SPECIAL SESSION MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, MAY 10, 2017

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

ALSO PRESENT: Roberta Rappoccio, Director of Planning & Community Development
Molly Vendura, Clark Patterson Lee

EXCUSED: C. Castiglia

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

Chairman Catalano: I would like to welcome everyone to the May 10, 2017 Special Session Planning Board meeting. Thanks for coming in.

There is one order of business that I want to clear up with the Board before we get started and that has to do with our voting members. I know an email had gone out to Mr. Connor's about voting and recusing you from voting on the project because of Connors Restaurant and where it sits with this whole…

Mr. Pinter: I'm sorry, say that again.
Chairman Catalano: About the voting members, recusing somebody from voting on the project. Not participating and speaking about it or asking questions, but just on the voting of it because the parcel in question is part of the project.
Mr. Pinter: So something went out to Mr. Connors on that?
Director Rappoccio: Uh huh, you all got it.
Ms. Sellers: Are you a part owner in the project?
Mr. Connors: No.
Ms. Sellers: You're not a part owner of the property
Mr. Connors: No.
Mr. Pinter: We all got something?
Director: Yes, I think so.
Mr. Pinter: We all got it?
Director: You all got that email.
Mr. Pinter: I did not receive that email.
Mr. McEvoy: Neither did I.
Chairman: You didn't get it?
Mr. Pinter: No, this is the first I've heard of it.
Director: Okay, hold on.
Chairman: I know it had gone out, I thought it was a 'blast' email. I know I got it.
Director: I did think it was a 'blast' email.
Chairman: Anne, did you get it?
Ms. Sellers: I'll have to check my email.
Chairman: That's what it has to do with. I'm just going to go back and talk about…
Ms. Sellers: It's his relative's property, it's not his.
Chairman: I know, I know. I'm just going to go back to when I use to sit on the Board of Assessment Review for the Town when they did the big Town reassessment. I am a licensed real estate appraiser; so when people would come in and challenge their assessments, sometimes those assessments were challenged by other appraisers. I could sit on it and I could talk about it and I knew those appraisers because I had trained a lot of them, but I could ask all

my questions and I could discuss everything, but when it came time for voting I would always recues myself from voting; only because I didn't want to give the impression or anything to say that even though I didn't have a financial stake in those deals, I didn't want it to look like I did. That's the only reason. I had thought about this after our last meeting and thought I should at least bring it up and get the Board's feelings on that, and your feelings on that. I know you're not an owner and I know it's not your property; I totally get that, but strictly from a resident's standpoint of the residents in the Town. I have no problem with you asking the questions or participating in everything that goes on, until it comes to the vote. I don't want to give anybody something to say like "isn't that somebody's property in the family"; I don't want to give anybody that excuse regardless of how the Board votes going forward. It's really only for this project. Just like if it was any of our family's property in these particular zoning areas. I just think it's important that we get it out there and we see how the Board feels about that.

Mr. Connors: I have no problem with that and as we discussed in the email, I told Roberta I'd leave it up to the Board. As someone who is, I wouldn't say affected by this, because I would be affect by the property across the street as a local resident. I think as a Board we can make a decision and if the majority of the Board feels they would be more comfortable if I don't place a vote on this I would have no problem with that. I can assure you that being someone who just went through a building project on the property that this affects and seeing what some of the new stipulations and rules that this is calling for, I guess I would have first-hand knowledge of that and could make some comments as to what was smooth and what was not.

Chairman: That is why I would never ask you not to comment, I would never ask you not to participate.

Mr. Connors: So that's not a problem, but as far as…

Chairman: It's just at this final stage I don't want to give the message to the general public that; oh you know, like insider trading or whatever they want to call it. I just want to keep the Board as neutral on the voting side as possible, but I want your knowledge for the Board. I like that you ask questions and that you participate and that you read the material, so I have no problem with any of that. It's just that last piece on this particular project, not on…

Mr. Connors: I understand. Just for the record I don't have any voting authority, stockholder, ownership; I have no written or unwritten policies or ties to that property, other than some of that property in question is owned by the family at large. With that, I think that I could vote with clear conscience to do so. But again, if the majority of the Board feels uncomfortable with that or has any other doubts or reasons that they don't want me to, I will support that.

Chairman: I just happened to think about it after our last meeting and I thought everybody got the 'blast' email.

Mr. Connors: Not a problem. I understand.

Director: You know what. I think I did send it to you Ted because I wanted you to approach the Board.

Chairman: Okay.

Mr. Connors: And I just hit "Reply All" when I submitted mine.

Director: Yes, and it went to Ted and the Supervisor.

Chairman: So, I don't know how you guys feel about this or what you are thinking; that was just my feeling. That is just where I'm coming from. I don't want to give anybody an excuse to say we have an 'insider' on the Board on this particular project, because we don't. I'm not saying he would vote one way or the other for any of those reasons; I just don't want to give anybody any ammunition against the Town or against the Board.

Mr. Pinter: What would consider him being an 'insider?'

Ms. Sellers: It has its history, he's related to the owners.

Mr. Pinter: To the owners of the property that's being affected.

Chairman: There are only 3 parcels I think being affected, right? There are only 3 sections.

Ms. Sellers: But in general, it's a huge project.

Chairman: Yes it is, absolutely.

Director: The technical term is the 'appearance of impropriety.'

Chairman: I just wanted to bring that up and get it cleared up before we move forward. As far as participation I have no problem with that at all. I participated on the Board of Assessment Review; I just stepped away when it came time to vote.

Mr. McEvoy: Who made the request that Mike step-down?

Director: It wasn't a request for him to step-down.

Mr. McEvoy: Well, who made the suggestion?

Director: I did.

Mr. Pinter: Who sent the email?
Director: I sent the email.
Chairman: But I thought about it after the last meeting.
Director: It was a discussion between Ted and I.
Chairman: And I thought about it after the last meeting and thought we should at least discuss it.
Mr. McEvoy: I've known the family for as old as Michael is, do you want me to step-down too? Because there are other people on this Board who have known him that long too.
Director: It's not about that.
Chairman: It's not about knowing the family, it's not about that.
Mr. McEvoy: Well then it shouldn't be a question.
Chairman: Well, okay. Does anybody else care to comment?
Mr. Pinter: I've got no problem with it at all but again I do have an issue, and I apologize Roberta, but I couldn't tell you how many times I've been told I was cc'd an email or I was given documentation on some Planning Board matter, when in fact I wasn't.
Director: No I was mistaken; I did not send it to you.
Mr. Pinter: Correct. This is not the first time this has happened in the last couple of months. I'll just leave it at that.
Mr. Bergum: I'm fine with him voting.
Ms. Sellers: You know, I realize it has the appearance of impropriety because of his name, if it was his wife and it was a Connors and he was Smith, we probably wouldn't have mentioned it. I really don't have a problem with his voting because of his name. I think it should be his decision whether he recues himself or not.
Director: It is his decision; it's not anyone's decision but his.
Ms. Sellers: It doesn't bother me, but I think if you feel you should recues yourself you should, but if you don't feel that you should, I don't think that it's my call.
Director: Our legal counsel is here if you want to ask them too.
Mr. Connors: At this point I don't feel it's needed. Can I hold decision until we are voting?
Director: No, you need to make your decision.
Mr. Connors: Ok, well I have no problem voting on this. I believe I can do it with a clear conscience.
Mr. McEvoy: Who else was cc'd on the email?
Director: Jen Farrell, Town Counsel; the Supervisor; Ted and myself.
Mr. McEvoy: So this was an internal Planning Board question, then why were the Supervisor and the Town Attorney cc'd on this?
Director: Because it's a Town issue with the Town Attorney and I always 'cc' Mary (Supervisor) on everything pretty much. It wasn't anything underhanded or anything of that nature if that's what you're worried about John.
Ms. Sellers: I guess we're all; I don't want you to feel attacked, but we were all a bit surprised, that this was now an official meeting and not a Work Session.
Director: No, that shouldn't be surprising at all.
Mr. Connors: I didn't make mention of this to anybody; that I got an email. I didn't think that it was that big of a concern but I understand the concerns of the Board now.
Chairman: I understand it because I sat on the Board of Assessment Review when the Town did the reassessment and I know what I went through.
Mr. Connors: Actually, I think as the Chairman you'd be negligent to have that concern and not bring it up, so I understand.
Chairman: This is totally your decision; I'm not telling you one way or the other. Okay so,

The only item on the Planning Board's agenda this evening is a:

- Rezone - Tabled from 4/26/17 – To recommend a new zoning designation: Waterfront Mixed Use (WMU) for the purpose of rezoning properties currently zoned Neighborhood Business (NB) within the Local Waterfront Revitalization district, as well as designated areas located along Route 5.

<u>History</u> – A little bit of history on the proposed project;

- The Town had 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.
- The rationale for the waterfront mix use rezone comes from the Town's approved and adopted Local Waterfront Revitalization Plan. The plan called for a specifically mixed use zoning along its waterfront business districts. The NYS Department of State approved this action as part of the Town's responsibility to create a viable, economic district along the waterfront.
- At the 4/26/17 Planning Board public meeting Mr. Kulpa from Clark Patterson Lee presented a PowerPoint presentation in regards to the aesthetic, character, quality and content of the Waterfront Mixed Use Zoning designation to the Public as well as the Planning Board. After comments from the public and further discussion by the Planning Board, the Board decided to table their recommendation to the Town Board allowing time for further clarification and review.

Reviews – At this time

- **Planning Director Review** – Roberta, do you have any objections or new comments at this time?
  - I stated my comments on the document at our last public meeting. I'm still, pretty much, impressed with the document. It's not perfect and we can hash that out today for any questions people may have, but other than that I have no comments.
- **Town Engineering Firm** – Is not in attendance.
- **Code Enforcement Office and Fire Review** – Paul Ryerse s not in attendance.

Director: I'm sorry, I have one more comment. Today we have Molly Vendura from Clark Patterson Lee who is here to help with any questions or comments we might have from the Board.
Chairman: Are there any questions or comments from the Board before I open the floor to the public?
Ms. Sellers: I think we should go through the document section by section because I think everybody has comments on different sections. I'd be willing to start with that very first page with the introduction where we describe the district. We're talking about Lake Shore Road south of Lake Street, north of Iroquois and the Evans Town Park. There is not a mention of the Columban Retreat House property in Derby, but that is to be included.
Ms. Vendura: Item #3, 6892 Lake Shore Road; that is St. Columbans.
Ms. Sellers: I'm sorry, where is it?
Mr. McEvoy: Paragraph below the bullets.
Ms. Sellers: Oh okay, I see it. Maybe we could specify that is Columbans or should we not identify the properties?
Chairman: I don't think we should specify it by name because it's up for sale.
Ms. Sellers: With the description with historically, I guess the Columban Retreat House is a little different from the seasonal resort community because it was a religious retreat center and religious groups have actually had residence there year round; retreats are not seasonal. So, I don't know if you want to add a little something there to describe the second property; former religious retreat home used by religious groups and the Catholic community. Just because it is so different; so unique.
Chairman: My comment on that is, they are talking about the whole neighborhood not just Columbans, so historically that neighborhood was a seasonal retreat basically for summer homes, but I understand what you mean with the Columban House.
Ms. Sellers: The Columban House is different.
Mr. Pinter: May I ask a question on that? Why are we including that property now, because it is for sale and because it's on the waterfront?

