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REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, APRIL 25, 2018

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

EXCUSED: T. Catalano, M. Connors, L. Whittinghill

ALSO PRESENT: Roberta Rappoccio, Chairperson and Town of Evans Director of Planning & Community Development

Planning Board Chairperson, Roberta Rappoccio opened the meeting at 7:00 P.M. The meeting took place in the Court Room of the Evans Municipal Center, 8787 Erie Road, Angola, NY 14006.

Chairperson Rappoccio: Good evening and welcome everyone to the April 25, 2018 Planning Board meeting. At the last Planning Board Public Meeting some residents presumed their right to speak on items NOT RELATED to the items listed on the official Agenda. A Planning Board Public Meeting is conducted solely for the pre-determined action items listed on the official Planning Board Agenda for that meeting as advertised. No other unrelated items may be brought before the Planning Board at a Public Meeting. That being said, if any resident wishes to comment for or against an action item listed on the Agenda, it is their right to do so when the Chair opens the meeting to the public.

Before we begin tonight's meeting we have some housekeeping we need to take care of; regarding minutes from the March 28, 2018 meeting; are there any additions, corrections or questions or may I have a motion to accept them as submitted.

Mr. McEvoy: I make the motion to accept the minutes as submitted.
Mr. Bergum: Second.

Vote: *All in favor. Motion is carried*

Chairperson Rappoccio: Motion accepted. The first item on the agenda this evening is a:

- **Zoning Amendments** – to recommend for approval to the Town of Evans Town Board amendments to the following Sections of Town Code: Section 182-5 Taxation; Section 200-15E(2) Mobile Home Residential District 5 (MHR-5); Section 200-30E Non-conforming lots, structure and uses and Section 200-31 Minimum building lines on Major Streets

Chairperson Rappoccio: Here is a breakdown of the four zoning amendments before the Planning Board this evening:

1) **SECTION 182-5: Taxation**
   Application for Exemption
   Application for such exemption must be made by the owners or all the owners on forms to be furnished by the Town Assessor's office and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office by **June 1** of each calendar year.

   Replace "June 1" with "March 1"

2) **SECTION 200-15E(2): Mobile Home Residential District 5 (MHR-5)**
   E. Size of Development

(2) No MHD shall be approved in a single location which contains more than **200** mobile home sites or fewer than 50.

Replace "200" with "350"

3) **SECTION 200-30E Non-conforming lots, structures and uses**
E. Cessation
The following nonconforming uses may be continued for a period of three years from the adoption of this chapter, provided that after the expiration of such period any such nonconforming use shall become an unlawful use and shall be terminated:

(1) In any residential district, a nonconforming use not in an enclosed building.

[REMOVE]

4) **SECTION 200-31 Minimum building lines on major streets**
[Amended 3-5-1997 by L.L. No. 5-1997]

The minimum building set-back, as measured from the centerline of the street, shall be 135 feet on the following streets, and, except as provided in § 200-17A and for the following streets, such setback shall supersede any setbacks set forth elsewhere in this chapter:

Street Name	Location	Minimum Distance (feet)
Eden Evans Center	Entire length from Eden Town line to North Main Street	135
Old Lake Shore Road	South side: From but not including SBL#192.19-4-1 (a development lot on the west side of Peppertree Dr.) to Dennis Road	135
	North side: From Hamilton Road to Shell Road	135
Route 5	South side: From 18 Mile Creek to Revere Drive	135
	From and including Evans Square Plaza, SBL#206.07-2-20.1 to but not including New Era Cap SBL#220.00-3.26.1	
	From Beach Road west to Lake Street	
	From Commercial Street west to Town line	
	North side: From 18 Mile Creek to Revere Drive	
	From Nettlecreek Road to but not including Ferber Automotive SBL#220.00-2-13	
	From Beach Road west to Lake Street	
	Lake Street	
	From Herr Road west to Town line	
Route 20	Entire length	135

