REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, MARCH 28, 2018

MEMBERS PRESENT:	T. Catalano, A. Sellers, J. McEvoy, B. Bergum, M. Connors, L. Whittinghill
EXCUSED:	J. Pinter
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 everyone. I would like to welcome everyone to the March 28, 2018 Planning Board meeting. Before we begin tonight's meeting we have some housekeeping we need to take care of. On March 18, 2018 the Town Supervisor received a letter from Ted Catalano announcing his desire to resign as Chairman of the Evans Planning Board, but still remain as a voting member. At this time, Roberta Rappoccio, Director of Planning and Community Development will assume the duties of the Chair of the Evans Planning Board, however without a vote. I would like to thank Ted for his service as Chairman and look forward to continue working with him as a member of the Board.

Next, with regards to meeting minutes from the January 24, 2018 meeting; are there any additions, corrections or questions or may I have a motion to accept them as submitted.

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

Vote: *All in favor. Motion is carried*

Chairperson Rappoccio: So moved. The first item on the agenda this evening is an:

- **Zoning Amendment** – to Add the Self-storage Facility Use (or "mini" storage) to General Business zoning district with exceptions

Director Rappoccio: The addition of the self-storage use to the General Business District ("GB") would allow for greater reuse of commercially zoned property along our commercial corridors. Self-storage facilities are a use that requires larger sites with larger overall building square footage then many of the numerous land uses expressly permitted in the General Business District ("GB"). Therefore, the proposed amendment of Section 200-21 of the Zoning Code would provide for additional restrictions applicable to self-storage facilities in the form of greater required front yard, side yard and rear yard building setbacks, as well as a greater front yard setback for parking loading and stacking areas; a lower maximum building height (35 feet); a minimum lot size of 4 acres and a minimum building size of 10,000 square feet or greater, etc.

Adding the self-storage facility use to General Business stems back to the initial proposal of modernizing the zoning code by merging the Motor Services (MS) zoning district into the General Business (GB) zoning district, and eliminating the MS zoning designation, which was originally included in the 2017 CDBG grant as a zoning code amendment in conjunction with the Comprehensive Plan Update.

History: There is a brief history of the proposal:

- **June 13, 2017** – The Comprehensive Plan Steering Committee first discussed the rezone from Motor Service (MS) to General Business (GB).
- **July 26, 2017** – The Planning Board Unanimously recommended for approval the rezone from MS to GB to the Town Board. This was the initial approval.

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- **November 1, 2017** – The first Town Board Public Hearing was held for the MS to GB rezone proposal; there were no comments and no one was there, however the Town Board asked for revisions to the code so there was a second Board meeting.
- Prior to the second Town Board meeting, the second abutter notices were mailed and that is when we started to get public comments, questions and opposition to the rezone.
- **February 7, 2018** – Second Public Hearing the public opposed the initiative and the Board tabled the rezone.

NOTE: After this hearing it was determined that in its current form, the MS-GB rezone effort would be abandoned. This is not to say that in another form the MS zoning district can be amended to allow for more uses under the zoning code at a later date in the future.

- **February 20, 2018** – The 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.
- **March 14, 2018** – The Planning Board discussed the addition of the self-storage facility use and reviewed the updated GB code at its Work Session. The setbacks and code met all the initial requests from the Planning Board.

Interdepartmental Reviews:

- **Director Rappoccio:** There are currently two proposed developments for self-storage facilities on General Business properties waiting for approvals. With this amendment to GB the Town could benefit from nearly $50,000 in Town tax revenue per year for these two project combined according to the Town Assessor. In addition, because these developments are setback 300' from the roadway, additional GB uses can be developed along the roadway of these sites making good use of the deep sites located along our commercial corridors. Another important thing to remember is that the minimum 4 acres required for a self-storage facility on a GB parcel at this point, limits the number of GB sites to less than 25 that actually qualify and some of those are already developed. I recommend to approve the zoning amendment.
- **Town Engineer:** The Town Engineer, Dave Johnson, has no comments.
- **Code Enforcement:** Has recommended approving the zoning amendment.

Outside Agency Review:

- **Erie County Department of Environment and Planning:** The 239M has been submitted and we are awaiting comment at this time.