Ms. Sellers: Because it has a single-family residential zoning and the main structure is not conducive to single-family residential.
Mr. Pinter: How is that different from the St. Vincent site on the Lake Shore Road?
Ms. Sellers: Actually that site might be one we would add at some point.
Director: Yes, we could add that one at some point.
Chairman: It's not up for sale, or it hasn't been sold and we haven't gotten any development.
Ms. Sellers: It probably won't sell before Columbans.
Mr. Pinter: St. Vincent's is up for sale. So have we had more progress on the Columban site?
Director: Yes, it is under contract.
Mr. Pinter: So it's under contract?
Director: Yes, St. Columbans is, yes.
Mr. Pinter: But we haven't heard anything about St. Vincent?
Chairman: No. We can always include that parcel.
Ms. Sellers: We can ask for a rezoning to this zoning once we have it established.
Mr. Connors: Is that Recreational Facility? Is that blue; St. Vincent's.
Director: It might be.
Mr. Pinter: To the left of Big Sister Creek must be St. Vincent. You see where the creek comes in? Do you see the blue line, Big Sister Creek there? To the left of it is Bennett Beach I'm guessing, so to the left of that, or south of it, would be St. Vincent I'm guessing.

After further discussion and review of the zoning map, it was determined St. Vincent's is zoned Recreational Facility.

Mr. Connors: Well, if that's Recreational Facility it's better than Residential; to answer your question about St. Vincent and as to why we're not changing that right now.
Ms. Sellers: I think the most important thing is to get a district set-up so that people who apply for rezoning have a rezoning to apply for. Right now St. Columbans doesn't have a district to apply for that would suit anything that they could do there.
Mr. McEvoy: If somebody did buy it they could request a rezoning.
Ms. Sellers: They could request a rezoning, but what would they rezone to if we didn't have this mixed use set-up? They could rezone to multi-family residential, they would have to look at apartments or something.
Mr. McEvoy: Going back to the definition here; it says "the Waterfront Mixed Use District is established to support the goals of the LWRP through integrated design approach with the following purposes: to regulate development, emphasize the physical form and character of the place, to enhance and encourage greater access to the waterfront"...that we should keep in mind as we move forward through the rest of this.
Chairman: Absolutely.
Mr. McEvoy: It goes on to say "to foster the opportunity to enhance the diversity of uses of which is suitable for the lakeside Town. Development should assist in enhancing a waterfront character through compatible architectural styles, elements, details and materials. This includes site elements that are integral to complete systems." Then it goes on to say "Encourage the appropriate design, scale and mix of development, to promote the creation of a continuous, pedestrian-friendly mixed use center. Preserve, enhance and build upon assets of the local and regional history." Those items we have to keep in mind as we look further on in this document, the size parameters.
Ms. Sellers: I was just going to say the scale is going to be a question.
Mr. McEvoy: The scale is much larger than what it used to be.
Director: Do you want to address the scale right now or do you want to keep going through the document?
Mr. McEvoy: Let's keep going through the document – we'll get to that.
Ms. Sellers: Ted, do you want to lead us here.
Chairman: Go ahead, you have the floor; you have the questions.
Ms. Sellers: Does anyone have anything under 200-20.1A(1) or (2)?
Chairman: 200-20.1A(3) Conflicts and Compliance with Other Regulations; questions or comments?

200-20.1A(4) Applicability, Review, Approval and Permit Process; any questions from the Board or anything?
Mr. Bergum: I have one question. So if they are following the guidelines, do they automatically get the permits? Does the Planning Board automatically approve it? What happens if condos go in the whole lakefront and there's not commercial property at all?
Director: That wouldn't meet the criteria.
Mr. Bergum: It says its "recommended" that it's both. Do you see what I'm getting at? Recommended is not clear versus saying it 'must be.' So that's my concern about the whole thing.
Ms. Sellers: I think these are restrictions. These are design standards and restrictions.
Mr. Bergum: What I'm saying is though the first floor has to be 14-feet, why would I build condo 14-feet? That's my problem.
Ms. Sellers: When we get to that I think everybody has issues with building that first floor 14-foot high on the lake side. Is that really fitting in with the character of that neighborhood?
Chairman: Well, we're trying to change some of that. Fourteen foot high ceilings are basically what you would see in commercial development; that's what you're going to see. You're not going to see it in residential development.
Mr. Bergum: I'm not trying to deter it, but we can't make a restriction that says it has to be Commercial?
Director: It is saying that.
Mr. McEvoy: It says the first floor has to be Commercial.
Ms. Vendura: You could have some Townhouses on a site that were completed residential but what the idea is, is that you would have at least some Commercial on every site.
Mr. Pinter: Commercial isn't just retail though, right? It could be a commercial office or something.
Ms. Sellers: It could be like a conference center for the Columbans. Ted, isn't 14-feet for Commercial more than we need for a little Town?
Chairman: Well, it discourages it from the whole building being a Townhouse because your costs are higher. You don't want to make that a Townhouse building. When developers come in and they see that the first floor has to be 14-feet right away in their mind it's going to click that will have to be Commercial space, whether it's an attorney's office or retail, or something along those lines; beachfront shop when they see that. They do not want residential to have those high ceilings on the first floor. I'm not saying they won't, but they don't. The sites aren't big enough so with the limited sites we're looking to get approved here it's really going to be Commercial on that first floor if they even put a second floor in. It's going to be Commercial on that first floor; cost wise, it's the only thing that makes sense. I'm not saying it's definite, but that's what makes sense to developers and I work with them most every day.
Molly Vendura, Clark Patterson Lee: I have a comment about that from a design standpoint. Some of the reason behind 14 feet for the Commercial space is to help distinguish from residential above, if it's a Mixed Use building. You're making more of a distinction between your floor that is Commercial and then your residential floors above. It gives you room to have some architectural treatment like you see on storefronts above the window; some nice wide molding, a place to put some signage or some awnings and that and it also encourages bigger windows in your storefront. We're trying to maximize the transparency between the Commercial space and the street space to make it active for pedestrians.
Ms. Sellers: I understand that, but is it more practical in a little country town if we have Commercial on that site to expect it to be that expensive? Is it doable? I mean it sounds great but do we see that for the future?
Chairman: We don't see anything right now. We see nothing right now. There's nothing there and there's no development coming in here, there's nothing now. We're hoping to see it, that's the whole idea.
Ms. Sellers: I understand that but are we tying our hands, for…
Mr. Pinter: There's no development coming in where?
Chairman: I'm saying right now it's not developed.
Ms. Sellers: …development along the non-lake side that could have maybe small businesses that wouldn't build that expensive. Are we tying our hands?
Chairman: I don't think the parcel is…

Ms. Sellers: It's a small parcel, I understand that.
Chairman: ...acres and acres and rows and rows and rows of streets. These parcels are not that big and you have to start to spur some Commercial development because it takes pressure off of the homeowners.
Ms. Sellers: I understand that, but are we encouraging or are we discouraging it by making it more expensive to develop there because it's already Neighborhood Business and zoned for Commercial use, correct? Isn't it all? Mike, isn't the property there totally Neighborhood Business, right down to the water?
Mr. McEvoy: No it isn't.
Ms. Sellers: Is it Single Family Residential?
Mr. McEvoy: Part of it was the church property.
Mr. Connors: That's Neighborhood Business.
Mr. McEvoy: Oh, that's Neighborhood Business now?
Mr. Connors: As we said before, Columbans isn't.
Ms. Sellers: No and Columbans I'm not worried about having them held to those new standards. But I'm wondering about that property by the Hot Dog Stand.
Ms. Vendura: The parcels by Mickey Rats that we are applying these to, are all currently zoned Neighborhood Business. The ones down by Lake Erie Beach are the Lake Erie Beach Commercial Overlay District.
Ms. Sellers: So there really is no chance of residential development going in there anyway. That's why I'm asking are we cutting off our nose to spite our face? Are we discouraging commercial business under neighborhood business requirements by making the commercial development on the non-lake side that much more expensive? Are we encouraging it or discouraging it?
Chairman: We're encouraging it with what I call controlled growth. By us doing this now it's allowing us to control the size, the heights of those buildings.
Ms. Sellers: I understand, but do we want that height?
Chairman: Absolutely, because we want the signage and we want it to be separate from residential.
Ms. Sellers: I agree with all that but you know I see a lot of little recreational areas that have lots of little shops and offices, including attorney's offices and real estate in a smaller scale. How do you feel about this John? You know this neighborhood better than anybody.
Mr. Connors: What would you recommend? What if it was 10 feet or 12 feet?
Ms. Sellers: What if it was 10 feet and would it be more affordable for that type of development. I don't see....
Chairman: Now you're looking at smaller windows, smaller signs...you're shrinking everything.
Mr. Bergum: The thing I would say about that is it's been that way for how long and they haven't come, so why do you think it will come tomorrow? That's the only thing I have I can say to that.
Ms. Sellers: I don't think either of it is going to come tomorrow but I'm thinking long range what is really going to help development in that area?
Chairman: I think that by laying out a design like what is written; "Encourage appropriate design, scale and mix of development to promote the creation of a continuous, pedestrian-friendly mixed-use center.
Ms. Sellers: I like that, I'm just addressing the scale is that encouraging small neighborhood like development or is it going to be cost prohibitive and discourage it?
Chairman: We won't know until we get a developer in front of us. But by allowing the 14 foot height, that's where we start – let's see what happens.
Ms. Sellers: Does anyone else have any thoughts on that 14 foot height?
Mr. Connors: I guess the height doesn't really bother me; 14 feet gets eaten up pretty quick with windows, signs etc. The height of the second story is not going to be...
Ms. Sellers: I know it is standard for commercial use, but I'm wondering if in this waterfront district on the non-lake side, if it is the wisest thing to do.
Mr. Connors: The max is 50-feet, right?
Mr. McEvoy: To the bottom of the eave.
Ms. Sellers: Which is fine because then it gives you room for residential above it.