[REMOVE]

HISTORY:

-February 20, 2018 Code Enforcement, Planning and Assessors submitted a letter to the Town Board to recommend 5 unique zoning amendments

-February 28, 2018 Town Board met in a work session with Paul Ryerse, Jeneen Hill and Roberta Rappoccio to discuss the 5 zoning amendments. After discussion, Town Board recommended that the zoning amendments be submitted separately to the Town Board and to begin with the Self-storage facility use; leaving the four other amendments to be approved in a separate process
-March 28, 2018 Town Planning Board voted 6-0 for the zoning amendment to add the Self-storage facility use to the General Business zoning district;
-April 18, 2018 Evans Town Board voted unanimously to approve the zoning amendment to add Self-Storage facility use to the General Business zoning district.

INTERDEPARTMENTAL REVIEW:

Director Rappoccio:

- 1) On amendment #1 the State of New York has changed the deadline for the submission of an application for exemption from June 1 to March 1; hence the zoning amendment to change the June 1 to March 1 in the Code.

- 2) The rationale for the Mobile Home Residential District 5 zoning district amendment stems not just from a request to expand existing mobile home parks, but also the Town realizes the affordability of such housing options and shall continue to support the expansion of these developments. In addition, these types of developments allow for a higher density residential development and the Town's Comprehensive Plan continues to support a high density development.

- 3) The Cessation language refers to the elimination of the nonconforming use in any residential district not in an enclosed structure. The time frame has past, and to the best of the Town's knowledge there are no more of these types of nonconforming uses within the Town, therefore this language is no longer required.

- 4) The rationale to remove these "minimum building lines on major streets" is that the need for these excessive setbacks no longer applies to the goals and objectives of the Town, not to mention the arbitrary nature of the restrictions; basically these restrictions are contrary to creating a commercial street presence that is more pedestrian friendly. To also add to that comment the exceptions are for residential, these set-backs are for commercial uses.

Town Engineer: No Comment.

Code Enforcement: Concurs with the Planning Director and recommends to approve the zoning amendments.

OUTSIDE AGENCY REVIEW:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on February 22, 2018 and the 30–day review and comment period has passed; no comments were received.

Chairperson Rappoccio: Are there any questions or comments from the Board before I open the floor to the public?
Ms. Sellers: I would like to add a recommendation when we move our minutes onto the Town Board that they look at that mobile home law and consider adding a recreation fee per pad for the mobile home park developer to pay to help offset the cost of the additional people using our Town Parks and Recreational Facilities. We do charge development owners that Recreation fee and I think it only fair when you put that additional pressure on our Town Parks and Pools.

Chairperson Rappoccio: Okay. Anyone else on any of the 4 proposed amendments? There being no further questions or comments from the Planning Board, at this time I will open the floor to the public. please step up to the microphone, state your name and address, spelling your last name for the record.

There were no members of the public were in attendance.

Chairperson Rappoccio: Is there anyone else who wishes to speak? There being no further comments from the public, I will close floor and bring it back to the Planning Board for further questions/comments. Are there any further questions or comments from the Planning Board?

There being no further questions from the Planning Board may I please have a motion.

Ms. Sellers: May I abbreviate it? I would like to make a motion to recommend to the Evans Town Board the approval of the following four (4) Zoning Amendments:

- Section 182-5; Taxation
- Section 200-15E(2); Size of Mobile Home Development
- Section 200-30E; Non-conforming lots, structures and uses
- Section 200-31; Minimum building lines on major streets

Based on the following reasons:

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

Mr. Bergum: I second the motion.

Vote: *All in favor.*

Chairperson Rappoccio: Motion is carried. Thank you everyone for attending our meeting this evening. May I please have a motion to adjourn.

Mr. Bergum: Motion to adjourn.
Mr. McEvoy: Second.

Vote: *All in favor.*

Chairperson Rappoccio: Good night everyone. Thank you for attending.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 6/27/18