Chairperson Rappoccio: Are there any questions or comments from the Board before I open the floor to the public?
Ms. Sellers: I'll just make a brief comment. It took so long because there was a lot of disagreement on the Board. There are those very few prime commercial sites left along Route 5 that we wanted to protect. We didn't want to see storage units in Derby, we were hoping for retail or some other commercial that would encourage and help the commercials in that strip; even the same here closer to Town Hall, because we know that business draws business and storage units don't that, but it is excellent use of back-land. Now some people on the board find it too restrictive to tell people they can't develop right up to the road, but we no longer have split zoning, which I was in favor of in the old days because it allowed back-land use and it still saved road frontage for more desirable uses. I really think that this is a very good compromise and it takes care of all those concerns. Overall

Mr. Bergum: I would only add that I did have some concerns with storage units being in General Business. Storage units seem to be a Motor Service type zoning and although they are still allowed in Motor Service, I felt the totality of what we are trying to do here with some projects that could turn into fruition, and with some healthy discussions with the Board, I just think overall to move forward and approve this is the right thing to do right now knowing that we have some projects that may benefit from this and obviously a little bit of help with the tax levy would work as well. And I would say Ted, thanks for your contributions as our leader, and again…
Mr. Catalano: Thank you.
Ms. Sellers: Fearless leader.
Mr. Bergum: I'm glad you're staying on the Board.
Mr. Catalano: Thanks. On this project I just want to say I was in favor of it all the way, the self-storage facility units on Route 5. I just didn't like some of the restrictions like the 300-feet of road frontage; to have to be set back that far. But I agree with the project, although there are some restrictions that I probably would have eliminated.
Chairperson Rappoccio: 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.
Bill Henry, 1456 Pontiac Rd.: Actually my niece lives around the general area. One of the concerns that they have is if proper drainage is going to be set-up for here because you're actually taking fields and trees and everything, knocking them down and are we going to have the proper drainage there to accommodate these? I mean we have 100-year floods, it seems, like every other week around here and we need to really make sure that this concern is addressed.
Chairperson Rappoccio: Absolutely, that's a good concern, absolutely. Our Town Engineer, Dave Johnson, wouldn't let anything go by; trust me. Everyone is required a drainage study, no run-off is allowed off the property and he makes sure that is the case. We've even had developers have to change their engineer to comply with us, especially on this site because we do know how sensitive it is. Anyone else have a comment about that?
Mr. Catalano: Yes, we have Ms. Sellers who has been on the Board for a number of years and Anne doesn't let that slide by her without questioning not only the developer, but the Town Engineer on every project we do. Correct Anne?
Ms. Sellers: Well, we're just so aware of the drainage problems here and that everything goes to the lake and we know anything that is going to be up on Route 5 is going to; I was going to offer you to look at these plans and look at the drainage and the grading if you would like to. These are all sensitive areas, everything drains to the lake and we know what the people down on Lake and down towards the Lake Shore Road have.
Mr. Henry: To give you a perfect example, my niece lives there and the drainage is so bad she had the neighbor's kayak float through her yard during one of the rainstorms. These are some of the issues, and she has trees and everything.
Ms. Sellers: I also agree that it seems like as time goes on the storms and the rains and the 100-year flood comes so frequently that we are just overwhelmed. I have a 20-foot drop from the Old Lake Shore Road to the lake and we are putting in new drains this year because we have more and more water coming down towards the foundation of our home and it just seems like it has continually gotten worse in the past several years. There are some areas that have traditionally have had that problem and we can't let any developer, no matter how much we'd like the tax revenue, overlook the problem they could create for our residents.
Mr. Catalano: Yes, we do take it into consideration.
Mr. Henry: I have another question for afterwards in regards to another issue.
Director Rappoccio: Okay. Would anyone else like to speak?
Marie O'Connor, 8812 Lake Shore Rd.: Where are the projects located?
Ms. Sellers: This one is the Hogg property on Route 5, set 300-feet back.
Ms. O'Connor: Where?
Ms. Sellers: It's on Erie Road, basically across the street from Town Hall, just down a little. We are very aware of your problem and your problem is severe, so the last thing we want to do is exacerbate your problem.
Chairman Rappoccio: Absolutely.