Ms. Vendura: I have one comment, referring to the non-lake side that is actually the side where you are going to develop your pedestrian streetscape. The waterfront side; those buildings are encouraged to be facing the water. So this 14-foot first floor height is really relevant to the non-water front side where you are trying to encourage this pedestrian streetscape and the transparency between the building fronts and your sidewalks, where you're hoping to have more activity.
Ms. Sellers: Well, if no one else thinks that it's a problem then we should let it go.
Mr. McEvoy: If we rezone this and the developer that is buying Mickey Rats decides he wants to put condos in there and no first floor, he can't.
Director: He can, as long as there is another piece on that property that's commercial.
Mr. Connors: What if the first floor is parking and he's charging his residents to park there. Is that considered commercial?
Mr. Pinter: Which I just saw a building like that; sure it is considered commercial.
Mr. Connors: In other words, is that a part of the use? It is multi-use, right?
Ms. Sellers: Parking under condos is not uncommon. I don't know that the parking is considered commercial since it is part of the residential development. If it's parking for the condos they are not going to be charged; it's parking for the residents.
Chairman: Even in the low-end condos, even in the $70,000 condos in Amherst, those spots are assigned.
Ms. Sellers: What kind of bothered me was under (e) under 200-20.1A(5) "Promote multi-story buildings to improve the corridor's urban form and street presence; I just don't see that here; encouraging an urban form, but I'm not against commercial development in that area.
Mr. Connors: I think this goes back to when Brian first did his presentation. Nothing against Brian, but when you look at the Lake Shore Road corridor, we're talking about 16 weeks tops, if that, of traffic…of people. We all know, we go down to the Town Park in November and it's a ghost town. And I commented on this too Anne, this urban form; I don't picture a little Williamsville or Orchard Park in that little corridor. I don't ever picture the streets…
Ms. Sellers: And not that we don't like it.
Mr. Connors: It would be great, I just don't know if…
Ms. Sellers: I remember the little gift shop that used to be on the other side of the hot dog stand and they opened it for 5 months of the year. They tried it; they had Christmas stuff and they tried everything. I realize when they closed there were some health concerns. But I'd go down there to buy things, try to keep them going and they were struggling. It was a very limited season.
Chairman: If the project is done right and the right developer comes in and we do have residential on that second and third floor, those are year-round residents and as they move into the neighborhood and people see that development, you are going to see more things come in. Seasonal businesses are going to be able to survive for a much longer period of time; that's the whole goal here, to get more year round residents. If you watch what's happening in the city of Buffalo, how it's exploding, and the city of Buffalo is on fire now everywhere. I can sell a house anywhere in the city in a day. People are coming to the city of Buffalo and now they are starting to look at the suburbs because it's very easy to get here from there. We are going to see that growth reach our Town. I know it sounds crazy, but I saw 15 years ago starting to hit the city and it's there now and it's now hitting Hamburg and it's hitting Lakeview and it is going to come to our Town. So yes, we're hoping to have these shops year-round, I don't want to see them seasonal either, I'd love to see them year-round. But in order to do that you have to have also the residential come in with the businesses. It's a start, it's something. I'm not saying it is developed or there is a developer here but it gives them the opportunity to be here. This is how I'm looking at it.
Ms. Sellers: I just want to make sure we are not hindering development, but rather helping it.
Director: At this point we have to look forward and we have to try and entice people to come to develop here. Sort of that 'develop it and they will come' type of mentality but at the same time, the small scale isn't going to keep people here year-round. I've talked to the school district, they're losing students; we need more population.

Number one, we don't have the housing for them, so we need housing and then we need the services to go with that housing.
Ms. Sellers: Believe me, I'm not against that but Orchard Park is losing student too, they don't have enough homes and houses are getting multiple offers and they are going fast and if it's a good house, fairly priced. I just want to make sure we're not hindering development.
Mr. McEvoy: Do you know how many homes are for sale around here? Just a ballpark figure? If you travel around you see 'For Sale' signs everywhere.
Chairman: It depends on the type of person looking to buy. I carry three licenses in New York; I sell houses, I insure them and I appraise houses. So I have clients that are looking right now in Hamburg and can't find any. If you're in the $100-$150,000 price range those houses are flying off the market.
Ms. Sellers: And if you're in the million dollar price range on the Old Lake Shore Road, they are sitting for years and you're paying big assessments and they are selling for small fractions of that.
Chairman: So they are selling quickly if they are structurally sound and if they are priced right, so there are not a lot of houses for sale in the Town of Evans vs Eden. But in Evans, for our Town and the quality of houses that we have, a good quality house will sell quickly here if it's priced right. We have to start to entice people to cross over that 18-Mile Creek Bridge and get to our Town. There is a block there at the bridge; people get to Lakeview and say "I'm not crossing that bridge." We need to start to spur some development if we can get these projects off the ground and allow a developer to come in here.
Ms. Sellers: Well, your words are incorrect. It's not that we are not allowing them. We would have liked Colucci's project to go and this Planning Board worked so very hard on it. It had nothing to do with discouraging anything.
Chairman: It's the builders, getting the developers to cross that bridge.
Ms. Sellers: Does anyone have any objections then to the Design Objectives?
Mr. Connors: Just one, on letter 'H' encourage shared parking facilities. I think of shared parking as two businesses that come into agreement to share the same lot. I just don't know how that would work. Maybe I'm looking too forward, but what about snow removal and maintaining of these lots…
Ms. Sellers: Well, we discussed this with Brian, remember? We said we had a parking problem down there in the summer and we don't want to make the roads that are so jammed on the 4th of July be the standard every weekend. In the past where we'd have a restaurant and it would have the capacity to hold so many people, we'd have so many parking spots. If there's a hairdresser shop next to it and it's the same parking lot, I think that you can make some adjustments, because she's not going to be cutting hair at 11pm or midnight when the bars are hopping. That's Special Permit in here shared parking, right? It's allowed with special permit? It's an objective here, but further on in off-street parking requirements it states: "The Planning Board may approve the reduction in the number of off-street parking spaces required in §200-27 for a site by up to 25% in order to encourage shared parking, minimize the about of impervious areas on a site, promote mixed-use developments and encourage the walkability of the area." So we may approve, but we also may not. If it's businesses that are running at the same time we may not allow it in those situations.
Chairman: That would be at our discretion. We are going to encourage it.
Mr. Connors: At no point would the Town take ownership of a lot because we don't own the property. That brings me to a question like when it comes to parking one of the bigger complaints that I hear is people that go to the park, there is no parking on the beachside of the Town Park and you certainly don't want to take the aesthetics of the green space away, but I guess when we're talking about parking and shared parking it may be something the Town would want to look at; to incorporate some parking on the beachside of the Town for the people that rent that. Because you have to go under that tunnel and you've got to come up that tunnel.
Mr. Pinter: The last time we rented that side, there is some parking but its only good for about 7 or 8 cars and the gates aren't always open.
Ms. Sellers: There are areas when we are approving new development that we will insist on more parking and there will be areas where we may approve a reduction with shared parking.
Chairman: It gives us that leeway as a Board when they come in front of us.

Ms. Sellers: Those are areas that are tight, but I don't like Brian's idea that parking problems are a sign of success. He said he goes into Williamsville at those stores and people complain about parking but they're full. That's nice, but this isn't that situation. I think when you have narrow rides coming through a beach district you have to be very aware of the safety issue with too many parking problems.
Chairman: Absolutely. Go look at Wilson and see what's happening there during the week and all summer long. Are there parking problems? Absolutely, that community is similar to ours. But this as a Board gives us some say when they come in front of us about the parking. I like the fact that this is in the document.
Ms. Sellers: Does anyone else have a problem with any of the lists? We usually don't have a problem with permitted uses.
Mr. Connors: Thirteen; churches?
Chairman: Churches are actually allowed just about anywhere.
Ms. Sellers: They are allowed in residential zones; churches and synagogues and any place of worship are kind of a protected thing in New York State.
Chairman: Just so everybody knows what we are talking about; "The following are permitted uses for the Waterfront Mixed-Use overlay district and shall apply to above and beyond these uses permitted in the underlying zoning districts. Churches are in that list.
Ms. Sellers: And a lot of little businesses prohibited uses are drive-thru establishments, motor or recreational vehicle or heavy equipment sale, rental, service, washing or storage; gasoline stations or pumps; warehousing or storage facilities; wholesale establishments that are not open to or do not offer sales to the general public; laundromat, dry-cleaning and dying outlets and pickup station and private parking lots (as exclusive or primary use) so…
Mr. Connors: Just to go back to the permitted. I guess if we could go over the big ones.
Ms. Sellers: It's exactly what we're looking for; upper layers residential and you have commercial on the ground floor.
Mr. Connors: So, number 34 "Building Mixed Use with dwelling units located on upper floors only; again, it would have to be on the second or subsequent floor and the building height is 50-feet to the eaves.
Ms. Sellers: Now, when you're talking about some place like Mickey Rats where they have one building commercial, that doesn't mean that the other building unit can only be residential on upper floors, I presume…we're sure we have that correct in here?
Director: Right, what happens there is as long as there is an establishment on the same lot that is a commercial establishment, they can have residential on the same lot.
Ms. Sellers: Where does it say that, because I didn't see it? It might be in there, but I didn't see it.
Mr. Pinter: It doesn't.
Director: If you have one parcel, it has to be Mixed Use; so any one of the parcels, as long as there is a commercial use, then there can be residential.
Ms. Vendura: I don't think it says that right now but Brian mentioned to me today that he'll make sure that it says that.
Director: Okay.
Mr. Connors: Number 35; Dwelling, Multi-Family, which would include…is that just for condominium?
Ms. Sellers: So that would be like a condo, where you might have a unit on the first floor and a unit on the second floor.
Director: Townhouses, condos.
Mr. Connors: Again, so that is permitted a duplex at Mickey Rats is permitted.
Director: As long as there is Commercial on the site, yes.
Mr. Pinter: They could put 20 duplexes on that site.
Mr. Connors: The issue is its Commercial but what is the attraction? What is the tourist incentive?
Director: That would be like a restaurant, a hotel, a bar; that type of thing.
Mr. Connors: If they do put 20 duplexes on this site, what's the reason to have the boats pull-up? Are people allowed to bath on the beach anymore? Are we going to get people to come to the lake or the beach?

