requiring a Special Use Permit except 'Tire, battery and other automotive parts and accessories and sales.' May I have a motion please.
Mr. Bergum: I will make the motion. Having reviewed and discussed the proposal, I would like to make a motion to recommend approval to the Town Board for a zoning amendment whereas the Motor Service zoning district, section 200-22 of the Town of Evans Zoning Code, in its entirety be absorbed into the General Business zoning district with all uses requiring a Special Use Permit except 'Tire, battery and other automotive parts and accessories and sales' for the following reasons:

- The action is consistent with the Town of Evans Comprehensive Plan
- The action is not expected to result in any significant adverse impacts.

with the following condition:

- Planning Office receipt of the Erie County Department of Environment and Planning 239M Zoning Referral response.

Mr. Pinter: Just for clarification, it is Section 200-22 of the Town's Zoning Code.
Mr. Bergum: Gotcha'

Mr. Pinter: I'll second.

Vote: All in favor. So moved.

Director Rappoccio: Next steps:

- The Planning Office will send a letter to the Town Board notifying them of our decision and recommendation here this evening.

Thank you everyone for attending our meeting this evening. May I please have a motion to adjourn.

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

Vote: All in favor. So moved.

Director Rappoccio: Good night everyone.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 8/23/17