Ms. O'Connor: Well here I am, I was at the Drainage meeting, I was at the Town Board meeting and I'm here and I'm saying it again…déjà vu. There are issues here and there are issues that go before everything else gets put into place. I've dealt with things backwards and it's a very difficult place to work from and it goes unanswered over and over again and I'm here to tell the Planning Board what is happening. You know, right across the street here there's been times where Planning Boards have refused, and I believe you were on one of the Planning Boards when it happened, because there was watershed and water retentive areas that are now being dismantled; they are being deforested and these things are happening before the fact and it should not be happening and there's been very little oversight in this area.
Ms. Sellers: Well, we have the Town Engineers and we have one specifically on this who guarantees us that this water will not be coming off this property. You are welcome to look at this drainage plan.
Chairman Rappoccio: Absolutely, they are available.
Ms. O'Connor: I would like to see the drainage plan, but the issue still remains the same, it still remains that the trees are taken down before any plan is seen; the area is cleared out before any public input can be given.
Ms. Sellers: That could be something we have no control over.
Ms. O'Connor: When there's watersheds, there is control. When there's watersheds and there's wetlands or whatever districts there are. That's what's been, because I can tell you, and I'm going to say it over and over again and I've been over here over and over again, and you'll have to listen to me over and over again; my land has been changed because other lands, other trees have been put down, brought down, and my land is changing that was NOT a swamp…it was not water-soaked. So when I hear that these things are happening right here and there is nothing that we can see, I would love to see this, but I'm getting here now when you're ready to vote on it and I haven't seen it yet. How can I have questions when we haven't seen it yet?
Chairman Rappoccio: We are not voting on it tonight.
Ms. Sellers: We are voting on a zoning amendment, we're not voting on the project. But of the two projects that are proposed to us, the one that would be the impact is up here on Route 5 and that's what I'm looking for. We have not finally approved this, but we have plans in.
Ms. O'Connor: As I've experienced, water does get re-routed and you can tell me that "yes, I know that this is an area of concern" but when there's legitimate concern about things being re-routed and re-directed, then there is a big issue and it's not one that I'm going to let go.
Mr. Catalano: And I wouldn't either.
Ms. Sellers: Roberta, can you explain this to Marie about..
Mr. Catalano: I wouldn't let that go either; we are just doing a rezoning here.
Ms. O'Connor: This is what I've found that one thing goes to this and then all of a sudden it goes to this and then all of a sudden it's allowed and then all of a sudden you're trying to work backwards for answers.
Mr. Catalano: And there will be meetings for all of that as those plans come in front of the Board. But we don't have those right now.
Ms. O'Connor: Okay, thank you.
Chairman Rappoccio: I just want to assure you from this point on as they come in front of the Planning Board they are public property and you can see them; anytime anyone wants to come to the Planning Department to review them, you are welcome to during regular hours. I have no problem talking all day about drainage and land use, whatever you want to talk about, so please come in and look at them because we do want to be transparent, especially with the drainage because this is a really sensitive area and it's not going to get any better and the Planning Board is well aware of that.
Mr. Bergum: That being said we also changed engineers last year and we have a specific engineer on this now so it does help. We just had at the last Work Session a two-hour session on drainage, so we are well aware of it and it is a concern of ours also.
Chairman Rappoccio: Also, one other thing to mention is we are actually in the Lake Erie Watershed and we are trying to get all the communities around here to do a combined drainage study of the area because it ends in Evans; so just to do a study in Evans doesn't really make sense. We need to go even further of how it's getting here and how we can mitigate from our border on to the lake, because everything goes to the lake and that's the truth and we have all the creeks. I mean we're really in a tough geographic location so it's something that we

need to study and get more up-to-date current information which unfortunately isn't always available because of the changing temperatures and changing climate it is happening.
Ms. Sellers: I know it seems like we have ignored it Marie, but 30 years ago UB came out and did the Seven Sisters Watershed Study and we have been looking at it and talking to the engineers and having firms review plans, trying to make sure that retention ponds would hold that water they were supposed to hold; detention ponds were not letting that water flow out other than at a rate that was not going to impact the area that it was going out into a public storm drain. We just keep working on it. I know that the problem for you has not improved, but it isn't for lack of effort. We've never tried to short change anything on it.
Chairman Rappoccio: Is there anyone else who wishes to speak?
Mr. Henry: *(From the audience)* In regards to this issue or any other?
Chairman Rappoccio: No, this is still on this issue.
Ms. Sellers: This is actually on the zoning amendment, not on the self-storage project.
Chris Tucker, 8818 Lake Shore Rd.: The question I have for the Planning Department in approving this zoning and looking at projects, which I know it has to run its course, is one thing that I think that has to be made aware to all of you is that Delaware Creek used to be a creek where you could step over it; 8-feet wide at best when the water was running. Right now the water is running about 40 to 45-feet wide after a good rain because the developments that we have put in place, and the Planning Board is part of that, that water is now 70-feet, 60-feet and running. It used to be you could walk through it and you'd be ankle-high. I can walk through it now and it's up to my chest. So that needs to be given some consideration from the Planning Department when we're taking a look at what we're doing in the Town. That's my comments. Thank you.
Chairman Rappoccio: I just need to have the one's that spoke sign in please at the end. Thank you. There being no further comments I will close the floor and bring it back to the Planning Board for further questions and comments. Are there any further questions or comments from the Planning Board? *(No questions or comments).* There being no further questions or comments from the Planning Board, I'd like to make a motion to approve with conditions the zoning amendment. Who would like to make the motion?
Ms. Sellers: I would like to make a motion to recommend to the Evans Town Board the approval of the zoning amendment to add the Self Storage Facility use to the General Business zoning district based on the following reasons:

- The proposed zoning amendment is consistent with the Town of Evans Comprehensive Plan;
- The proposed zoning amendment is consistent with the legislative intent of the General Business District ("GB") which is to establish areas for larger scale commercial operations that provide a wider variety of goods and services;
- The action is not expected to result in any potentially significant adverse impacts.

And with the following conditions:

1) Receipt of the 239M review and recommendation by the Erie County Department of Environment and Planning

Mr. Bergum: I second it.

***Vote:** All in favor. Motion is carried*

Chairman Rappoccio: The 'ayes' have it; motion carried. Since there seems to be expressed interest in opening up the floor again for other business, I will open the floor once again.

Bill Henry, from the Friends & Neighbors Advocating Better Green Living of Western New York: *Mr. Henry gave each member of the Board a two-page letter dated March 6, 2018 from the Friends & Neighbors Advocating Better Green Living of WNY which was addressed to the Evans Town Board, Evans Planning Board and Village of Angola Board. In addition a copy of page 299 of the November 15, 2017 Town Board minutes, an Evans Town Hall Monthly Peak Demand Cost graph and an Evans Town Hall Monthly Peak Kilo Watt Demand graph were attached. Subsequent to passing out the packet Mr. Henry proceeded to read the submitted letter into the record (see attached). Mr. Henry read the letter aloud up to the 9th bullet item on page 2 and then noted:*

Actually I gave you two charts on how much the Town is saving just on our Town Hall itself. In most cases it's like $8,000 a year because of the peak demand and how we got it reduced here.

Mr. Catalano: I'm going to stop you for one second please if I may. We can put this communication right into the record, but I will tell you straight up, as far as solar goes, I don't know how the rest of the Board feels, but I am so pro-solar, that's where I stand. I don't know as a Board, as nothing has come in front of us and we don't have control over those Town regulations.

Mr. Henry: No, but Mr. Catalano, as you said yourself, you thought small commercial businesses were exempt from this and they weren't, I showed you.

Mr. Catalano: They are not and you brought that to my attention and I totally get where you are on this but that is not for this Board to decide. Would I like to see that changed; absolutely, 110%.

Mr. Henry: If this Board would send a message to the Town Board, that's what we need to do.

Mr. Catalano: Sure, now that I'm aware of it with this, it's in our record and as we start to talk about it I would love to have that changed in our Town.

Ms. Sellers: Isn't there a legal limit on how long you can have a moratorium on something?

Mr. Henry: Yes, there is.

Director Rappoccio: Yes, there is but there isn't; it's a gray area. Anything after 18-months is open.

Ms. Sellers: I don't know if they've just been so busy that they haven't addressed it…

Mr. Catalano: I will bring it up every chance I get, especially if they want to develop Route 5. Were amending zoning here to allow self-storage, what a better place to start putting solar panels is on those units.

Mr. Henry: Exactly. You could put green energy on these buildings and it would be profitable for the self-storage reducing your peak demand. It's being done in California as well as all over the country.

Ms. Sellers: My understand at the time, and it may have been wrong, was that the Town Board was trying to prevent speculators from signing large tracts of land on Eden-Evans Center where they could do nothing for 20-years, until they could resell those rights to a solar company. It could be very wrong and they wanted to tie-up so much road frontage because they were so close to the power grid and the Town was saying they wanted them in backlands. It was discussion 2 years ago and I thought that new rules and regulations were going to be put in place so that solar could go ahead, but maybe farther from the grid or not on the prime light industrial on Eden-Evans Center. But, I think that there probably is a case that to move it…you can't have a moratorium forever.