Ms. Sellers: Well the beach is protected.
Mr. Connors: My point is how do they get to it? Can those townhouse residents say you're not allowed on the beach?
Ms. Sellers: There is access to the beach.
Mr. Pinter: Is that not owned by the property owner in front of Mickey Rats?
Ms. Sellers: Not past the high-water mark.
Mr. Pinter: I think they own quite a bit.
Ms. Sellers: They can probably justify some of it being a private beach, but it's the high-water mark. There are still a lot of public beaches.
Mr. Pinter: But you can't prevent people from walking across but they can prevent…
Ms. Sellers: No, we've already been through the fencing fights in Town. But you are right; a majority of it can be in private ownership with condos and townhouses with this alley that they are showing for public access.
Director: This is just a concept plan; it is not what it is in any way.
Ms. Sellers: The developer will have to show us…
Mr. Pinter: Do we have any plans on what is being proposed there?
Director: The last plans I saw were probably last summer in August.
Mr. Pinter: Are we privy to that at all to give us a better understanding as to what's being proposed in that lot since it has already been sold?
Director: It's just concept and it's Mixed-Use with a hotel.
Mr. Pinter: This is a concept from our Town Engineer and it would be nice to see the concept from the developer that just purchased the property to give us a better idea of what we are rezoning.
Director: It wasn't public, no. It was given to us last year and it was just them showing us their concept.
Ms. Sellers: Is there anything in this law that I am not seeing that says what the dimensions of the public access have to be?
Ms. Vendura: No.
Ms. Sellers: Because this is very clearly set in areas in Grandview Bay, where the Stevenson's had these alleys going down and even with those being very clearly set and delineated, we have issues sometimes of property owners thinking they can take something over; a lane. Now the lane is not taxable to the Town from property owners on either side. In Derby, they made the mistake of telling people on Belle Heights, across from the property that had been Flaherty's and now has new owners that all of those people had access to the lake but the two property owners on either side are paying the taxes on it. There was not access down to the beach and these property owners don't want to be forced to let people go on their property and be liable. So, I think if you are going to have public access, we have to put some provision in the law that says the public access belongs to the Town, that the private developer has to give up something…
Mr. McEvoy & Mr. Pinter: A right-of-way.
Ms. Sellers: Yes, a lane, a right-of-way and if it has to be 8-feet wide or some specific width. How wide are they in your area Mr. Sippel?
David Sippel, 368 Lakeside, Angola: They vary some are 10-feet wide; others are 60-feet wide.
Ms. Sellers: So, if these are pedestrian access it's not meant to drive boats or beach vehicles down to the beach or something.
Mr. Sippel: The wider lanes are for emergency vehicles, boat launching, and fire protection. Lanes are privately owned they are not for public use.
Ms. Sellers: No, they are not for public use but they are not owned by those homeowners on either side. They are owned by the bay association.
Mr. Sippel: They are owned by Evans Land Corporation.
Mr. Pinter: Mine are owned by the association.
Ms. Sellers: Yours are on Roat too. So, some place in this law we have to have the establishment of the public access. It has to be owned by someone, even if it's the Town of Evans; or people will not have a guaranteed use if we don't see it in the law.

Director: So you want us to put in for public access so that a percent of the property is public access and that will be the right-of-way for the Town or whatever.
Chairman: A right-of-way so there is guaranteed public access.
Ms. Sellers: For anybody, not just residents. If you come in on your boat and you want to walk up and go across the street to whatever, a hot dog stand or whatever else might be; people's cottages or whatever. We have a whole cottage area behind the park.
Director: We have to keep going just because the time that it is.
Mr. Pinter: I have a question on the area requirements. I may have missed it and I apologize if I did, but is there a percentage of the land that can be developed with buildings on these properties?
Ms. Vendura: No, that kind of gets shaken out once you get all your set-backs taken away and your required parking.
Mr. Pinter: In past times we've said you can develop this area with up to 60% and leave certain space for green. There's no provision for that here?
Ms. Sellers: In this area that wouldn't work.
Mr. Pinter: No, I understand I'm just using that as an example.
Ms. Vendura: Area coverage is not in this.
Mr. Pinter: So in theory though, if the rear, side and front setbacks are adhered to it could be one huge building in a middle of a lot that just has a perimeter around it.
Ms. Vendura: Well, you'd still need the parking too and there are always requirements for pedestrian sidewalks, walkways and connections. Once you subtract all that out, you have what's left for the building.
Mr. Pinter: My worry is we're going to negotiate parking later, or a reduction if we want, and that's going to be up for negotiation on the off-street parking requirements.
Ms. Sellers: Actually neither of those sites in the current law is conducive…
Director: We do have a maximum building coverage; it's 15,000 gross square feet, so you are at maximum. There are very few sites that are large enough to accommodate that at this point.
Mr. Pinter: That's per story, per building though, right?
Director: Yes.
Ms. Vendura: Sometimes it gets tricky because when you over-dimension something when you're doing plans to build something, you don't have to dimension every little thing because at some point you're just left with what's left. What I'm saying is we could put in all these setbacks and all these parking requirements and walkways, and then also say you can only develop so much percentage of the site, but it gets tricky to try and figure out if that's even going to make sense. It depends on your site what's going to be left when you take all these sidewalks and setbacks. A larger site is going to have a larger percentage left than a smaller site.
Mr. Connors: Obviously that parking lot across the street is neighborhood business right now, for Captain Kidd's; that's incorporated in this.
Director: Yes.
Ms. Sellers: Parking isn't the primary thing, it's not a standalone parking lot, it's attached to the business.
Mr. Connors: Right now it's a standalone parking lot.
Mr. Pinter: Across the street is, yes.
Ms. Sellers: Isn't it attached to his business? It's across the street but it's for his purpose. Does anyone have anything they want to discuss about Site Plan and Design? I like figure 7, but do you think these arborvitaes are 14-feet?
Director: No, this just for an idea.
Ms. Sellers: I know, but on the idea, I like that scale. I think that's the scale that works in our Town
Ms. Vendura: If you go back to the more detailed drawings, they are 14-feet on the first floor, so they would give you an idea.
Ms. Sellers: So, we're talking about 200-20 that shows the sidewalks (figures 9 & 10).
Ms. Vendura: Yes, even with figures 2, 5, 6, 7 and 8 those all illustrate the 14-foot per square height.
Ms. Sellers: Does anyone have anything on pages 12 and 13?

Mr. Connors: Sidewalks & Pedestrians; again, most of these reek of bike path to me. The bike path would take care of so many of these.
Mr. Pinter: If we got the bike path.
Mr. Connors: If the bike path was completed and finished the way it should have been it would take care of a lot of this; A, B, C…
Director: I think that's the point though. They want to show sidewalks that do accommodate bikes and that are more pedestrian friendly and more safe.
Mr. Connors: I guess my question is do we know the exact status of the bike path?
Director: Well they skipped over the connection from the Town Park to Lake Erie Beach due to drainage issues and until that's taken care of…
Ms. Sellers: But what about from the Town Park to Bennett Beach where the bike path ends?
Director: They are doing Wendt Beach right now.
Ms. Sellers: So Wendt to Roat?
Director: Yes.
Mr. Pinter: Is it going to Sturgeon Point? I hope it is.
Director: It's going all the way up, yes. That is the portion they are doing now. They skipped over the part for drainage purposes.
Ms. Sellers: Do we have funding for that now?
Director: For Wendt, yes.
Ms. Sellers: But you are right Mike. If the bike path went through there
Chairman: And this is the way to get a developer to pay that cost. Waiting for that bike path money to come through, it may or it may not, we don't' know. But this way if we get a developer, this may be a way for them to offset that cost by them putting it in.
Mr. Pinter: But with a developer, how much could you actually get them to do? In the Mickey Rats area it would be just be across the front of that.
Director: But now you would have a design that states you have to do it this way.
Ms. Vendura: This section is also addressing sidewalks internal to the site, not just along the street, making sure they are wide enough for two people to walk next to each other; they are not a garden path basically.
Mr. Connors: Again, now you have to think about snow removal; you have to have a wide enough sidewalk for snow removal which 5-foot would probably work.
Ms. Sellers: It says minimum of 5-foot – wider sidewalks may be required at the discretion of the Planning Board. Anybody have anything else on that page or on 13? Seasonal outdoor seating; I mean we all look at this and think about the storms in this area, but it would be nice if it could go. I don't have any problem with anybody trying it. I think outdoor dining and food we already have a history of it in most of our areas there.
Director: Site Infrastructure and Facility; the key here is you don't want to create too many driveways so there are not too many ins and outs. We already have a traffic calming issue here, so again that shared parking and space in the back of the property is a way to avoid that and improve circulation.
Ms. Sellers: Is the County as strict as the State? We are used to the state insisting on shared driveways. I don't know if the County is as strict. It is a county highway, so people will be getting permits from the County for driveways. Do we need these design standards for a County Road?
Ms. Vendura: What is the question?
Director: If the County would approve any sort of curb cuts and how many curb cuts would we need?
Ms. Sellers: I just wondered if these design standards were within keeping with the County design for approving driveway access on the County roads. They don't approve them for residential but I would presume they would for Commercial. Unfortunately, we have not had a lot of that tested.
Ms. Vendura: So the question is?
Ms. Sellers: Are these design standards in the driveway and access in compliance with the County standards.
Ms. Vendura: I will find out.

Ms. Sellers: We have actually not had commercial development on a County road in my memory, to get road cut approvals.
Director: What about AutoZone or was that an existing?
Ms. Sellers: That is a State road.
Chairman: Anything further on Site Infrastructure and Facilities, 200-20.1C?
Mr. Pinter: Other than snow storage, would that be covered under this law?
Ms. Vendura: It's mentioned somewhere. It might be in the Parking Lot Design section.
Ms. Sellers: What I really, really like on this is figure 17 on page 15; the use of open water detention ponds is not appropriate stormwater management techniques for the WMU District. I'm really, really glad to see that.
Chairman: In section 200-20.1D Parking; Parking areas should be integrated – page 19. Parking areas should be integrated design components that do not detract from the character of the Town. Does anybody have any question on parking?
Ms. Sellers: I really like this. When we did the Highland Overlay years ago, we put all the parking in the rear so the parking lots wouldn't be our main vision coming down Route 5. It never got approved and now we come down and in that whole section we see parking lots in front. I think especially for an area where we are hoping for Commercial and the feeling of beach lakefront character, it's nice to not have the parking lots in front.
Mr. Connors: And I made comment there that parking lot in the front is all we have…like the hot dog stand, Mickey Rats.
Ms. Sellers: But there is parking on the side.
Mr. Connors: But even side parking is an issue here.
Chairman: They want parking in rear.
Mr. Connors: And just to confirm; if the business is on the lakeside, the building front is facing the lake.
Ms. Sellers: Yes, the waterfront. The road is back on the water side and that's where you'll have to park.
Director: It does say under 'B' "existing parking lots located in front yard may not be expanded and are encouraged to be converted to green space or pedestrian space." That doesn't mean that it has to go away, they just can't be made bigger.
Ms. Sellers: And remember, the Connors Hot Dog Stand is already an existing business.
Mr. Connors: I understand. I guess as long as we could work with an upcoming business, that no is not no. In other words, if some of their parking had to happen in the front that would just be a stipulation that we have to deal with, right?
Ms. Sellers: Well we may have them take it down the side.
Director: For new development it means 'no'.
Chairman: We talked about Shared Parking 200-20.1D(4). Moving on to 200-20.1E, Landscaping. I had proposed to Roberta earlier that I think as we start to meet as a Board on other projects that we designate certain members to really study the landscaping and for certain members to really study the drainage and for certain members to really study the aesthetics of the building, so when we meet as a core group we know that you've done your homework and you're going to ask those questions.
Ms. Sellers: Do we have access to Clark Patterson's landscape architect?
Director: Molly is their landscape architect; any time we need a consultant for the Board we can have them.
Ms. Sellers: But they review every plan and you will tell us, as our past ones have, that these are trees that won't take the snow, the salt spray, etc.
Ms. Vendura: I would be more than happy to.
Director: Until we can get a Board that is used to doing Design Standards, we would always have Molly or someone at Clark Patterson come into the Workshop. They are always going to review the plans.
Ms. Sellers: I actually think the landscaping section is very nice.
Mr. Connors: I do too.
Chairman: 200-20.1F, Architectural Consistency – does anybody have any problems with anything there?
Ms. Sellers: Well I know that when they say the 'Town's valued historic character', we've had discussions on what our historic character is. In different sections of Town; in the Sturgeon Point area we point to the most

beautiful little church we have in Town and an old school building that is now the Senior Center. In other areas of Town; coming through Highland we don't have valued historic character and when we come down Route 5 and in this neighborhood, it's very hard to say we have any historic character in that beach neighborhood.
Ms. Vendura: I have a suggestion. We could change it in some places to say instead of 'valued historic character' rather 'desired waterfront character.'
Ms. Sellers: I think that would be a wonderful thing.
Director: I like that too.
Chairman: Anybody have any questions on that.
Mr. McEvoy: Waterfront character is Residential.
Ms. Vendura: We define it in the document.
Ms. Sellers: Commercial character and Residential character are both covered.
Chairman: 200-20.1G, Architectural Details – roofs, doors, building materials, windows…
Ms. Sellers: It is one thing our Town has never done and I love it. I have been accused of being Orchard Park like and we have had criticism about one more layer of approvals but I think that this is very worth it in these districts. I think when you look at figures 55 & 56 and the difference there; you know that what is appropriate and inappropriate.
Chairman: And the same with this section 200-20.1H Signage. Signs are Important Components of the Streetscape. Does anybody have any questions on signage?
Ms. Sellers: Wow, you're moving us along. I love the signs on the buildings and I hate pole signs, so of course I love it. I think when you have parking in the rear and you have a low speed limit nobody is going to be going through at 40 or 50 miles per hour to miss signage on the storefront. I don't think you need to have anything more than that.
Mr. Connors: I do have some questions on page 39; Building Materials – prohibited. This is where I think for a builder your costs are just going to skyrocket. On any new building, no vertical aluminum, metal or vinyl siding and no asphalt shingles?
Ms. Sellers: Yep, we're going Orchard Park style now.
Mr. Connors: I don't want to go Orchard Park style. This is not Orchard Park.
Ms. Sellers: We're going high class. We're trying to add some class here.
Mr. Connors: I know but the technology of vinyl siding has become…
Ms. Vendura: I questioned the vinyl siding too to our architects when I was writing this because I was thinking siding is in all of the pictures. What they said to me was there are other materials. The problem they said with the vinyl siding is all the channels and stuff that go around windows, doors and corners can be unsightly. You can still use siding on these buildings but there is more appropriate siding for commercial buildings than vinyl.
Mr. McEvoy: Vinyl can be very decorative too.
Mr. Connors: Yes, very much. Dealing with sand, sand flies and spiders on the waterfront and beach and the continuous washing and power washing of a building; I don't know why we have to say no to exterior design right off the bat. In other words, let's say a design comes forth with beautiful vinyl siding, and again being on the waterfront it is something very user-friendly to clean and is durable to the ice mountains and snow. I'm just afraid that someone is going to see that and say "we can't build that here?" And asphalt shingles, again I've never had a problem. Let's say someone wanted to put a metal roof on a building. Those are three things that caught my eye.
Mr. McEvoy: If they can't use asphalt, what would be the roofing?
Ms. Vendura: This is for the front of the building. Asphalt shingles elsewhere would not be a problem.
Ms. Sellers: It does say though Mike, "on finished building, or signage exteriors." It does say not on the signs but yes on the roof.
Mr. Connors: So asphalt shingles are just for the front. But again, vertical aluminum, it's metal, it's come a long way.
Mr. McEvoy: Vertical looks like a warehouse.

Ms. Vendura: I think that it doesn't go with the style that we've been portraying in these photographs. But I suppose…I have seen some photographs from the New England area where there was some. If you look at figure #59 that blue building has some vertical siding on the second story. And I did see some others when I was collecting these photographs; it could be tastefully done. I just think in general you might not want a mass of vertical siding; maybe an accent area on a building might look okay.
Chairman: So, do you want to add vinyl siding?
Mr. Connors: I just wonder, do we need 'G' I guess?
Ms. Sellers: You're worried that we are being too restrictive.
Director: I think we do.
Mr. Pinter: I think we do too.
Mr. Connors: My concern is it is going to limit.
Ms. Sellers: I think we're trying to limit.
Mr. Connors: Stucco on the beach? You need a durable product.
Ms. Sellers: There are trade-offs. Brick…
Director: I agree that you need something durable because it does take a beating out there. But I also think there are other alternatives.
Mr. Connors: As long as it's not the end-all. If someone goes through with a project where vinyl siding is incorporated and it looks good, we can still say yes. That's my question.
Mr. Pinter: No, it would be prohibited now.
Mr. McEvoy: "Should not be utilized." I think we should take vinyl siding right out of there.
Mr. Pinter: I agree with that; keep vertical in but take vinyl out.
Ms. Vendura: But then how do you ensure that they do a tasteful job?
Mr. Connors: Maybe you could say use as an accent?
Mr. McEvoy: Well, they are investing a lot of money.
Ms. Vendura: Or what if we add between 'G' & 'H'; so 'G' says the following materials should not be utilized and then we could add between 'G' & 'H' something that says – the following materials may be considered at the discretion of the Planning Board?
Ms. Sellers: I think that would be a good idea.
Ms. Vendura: Which would you move to that category?
Director: Vinyl siding. *(All PB members were in agreement)*
Mr. McEvoy: Because you never know what the designers are going to come up with in the next five years for siding material; brick or…
Mr. Pinter: That's true.
Ms. Sellers: Hardy Board is not vinyl siding, correct?
Mr. Pinter: No.
Mr. Connors: But they have vinyl siding that looks like Hardy Board. You would think its Hardy Board but it's actually vinyl siding.
Chairman: 200-20.1E1(2) Site Lighting which I believe is Anne's forte.
Ms. Sellers: You're really moving along. You know, I think as long as everything is dark-sky compliant and you have design controls here and I think the fixture height is there.
Director: No neon accent lighting.
Ms. Sellers: LED lighting outside; we haven't really seen here. Is there LED lighting available for exterior?
Director: Oh yeah definitely. A lot of Town's are actually converting all of theirs and it's very efficient.
Mr. Connors: How about (3); "Building-mounted lighting shall not be mounted higher than 15 feet above grade.
Ms. Sellers: Well, it's mounted on the building; it's not a parking lot light.
Director: It's the actual building lights, not anything that's around the building.
Mr. Pinter: On the Wojda project, do we have the 15 feet on the building.
Director: Oh yeah.

Ms. Sellers: I also like the fact that the wall-pack lighting is not facing the front façade.
Director: Are there any other points that we may have missed or any overall discussion we need to have still?
Chairman: Are there any more question or comments from the Board before I open the floor to the public?
Director: So as the Board recommended, you are going to change the language to say that it has to have a commercial property on the site.
Ms. Vendura: Correct, the site has to be Mixed-Use.
Director: Okay, so you're going to fix that. Also, we talked about the 14-foot height.
Ms. Sellers: Public access lane and I think we should make a decision on pedestrian lanes. Does 10-feet do it for everybody?
Ms. Vendura: Well, think about the sidewalk. You wouldn't want to go less than 5-feet, that gets to be too small. So say you have a 5 or 6-foot sidewalk with some grass or plantings on either side. Ten foot minimum could be a nice amount.
Ms. Sellers: Beach lanes are a little different from regular sidewalks. Beach lanes people drag strollers, coolers, umbrellas, they make carts for this. I think 10-feet does it.
Chairman: Absolutely.
Ms. Vendura: So right now it says the minimum width of the sidewalk is 5-feet. So, under sidewalks, do we want to add a letter that addresses these beach access lanes and say that the sidewalks have to be something wider than 5-feet? Does it need to be 6-feet?
Ms. Sellers: These aren't regular sidewalks.
Director: You are right; it needs its own little bullet point.
Ms. Vendura: So what does the paved area have to be?
Mr. Connors: You're not paving.
Ms. Sellers: The lane doesn't have to be paved, it's nice to have it black-topped but it doesn't have to be.
Ms. Vendura: I'm not talking about blacktop. Let's think about if they put up a hotel at this Mickey Rats and you want to have access between the street and the beach; it would be some kind of pavers or…
Ms. Sellers: I think in that case you would want 10-feet.
Chairman: You'd want 10-feet.
Ms. Vendura: Of a paved width or just access?
Ms. Sellers: I think a paved width is kind of excessive.
Mr. Connors: You have to be able to get a stroller or an emergency vehicle down there, right?
Ms. Vendura: Well, that would be for site plan, that's not for pedestrian.
Ms. Sellers: If you're talking about a hotel, they have to do that in their site plan.
Mr. Connors: Ok, they've got their ATV's, they've got their side-by-sides, and they can get down there.
Ms. Sellers: And you're going to check the County standards for curb cuts.
Mr. Connors: I would just say in closing that I'm sure like everybody else, I've gotten a lot of questions and concerns about the property at Mickey Rats and Captain Kidds; concerns that it's no longer going to be a tourist attraction; concerns that it's no longer going to be a local destination for our locals and our generations of people who have always known it to be a destination. And that lies with the question with me of condominiums or Townhouses, where you've then eliminated the tourist attraction, the draw, boats and sunbathers.
Ms. Sellers: I think is what we are hoping is that their restaurant is even better than what we have and that is going to be the destination.
Mr. Connors: My concern is, the condo doesn't need to put a restaurant in, and it doesn't need to have a tavern or an upscale…
Ms. Sellers: But the site does under this law.
Mr. Connors: It does, but it doesn't, right?
Mr. Pinter: They don't have to.
Director: No, but they are changing the language.
Chairman: Retail. They are going to change that to Commercial.
Mr. Pinter: Commercial isn't a restaurant.