Mr. Henry: Our Town is missing a great opportunity. In Orchard Park and West Seneca, the new power transfer station that was set-up was set-up for renewable energy; it's going to be put in this area and we're going to lose out. Like I said, people are afraid because of this opt out under the old business, they are not opting out, but they keep it like a guillotine, or however you want to put it. It should be removed from old business.

Mr. Catalano: We don't have control over that on our Board but I can only assure you that when it does come in front of us we will take it serious and I do bring it up when I'm at those other meetings and I'm talking to other people in the Town. This needs to be done here or that ship is going to sail right past us.

Director Rappoccio: Another thing is the Town of Evans and Village of Angola is working on our Comprehensive Plan and we have finally determined the areas of which we'd like to see large scale solar projects and that is something that we will be reviewing in the next few weeks and hopefully approving. That is really what the Town was waiting for in terms of its ordinance. Once the plan is adopted by the Town, then we can actually go ahead and do a solar ordinance because we know exactly where we want the larger scale ones.

Ms. Sellers: And that's talking solar farms.

Director Rappoccio: Yes, large scale solar farms town-wide.

Mr. Henry: And I will ask you the same question I asked the Town Board, did anybody here contact National Grid, because I went to your Comprehensive Plan meeting and where you are putting them there is no infrastructure for putting these farms. You basically put it out in the middle of nowhere where there is no infrastructure. By having it near companies, the companies there tap off of these farms. They don't have to be close to the road, you can have an ordinance just like you just did with the storage units, where they are a couple

hundred feet; in fact you had Cypress Creek out here showing you. I'd just like one question: how many people here have ever seen a solar farm or visited one?

Director Rappoccio: I've seen them in Massachusetts.

Mr. Catalano: I've seen one.

Ms. Sellers: We drive-by acres of them down towards the other end of the state.

Mr. Henry: Have you ever stopped and visited one?

Ms. Sellers: I have never visited one.

Director Rappoccio: Just seen them from the road.

Mr. Henry: But the thing is, to give you a perfect example, we're all for going green and everything else, but the system out here that we have at the highway department is equivalent to 30,000 trees being planted; with the power that it has produced this year. That's how much CO_2 offset has been offset. We need to bring our Town into and update our communities. We need to allow…I'll give you another real good example. Right across the street from me I have Creature Comforts. They have a solar system on their system out in Tonawanda; her electric bills are a lot cheaper than they are here. If something was to happen, which one would you close down? I'm not saying she is, because she is doing a fantastic business.

Director Rappoccio: Well, I definitely want to see you in front of the Town Board, as I know you will be, for the public hearings for the Comprehensive Plan, so that we can have this information put in the plans.

Mr. Henry: The simplest solution right now is to convince the Town Board: (1) Get it off of Old Business and that will open it up for residential. I mean at our Environmental Fair we were not able to bring solar companies here last year because they said "you people are anti-solar." I actually had to beg and plead with Solar Liberty to come out here and they final did. We need to send a message that we are environmentally friendly.

Mr. Catalano: And you know what, someone like you coming to this meeting and speaking and talking to this Board just puts more people in your corner.

Mr. Henry: Well I do appreciate this. It's not to point fingers, we made a mistake and we need to correct it and we need to do it soon.

Ms. Sellers: I was unaware until the Master Plan meeting.

Mr. Catalano: I remember when that was done and it was done because most people had no knowledge of solar and they were afraid of it and they put the moratorium on just to slow it down so they could study it. What they did with the information after they studied it, I don't know, but it's coming more and more to the forefront.

Mr. Henry: My house has been solar powered since 2007. That's one of the reasons I can stay in this community. I'm retired now, my utility bills are done, I shouldn't say, to where I can afford the taxes because it helps us stay here in this area.

Director Rappoccio: Thank you Bill. Thank you very much; we will put this in the record. Thank everyone for attending our meeting this evening. May I please have a motion to adjourn.

Mr. Bergum: Motion to adjourn.

Ms. Sellers: Second.

Vote: *All in favor. Motion is carried*

Director Rappoccio: Thank you everyone for coming. Good night.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 4-25-18

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y. AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: ZR-18-189

Received: 3/19/18

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municpal action, such reply must be considered.