Ms. Sellers: It could be a restaurant but it could be other businesses. If you have all these condos around and it's a lake side restaurant and you're removing one, that restaurant has a better chance of being successful. Don't the original plans show a restaurant?
Director: The original plans show two restaurants actually; a restaurant and a bar restaurant and a hotel.
Mr. Connors: Whose original plans?
Director: The developers for Mickey Rats.
Mr. Connors: I've never seen plans. Has anybody seen plans?
Director: The plans were not shown to the public; they were just for the Town. It is just a concept and it was before the property was even bought; it was almost a year ago. I saw these plans in August. It was Townhouses on one side of the property, and then it was a hotel and two restaurants, including a roof-deck bar. So it's kind of the same just a little more upscale.
Mr. Connors: I think the days of 2, 3 and 4 o'clock are over, but I think the culture, the climate, the enforcement has put an end to that. So again, people from my generation and even people in the area are asking if they can still get off a boat and walk up the beach to get a drink. Can we still park the boat, bring the kids up and have a nice sit-down meal? That's what I'm hoping for and I guess when some plans come in fruition and we get something in front of us, as a life-long resident and someone who thinks that we need tourism, we need people coming into the Town, I'm going to be a stickler when it comes to what we put there. So, let's make sure we do this right.
Ms. Sellers: I do think that many other commercial uses would not be a go there.
Chairman: The demographics are changing; we see what's happening downtown. We see what's happening in the cobblestone district. The concerts on the water downtown; we have to make these changes now if we're ever going to get any development here. The demographics have totally changed. Less and less people are coming out to these beach bars because they are staying downtown.
Ms. Sellers: Nobody knows that any better than the people who are parking cars at the hot dog stand where they used to park a couple hundred on the weekend.
Mr. Pinter: On that point though, you made me think of something. I work there every day and look across at Canalside. What made that area an attraction; the water. It wasn't condos; it's a park with stuff around it. There's a hotel across the street where the arena is, but that whole area is waterfront.
Mr. McEvoy: There isn't a bar where you can walk up to a bar and get a drink. There might be a little stand there, but there's not a bar where you can walk up, get a drink and stand at the rail and lookout at the water.
Mr. Connors: There is still the old Crawdaddys.
Mr. McEvoy: That's different than being right down…
Mr. Pinter: Yes, that's the marina. The only thing at Canalside right now is the Liberty Hound.
Mr. McEvoy: People are attracted there and other than maybe a guy with an umbrella that is selling cans of beer, there is no bar out there. People are just attracted to it for the water.
Mr. Pinter: That's my point, there is nothing there; there really isn't, other than an open skyway above you and the water and it's packed every single day with people. It's amazing and there really is nothing there to see. There are no condos, there are no Townhouses, there's one bar on the location and yet the people come.

Chairman: At this time I will open the floor to the public. We do not have a microphone here this evening so if you could please speak clearly and a bit more loudly, stating your name and address and the spelling of your last name, we would appreciate it.
David Sippel, 368 Lakeside: I've been a resident in the Town for a long, long time. I was at the April 26th meeting and I understood during that meeting that you had a Draft proposal to look at and my recommendation at that time was although I hadn't seen it I would like to. It was my understanding that it was going to be put up on the Town's website, but I have not been able to find it.
Director: It is there and even I shook my head when I saw how hard it was to find. You have to go on the Town's website, then you go under Government, then Departments, then Planning and on that page you go to the

band on the left-hand side and scroll down to find it. Our website is horrible; but it is there and has been there since the day after.
Ms. Sellers: But we did tell people at that meeting that it was a Draft and would be on the website and if they came to the Town Hall a physical copy would be available.
Director: And it's also available at the Town Clerk's office physically. I certainly could give a copy to you as well. I don't have an extra copy with me right now but I can get it to anyone who wants one.
Mr. Sippel: I would certainly like one so I could read it and understand what is going on. I could pick it up tomorrow afternoon if you'd like.
Director: I will have it ready for you. I will make several copies. Right now it is on the website although difficult to find. When I first saw where it was I thought "No one is ever going to be able to find this", but that's where they put it.
Mr. Sippel: I'm not going to comment on the design of the website *(laughing)*. At the last meeting I understood that Neighborhood Business was a zoning type of title and that basically what that was going to become was Waterfront Mixed-Use.
Ms. Sellers: Only these three parcels at this point in time. St. Vincent's Camp or something like that could apply for a rezoning.
Mr. Sippel: I understand. I just think the title Waterfront Mixed-Use is inappropriate. I think it's misleading because you have such items as Connor's Hot Dog stand, which is not waterfront, Lakeside Market, Pepper's Restaurant, Grandview Golf Course, etc.
Ms. Sellers: Well, none of those are in this new zoning David. They would have to apply for a rezoning. If Lakeside Market wanted to be part of the Waterfront district they would have to apply for a rezoning.
Director: This is based on the Local Waterfront Revitalization Plan and the current plan is very thin on the shoreline; this goes by that document. However we are currently working on the update to that document where we are going to widen that portion.
Mr. Sippel: Ok, I just went back to the map from the LWRP and I looked for Commercial and that is where I got this information from. I now understand you may be modifying it.
Ms. Sellers: Now Connors, because it is right across and has that undeveloped strip; that is why that undeveloped strip right across the street from Mickey Rats. It's one of the few places on the Lake Shore Road that you would have the possibility to develop that Commercial strip because everything else is developed.
Mr. Sippel: When you say 'the strip' is that the old St. Peter's parking lot?
Mr. McEvoy: Yes, it goes from Iroquois to Lake Street.
Mr. Sippel: So right now Connor's is not going to develop that as far as we know? I'm not asking you to say yes or no, all I'm saying…
Mr. Connors: I think I'll be cutting that grass, many, many, many years.
Mr. Sippel: All I'm saying is I look at that and I heard things about parking. You can't park on the lake side and I think to myself, the lake side of Lakeside Market has got to have parking there; they can't have it any other place.
Director: They're already existing, it's only new development.
Mr. Sippel: What would happen if Lakeside Market wanted to put a new building adjacent to what's presently a grassy area?
David Waring: I'll be cutting that grass for a long time too.
Mr. Sippel: Would Dave then lose his Neighborhood Business designation.
Ms. Sellers: No, there is still a Neighborhood Business. They are not right on the lake, but if they wanted to expand, maybe under the new design thing once it's expanded. But they are not really a part of it, they are a Neighborhood Business.
Mr. Sippel: You answered my questions in regards to the title and classification of Waterfront vs Neighborhood Business. Parking along the road. Anne, you mentioned that earlier tonight and I'm glad you did so I don't have to pay too much attention to it, but I am very concerned about parking on the side of the road all the time, not

just on the Fourth of July. We are a community and I think we'd like to stay like that. We don't want to become a suburb of Williamsville so to speak. That's all that I have thank you very much.
Marie O'Connor, 8812 Lake Shore Road: One of the three parcels that you are going to be rezoning is right at the corner of my house. I am on Lake Shore near Lake Street. I'm right along Delaware Creek. Our family has been here 100 years and is this going to change the concept of that neighborhood? If there are buildings larger than one or two stories it certainly will.
Ms. Sellers: That's the whole idea. That is going to be a little Commercial lake side district.
Ms. O'Connor: Well hopefully that won't happen because when they put that in, because I do have children and grandchildren and I am a grandchild that is enjoying my home as it has been.
Ms. Sellers: But you understand why the Town is looking for development.
Ms. O'Connor: I understand that and Neighborhood Business is perfectly fine with me, but 3 and 4 story buildings definitely changes the concept of the building. If you have 10-foot ceilings and 50-foot, it lends itself to 4 and 5 story buildings.
Ms. Sellers: You can't have 5-stories. If you have the first story at 14-feet…
Ms. O'Connor: Okay, 4-stories; it still changes the whole concept of the area. When that sewer went in our noise level went up in the area. That corridor is exactly the corridor that I have been talking about being over inundated with many things. When they put the new bridge in, yes we needed the new bridge, but they also put in all kinds of drain pipes and things like that which affected the shoreline and the erosion factor along Delaware Creek. People are losing the size of their properties left and right, all along that corridor. Those are the people whom I have been talking about at these meetings; all the people along Lake Street they are drastically losing land because of the increased drainage in that area. All I can see is this going forward, now you're talking about having grasslands with the potential of being developed and paved, with maybe some filtration and some little drains and we know that doesn't always work because Walgreens is a perfect example. It is still not fixed, it wasn't done right and people still have excess water running off of that property. What has happened has anyone bothered to fix it? No, we end up being the bearers of someone else's development. Our properties are sinking, our vegetation is dying and you're looking to put it right there. I know that the people along Lake Street are talking about even the development on Mohawk and all of that; where is that drainage going to go? It used to go down through a pipe and across the street from where Connor's is; there used to be a bigger creek that rain out that way but it was changed down to Delaware Creek so it keeps increasing. And now you're saying you want to develop there, well I didn't even realize that this was an overlay. I didn't expect to stay here tonight not until I realized that this is going to greatly impact how my family lives in their home and how our neighbors do. We use to have cranes and ducks in that stream, we no longer do. We do have beautiful migrating ducks, but the cranes and blue herons and residential ducks, and I know we have to sacrifice one thing for another, but you know these things are being destroyed. You want to talk about the heritage of the Town and the character of the Town but we're destroying the Town. You want to be environmentally responsible and yet we are destroying it. I'm having a hard time understanding why we are going to pick this particular area, which is already under duress, fix it first then develop it. We're putting it even before the Comprehensive Plan and I've been involved with the LWRP before, this time in the last few years I've had other issues that took my concern.
Chairman: I totally get it, but Marie there is no development there now. To say that the development will harm it and it's already being harmed with the way the water is flowing and the way people are losing their land like you said, there is no development there now. We're hoping if a developer comes in, if a developer comes in, we could remediate those problems through the developer and through his costs. That comes down to the Town Engineer, not the Planning Board but the Town Engineer takes that water into account. But to say that the ducks are gone and the blue herons are gone, there's no development their now, there's nothing there to say that development has caused these issues in that neighborhood.
Ms. O'Connor: What I'm saying is the development that has gone in hasn't gone in correctly. It had been addressed before the development even went it, but it went in anyway.
Chairman: What development are you talking about?
Mr. McEvoy: Walgreens and their drainage; it's been a long-standing issue.

Ms. O'Connor: There is a history there, but there's a history about doing and not doing and how it's done. But the fact is you're opening it up to definitely a change of character for that neighborhood and what about the residents who have been here for decades and decades? We're the ones who are going to have the burden put on us for the sake of something else. What I'm having the hardest time with is knowing that there are problems in this area and then putting in something that is so big in contrast to what the area is and this is something I've said over and over again with some of the other issues. You're putting something big on top of something that is broken, or at least the potential. Let's work on mediating and rectifying those things before we do that. This shouldn't be the first project; it should be the last project.
Ms. Sellers: Marie, let me ask you this; do you see drainage from a development on the Mickey Rats property as being detrimental to that area where you are.
Ms. O'Connor: I see the drainage from the property on the corner of Lake Street and going to Iroquois. That goes right into Delaware Creek. The filtration I'm concerned about, the additional run-off I'm concerned about for a number of reasons and they've been layered reasons.
Chairman: When a developer comes in front of us and plans come in front of us and we address those issues and it goes to the Town Engineer, those are things beyond a Planning Board control. Those are engineering problems.
Ms. O'Connor: I'm saying that 4-stories is way too big for that neighborhood. It's an area that is under duress as it is and 4-stories is way too big.
Ms. Sellers: I think that the area you're talking about is on the Connor's Hot Dog side and if that ever gets 4-stories I would be shocked. I think that the place where you're going to see 4-stories is on the waterfront.
Chairman: St. Columbans Center…
Ms. Sellers: Well, Columbans is already high, the building exists. But that's not going to affect you. I think the idea of 4-stories on the parcel between Iroquois and the other side of Connor's Hot Dog stand and between the sewer building, that area, it's not huge and if 4-stories ever went in there I'd be surprised. I think it's in a waterfront district because we're hoping on the unbuilt land there's a possibility of some commercial development.
Director: The Town is actually pursing grant funding this year for a Town-wide drainage study. There is not a guarantee we'll get it, but we are doing it and we are also working on some drainage issues within the Comprehensive Plan which is already underway. So, it's not being ignored, we know the issue exists, not just down in Lake Erie Beach or the Town Beach, there's many areas in the Town which you saw it with the storms we had last week. There are a lot of issues with drainage; coming down from the school going down Route 5 going down Lake Street – anything that goes to the lake. That's nature, so we have to do a Town-wide, bigger picture of the problem. We can do little things at the bottom but it's really coming from the top.
Ms. Sellers: And it's been done over the years. Probably 25 years ago they had this 7-Sister's Watershed study that was done out of University of Buffalo. and we traced all of that water coming into our Town and into those creeks and into the lake. You have it all over, you have it starting at 18-mile Creek and coming to Pike's Creek in Derby by the Columban Retreat house and all the way down. It is a problem and it does need different engineering and special remediation. I don't think we're trying to ignore that at all with this and we definitely would not want to make it worse.
Chairman: We're just trying to bring in some development to the table.
Ms. Sellers: Mickey Rats sold to a developer who doesn't want another kid bar. First of all the drinking age has changed and it could be a huge improvement for that neighborhood. We're not developing land that hasn't already been in use.
Ms. O'Connor: I understand that. I guess when I see the area going from grass, less treed to paved parking area; yes that draws a lot of concern. And I am concerned; I think 4-stories is way too high for that area.
Ms. Sellers: I don't think that the developer could make enough money for what he paid for the property and what he has to put into Mickey Rats if he didn't have some leeway. And I think if you look at the Columban Retreat house, it's already huge. It's already a big high, multi-story building.

Ms. O'Connor: I guess I'm wondering why we have to rezone that particular parcel on the corner of Lake Street and Lake Shore at this point and time.
Director: It's already zoned Neighborhood Business and you can almost already do the same thing in Neighborhood Business. You can't build a single-family home on it. It's a business/commercial zone.
Ms. O'Connor: A 4-story building?
Mr. Connors: Neighborhood Business does not have a 50-foot height requirement.
Director: Actually we did change that. Remember? Last year we did change it
Mr. McEvoy: I just printed it offline this morning and it's 30-feet.
Director: It's in the amended.
Mr. Pinter: This is from a year ago correct? The Neighborhood Business law?
Director: It was amended.
Mr. Pinter: So what we got is not up-to-date then.
Director: I'll have to find out; I think its local law #3 from 2016.
Mr. Connors: I guess my question is before the Waterfront Mixed-Use (WMU) could somebody put a 5-story building in on Neighborhood Business?
Mr. Pinter: Maximum building height is 30-feet according to the document we have.
Director: Well, that's wrong.
Mr. Pinter: So this is not good then?
Director: Just that one part in the law.
Mr. Pinter: Is it 45 or 50-feet that it's been changed to?
Director: I believe it's 50. I think it is the same that we want to do in the WMU zoning. I believe its Local Law #3 of 2016, but I'm not sure about that; I know it was early in the year.
Chairman: Yes, we did it. We raised it, remember? Does anybody else care to speak on the record? There being no further comments from the public, I will close the floor and bring it back to the Planning Board for any further questions and comments.
Mr. Pinter: I was requested to ask a question by a concerned citizen, as I did not have a proper answer for them and therefore will ask you. "How will a condominium help the economic development in this Town?"
Chairman: A condominium complex is almost like a subdivision. It will bring more residential people into specific areas in our community where you allow them to be built. By putting the commercial retail element with that condominium, you're hoping to spur even more economic development. So yes, you are helping economic development by bringing in condos and retail business. Retail businesses help sell those condominiums which is why developers like plans like this.
Mr. Pinter: Retail, but we're not talking retail, we're talking commercial which is what we have here.
Chairman: Commercial, yes. Again, they help sell those condo complexes. If you go out to Amherst where they are still putting up these condos, you'll always see some type of retail with that condo.
Mr. Pinter: Retail again, not commercial.
Director: Well, there the same.
Mr. Pinter: They are not the same because retail is a business, whereas a commercial could be a doctor's office. That's the point I'm getting at. I'm unsure of this.
Chairman: You'll see it will help spur the sale of the condominium complex. That's what it does.
Ms. Vendura: I also wanted to say we were talking about before wanting to make more of a year-round community to help the existing businesses. By bringing in more residents you are also encouraging that year-round presence that will help support the businesses.
Chairman: And it also costs less than putting up single-family homes. When you put up single-family homes in the Town it costs the Town more money. Condos are less stress on the Town so to speak because the tax base grows on a smaller space so you can bring in more people on a smaller space because you're building up. So that is a big asset for the Town.

Mr. Pinter: But they were specifically talking about economic development. I explained to them the difference between retail and commercial, which was explained to me the last time, and they kept going back to how is a doctor's office in the bottom floor of a 4-story condominium going to help economic development.
Chairman: It helps sell that development.
Ms. Sellers: But there's this area too. We talk about bringing people into these. A lot of my friends are downsizing. Four or five couples were laughing recently because they were all at the same open house on a Sunday in the Bluffs. A lot of people out here are my age and they want to stay out here, they want to stay on the lake and I think a lot of those people are going to be interested in those condos and selling their single-family homes to new people. It isn't always just bringing in new people for the condos, but it's bringing in new people in the long run because others may be buying some of those larger properties. I really do see the market because I'm at the age where it's so popular. We are way too young for Fox Run but we still need some space because our adult kids come home to visit. I'm too young to go to a condo, but a lot of my older friends are looking to condos and Townhouses.
Mr. Connors: I'm not a fan of high-rises at all but I understand we have to move forward, but I know I don't know any millennials that are going to want to buy a condo at Mickey Rats for a minimal 13 weeks of sunshine. I think the condo idea is going to self-implode. I think when they do their homework…
Ms. Sellers: Actually I think it may take-off.
Chairman: I'm telling you it's not. I see it happening.
Ms. Sellers: These Townhouses at the Bluffs resale quickly; they are not sitting on the market very long.
Chairman: I'm in the housing industry and I'm telling you these condos are going to explode.
Mr. Connors: In any case, I don't see any economic development coming out of condos. No one is going to come out to Angola on the Lake on a Sunday to go to condos. No one is driving their boat to come to the condos.
Mr. Pinter: With a condo I see a self-contained unit for the people that live there and nobody else will come.
Mr. Connors: And they are not going to want you on 'their' beach by-the-way.
Mr. Pinter: And I do believe that beach is part of the property, which is another story.
Ms. Sellers: Well a certain portion of the beach is, but there is that state law that you can't own beyond the high-water mark.
Mr. Pinter: But Richie has had that fence up there for as long as I can remember.
Mr. Bergum: But who's going to enforce it though Joe, that's the problem.
Mr. Pinter: I was told they looked at the deed awhile back and for whatever reason he owned that and put up the fence.
Ms. Sellers: You know people have all kinds of crazy things written in their deeds all over Town, but it doesn't mean it supersedes law.
Mr. Pinter: They can't restrict access then?
Ms. Sellers: They can't restrict access and you can fence a little, but on my beach there's no place that the high-water doesn't hit in the winter so you couldn't put any fence. Some of the areas with the big thick, Lake Side has the same thing, they don't have those big wide beaches, but right around the Town Park there are probably some areas that qualify.
Mr. Pinter: It's the best waterfront beach in 22 miles right there.
Chairman: Are there any further questions or comments from the Board? May I please have a motion to recommend to the Town Board a new zoning designation: Waterfront Mixed Use (WMU) for the purpose of rezoning properties currently zoned Neighborhood Business (NB) as well as designated areas located along the waterfront.
Ms. Sellers: I'll move the same one I did last time. I would like to make a motion to recommend approval of the new zoning designation of Waterfront Mixed Use for the following reasons:

- The action is consistent with the Town of Evans Comprehensive Plan.
- The proposed action is fully consistent with the policies of the Town of Evans Local Waterfront Revitalization Program.

I would like to add to that to that Draft will be the following recommendations that we made to Ms. Vendura concerning:

- Public access lanes
- County standards for road cuts

Mr. Bergum: Second.

VOTE RESULT: APPROVED BY ROLL CALL

A. Sellers: Aye
M. Connors: Aye w/reservations
B. Bergum: Aye
J. Pinter: Nay
J. McEvoy: Nay
Chairman Catalano: Aye

Mr. Connors: Again, this is with those stipulations?
Director: With the changes to the Draft.
Ms. Sellers: Yes, with those changes.
Mr. Connors: May we have those changes again please? I want to make sure I have them correct.
Director: Molly, do you have the list?
Mr. Connors: We're voting on this right now? We're not voting Aye or Nay on those changes?
Director: We're recommending to the Town Board with those changes included.
Ms. Sellers: We're not voting just the way this Draft is, we're voting with those changes that we recommended and gave to Molly.
Mr. Connors: This is the vote that goes to the Town Board; this is not the vote that she was going to make those changes.
Ms. Sellers: Correct. The Town Board will then hold a public hearing and the new law that's proposed to them will be different from the Draft that is on the website today; the changes will be included.
Chairman: Molly will update all the changes.
Ms. Sellers: If she doesn't…
Ms. Vendura: I'll be in trouble. I will repeat what changes we are going to make but I will discuss with Brian and Roberta how they want to word it:

1. Deeding the right-of-way for beach lane to the Town or some kind of Association as public access; we said that it was going to be a 10' lane.
2. Driveways and access as outlined in the document is in compliance with County standards.
3. Change wording on page 27 from historic character to desired waterfront character."
4. On page 39 regarding vinyl siding I was going to move that to another section that says it "may be allowed at the discretion of the Planning Board."
5. Each site has to have some kind of Commercial element to make it a Mixed-Use site. It cannot be fully residential.

Mr. Connors: So this is it, we're not going to discuss this at all after this?
Director: It goes to the Town Board. They are the ones that have the final say; we just recommend.
Ms. Sellers: So if you have afterthoughts on this, and you very well may, and you see this final thing in print. You have every right to go to the Town Board meeting and at the Open Floor state your changes or put them in writing. I think that if those of you have voted Nay have changes that you would like to see with that law…
Mr. Connors: That's my point, I still have concerns.

Director: That's what we needed to do tonight. This thing is on a timeline as well; we need to get this to the Town Board. It needs to go through; it needs to go through the process of the Comprehensive Plan. If we keep sitting on it…
Mr. Pinter: We're not sitting on it; we have to do our due diligence.
Mr. Connors: If we don't recommend this to the Town Board…
Director: We are a recommending Board, the Town Board does not have to listen to us. They can go right ahead and take this document, not make the changes that we made, and say "Alright, we're going to approve it right now." I don't want us to have that problem. I want us to be heard.
Mr. Connors: Roberta, I can't say I'm 100% satisfied with it.
Chairman: Can I ask a question?
Director: Ted please. The thing is, if we again table this or we vote no, what happens is anything that we discussed today goes right out the window.
Mr. Pinter: But it could go out the window regardless.
Director: No, absolutely not. We recommend with conditions, they take this document…
Mr. Pinter: They don't have to follow our recommendation though, you just said that. I'm not believing anything Roberta, you just said that.
Director: It will.
Mr. Pinter: You just said the Town Board could take this document regardless of what we say and pass the law.
Director: If we don't pass it.
Mr. Pinter: Right, so even if we do pass it they can still do it.
Director: But if we do pass it with recommendations, at least we are being heard and this is not for nothing. We need to have our say in this; I don't want it to go on the wayside, just because we need more time and more time.
Ms. Sellers: When I was on the Town Board and I got recommendations from the Planning Board we still had a public hearing. We still took more public input. We still made changes to what we got from the Planning Board as well.
Director: I need to keep this Board relevant, I need to keep it moving, I need to make sure we have our say. My concern is if we keep tabling it they are just going to bypass us and I don't want that and I know none of you want that. I don't want no say; look at all we've accomplished today. I think we've gotten great ideas but if we keep holding on…
Mr. Connors: My concern is the condo infrastructure. At the end of the day the concern I have is a developer can use this WMU to build a condo as traditional as we can think it to be and that first floor of Commercial or Retail use doesn't necessarily mean its user friendly.
Ms. Sellers: But they can't get away without doing it.
Mr. Connors: But again, my concern is, and I don't think we had a clear answer is, what is that first floor. Is it parking or is it storage?
Ms. Sellers: It can't be parking or storage.
Director: It can be as long as there's another Commercial piece on the other side.
Ms. Sellers: They may have parking under the condos, but someplace on that property it has to be a Commercial use and they can't call that Commercial use parking. The Columban Retreat house is a totally different ballgame.
Mr. Connors: That parcel makes all the sense in the world to me; I don't have a problem with that.
Director: There are similar issues at Lake Erie Beach.
Chairman: Absolutely.
Director: I'm surprised we haven't seen anyone from that area and that we haven't heard anything.
Ms. Sellers: I think they came to the Wojda meeting.
Mr. Connors: Let's get down to this; can you say without a doubt from the people who have come to me with concerns, again being someone who has lived there all of their life, that the property across the street that has been sold, and that's the only one that I'm zeroing in on, because this is something that's going to happen

because we have a chance here to really make something of that property. So the concern is, can you tell me without a doubt that property will remain a tourist attraction or a benefit to the Town?
Chairman: I think it will be a benefit to the Town but I can't guarantee you that it will be a tourist attraction.
Mr. Connors: And I don't have a problem with it not being Mickey Rats. If Mickey Rats is gone, it's fine. It was a great thing, but I think the concern is that I have to vote thinking of what is going to draw people to the Town in that short window of time; those 13 weeks of summertime. Again, I don't believe that this lakefront will ever develop into seasons where it's snowing; it's too short of a season.
Ms. Sellers: I agree with you.
Mr. Connors: So that's why we have to get our bang for the buck and being that property now draws people into the Town, whether you're for or against it, you have to admit that the property does bring people into the Town and when they come to the Town they spend money. My concern is the way that this reads now and I apologize, I can't in good conscience vote yes for something where construction can be put up that follows all the guidelines and these builders do everything they are allowed to do and yet it doesn't draw people into our Town.
Chairman: I can't guarantee that.
Director: It always comes before the Board.
Ms. Sellers: It has to have a Commercial use. Our hope is that it continues to draw. I don't think there is anything we can design that will guarantee.
Mr. Connors: What we can guarantee is what's on 34 and 35.
Ms. Sellers: People who came to Mickey Rats, spent the day on the beach and had dinner there or ate out on the patio or went over to Connor's, I think they were important to that area. But I think for our tax base having that Mixed-Use, having a restaurant that is a better quality and they are planning another bar too, hopefully it just brings a different group and brings people back. I hope it does at least as well as Mickey Rats did the last few years even though it was less than it used to be. I don't think anybody can guarantee anything Mike, but I do think the condos having more people in that area that might be there more than 4 months, and they might not be, I think that those condos aren't going to be millennials, I think they are going to be people my age.
Mr. Connors: No offense, but I don't want people your age down there.
Mr. Pinter: Some of the people your age are probably only going to live her for a couple months a year if that.
Ms. Sellers: And they may be here 6 or 7 months out of the year.
Chairman: My thing is if we do nothing we've got nothing. Mickey Rats is gone; take that right off the table.
Mr. Pinter: But we are going on a Town-wide Comprehensive Plan that is within the next year and we could be putting the cart before the horse in this. We've got a Town-wide Comprehensive Plan that's going to be dissected for the next year with a lot of eyeballs on it.
Ms. Sellers: The thing is this area needs zoning now.
Mr. Connors: But why does it need to be rezoned now?
Chairman: We can't get anybody to come and look at the thing in its current state.
Mr. Pinter: It's been the worst kept secret in Town, plans have been around for months, but none of us have seen any of them, so you can say that.
Mr. McEvoy: It could have been handled under the old zoning.
Director: There couldn't be any hotels or motels.
Chairman: Whatever they build it has to come in front of us.
Ms. Vendura: The old zoning was Neighborhood Business and this gives you more control to get a better site design; to get the green space into your parking lots, to make sure there's pedestrian connectivity.
Ms. Sellers: Parking lots on the beach is an 'iffy' thing because of the sand. You're not going to get much green space growing here.
Ms. Vendura: There are plants that will grow in sand.
Mr. Connors: I will vote Aye, but again I have to state that it's in regards to the bigger picture here, I think by moving forward with this we as a Board, specifically with the property at question here, and it certainly sounds like they have something in the works, I just hope that the Board is cognizant that we need to keep in mind that

the property has always been a tourist destination, it brings people to our Town and I just hope we keep that in the back of our minds when we have something in front of us. I'm going to stay with my vote, aye, but it's an aye with reservation.
Director: I can understand that, and I would really just like to say that I want us to be a Board that is taken seriously and I want us to have a place at the table and I know if we keep doing, don't get me wrong, I know there may be more things that we have to hash-out, but this isn't our last chance.
Ms. Sellers: I think if you have some things you wanted to change, that you didn't think we incorporated tonight, you should go to the public hearing at the Town Board meeting because they will make more changes.
Director: They will have a Work Shop like we did and then they will have the public meeting.
Mr. Pinter: I'd like this Board to be more relevant as well and frankly I'm not comfortable with the project and I've voiced that. There are things I'll voice later but even the way this project came to our Board I wasn't comfortable with.
Chairman: That's why we tabled it.
Mr. Pinter: I'm talking initially though. We had the two meetings with Brian and then this packet was given to us at the end of a Work Session. There was no discussion at all over it and then we were expected to vote on it at the next meeting; that's why we tabled it.
Director: Sure, and I understand that. The problem was, not that there was a problem but we needed more time.
Mr. Pinter: We should have never voted on this.
Mr. McEvoy: The Planning Board never had a Work Session on this.
Director: No, this was done by a consultant. The Town paid $10,000 for a consultant to do this for us. This is a form-based code; nothing we've ever done.
Ms. Sellers: Wait a minute. I went to those meetings that we were invited to.
Director: This is that document, we were all there.
Mr. Pinter: But we never discussed it as a Board.
Ms. Sellers: We didn't discuss it as a Board.
Director: No, because we went as a Board.
Mr. Pinter: We listened to the presentation and the presentation was discovering design standards...
Director: No, no the actually meetings that we had with the Zoning Board of Appeals.
Mr. Pinter: Right, and the Economic Board...
Director: Those were this document.
Mr. Pinter: I understand that and we went through it, but as a Board we never sat down and dissected it like we did tonight.
Director: Right and we should have done that.
Ms. Sellers: Right, and we needed to do that.
Mr. Pinter: That should have been done immediately when we were given this document as an official document the first time.
Mr. McEvoy: It should have been done before we had a public meeting on it.
Chairman: I don't disagree with you.
Director: I don't disagree with you either.
Chairman: That's why we tabled it and we had the meeting tonight. That's why everybody has had this packet since that meeting so they could go over it line by line, page by page, to get us to tonight so when we had our meeting tonight all your questions could be asked and answered or changed, which we did and then we would be able to vote on it tonight. I think everybody on the Board has had this packet for at least 2 weeks.
Mr. Pinter: A month.
Director: Actually almost everyone should have had it for a month and yours just somehow didn't get there or something; I don't know what happened to yours.
Chairman: That was the reason we delayed it until today.
Mr. McEvoy: When I got this I read through it and make notes on it, expecting that we were going to have a Work Session and sit down and discuss it. But then the next meeting we had was a public meeting to approve it.

Ms. Sellers: That's why when you said can we move the motion and I'm saying to Brian; don't second it because I thought it would die for lack of a second.
Director: Point taken, I think we needed a meeting in-between, but even so we're just the recommending Board on this so I think that's why you get it in a Work Session, you take it home, you have two weeks to review it and then we have the Pre-Work Session, which we had, and then we were to vote on the recommendation to the Town Board who is the actually approving body in this. They are the ones that really do, we have our say of course, but they are the ones who are also supposed to go line by line as well and approve it. Really it isn't us, we don't even do the SEQR on this one, we're not the lead on this.
Mr. Pinter: But we are responsible to do our due-diligence.
Director: I agree with you and that's why to delay this any further now is just not, is only going to…yeah.
Ms. Sellers: I do think that if you have things that you don't think were addressed or things on this bill that you oppose, I think you should tell the Town Board. You'll have another chance, you'll have a public hearing and you can even say you voted nay because….and put it out there. I do think that sometimes what we would like to see in Town, where Mickey Rats would be, and what the owner is going to build is not always going to be what we'd like to see. I think that maybe its pie in the sky and everybody wants to tell me its great planning for what's on the Connors property. I'm sure they would love to see that development and get huge bucks for that land.
Mr. Connors: Not necessarily.
Ms. Sellers: Or keep mowing the grass and like it small.

Chairman: Let's send this on to the Town Board. The Planning Office will send a letter to the Town Board notifying them of our decision/recommendation for the rezoning of said properties. May I please have a motion to adjourn.

Mr. McEvoy: Motion to adjourn.
Ms. Sellers: Second.

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

Chairman: Thank you everyone for attending this evening. Goodnight.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 06/28/17