Description of Proposed Action

1. **Name of Municipality:** TOWN OF EVANS

2. **Hearing Schedule: Date** 4/4/18 **Time** 7:10PM **Location** Evans Town Offices

3. **Action is before:** ☒ Legislative Body (Town Board) ☐ Board of Appeals ☒ Planning Board

4. **Action consists of:** ☐ New Ordinance ☐ Rezone/Map Change ☒ Ordinance Amendment
   ☐ Site Plan ☐ Variance ☐ Special Use Permit ☒ Other

5. **Location of Property:** ☒ Entire Municipality ☐ Specific as follows (Location/Sketch Map Required) zoning amendment

6. **Referral required as site is within 500' of:** ☐ State or County Property/Institution ☒ Municipal boundary ☐ Farm Operation located in an Agricultural District
   ☐ Expressway ☒ County Road ☒ State Highway ☐ Proposed State or County Road, Property, Building/ Institution, or Drainageway

7. **Proposed change or use (be specific):** Add Self-storage facility use into GB

8. **Other remarks: (ID#, SBL#, etc.)** Section 200-21

9. **Submitted by:** [signature] Director, Planning & Community Dev. (Name & Title) 3/8/18 (Date)

8787 Erie Road, Angola, NY 14006
(Mailing Address-Please include zip code)

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 3/16/18 **. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.**

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1. ☐ **The proposed action is not subject to review under the law.**
2. ☐ **Form ZR-3, Comment on Proposed Action, is attached hereto.**
3. ☐ **The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.**
4. ☑ **No recommendation; proposed action has been reviewed and determined to be of local concern.**

By the Division of Planning: [signature] **Date:** 4/17/18

ZR-1, ECDEP (Rev. 12/95)

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 5, 2018

Roberta Rappoccio
Director of Planning & Community Development
Town of Evans
8787 Erie Road
Angola, New York 14006

Re: Add Self-Storage facility use into GB
Review No.: ZR-18-189

Dear Ms. Rappoccio:

Pursuant to New York General Municipal Law Section 239-m, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Evans (the "Town") on March 9th, 2018. Per our conversation March 14th and 28th, 2018, the County offers the following comments based upon its review of the Project:

- Given the Town's stated purpose of attempting to increase business development in the General Business district and avoiding visual "blight", the Erie County Department of Environment and Planning ("DEP") recommends the Town allow the self-storage facility as an accessory (instead of primary) use in the GB zone. As an accessory use, self-storage facilities would be less visible from the roadway and not necessarily require as many exceptions within the Zoning Code. Additionally, proposed amendments to the code would highlight the locations of self-storage facilities instead of contributing to the character of the Route 5/Evans business corridor (also likely to cause visual "blight").

This review pertains to the above-referenced project submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any county approvals. The Town must still obtain any other permits and regulatory approvals applicable to this project.

Please feel free to contact me at 716-858-1916 if you have any questions.

Sincerely,

Mariely Ann Ortiz
Planner
P:(716) 858-1916 | F:(716) 858-7248
Mariely.Ortiz@erie.gov

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PLANNING DIVISION

Submitted to the Record

3/6/2018

From Friends & Neighbors Advocating Better Green Living of WNY

To: Evans Town Board

Evans Planning Board

Village of Angola Board

NYS and Erie County has seen an unbelievable growth in the Solar Photovotaic systems in our State and County with capital investments in the Billions. This is not the case in our town.

This letter is to point out the devastating economic results on the growth of Solar PV systems by the failed policies for the Town Of Evans and Village of Angola. Our organization has no financial gain or interest with any Solar Company and all data and information gathered is from the NYS NYSERDA database. It is not our intent to point fingers at any one politician, Board, or committee but to point out the effects of the policies put forth over the last two years.

In 2016 the Town of Evans passed a Temporary Moratorium Local Law #3 on the installation of Solar Farms in order to get ordinances in place to deal with them. The problem with this moratorium was and it was pointed out, is it also stopped any Small Business, Company, Non for Profits, Farmers, or Churches from installing Solar because they all have Commercial Electric Accounts and the Moratorium only allowed for Residential Installations. (See attached Copy of the latest Public Hearing notice. Dated Nov. 2017). The wording has not changed from 2016 and has been extended for a total period of 2 years.

Also in Early 2017 in order to stop Solar Farms from coming to our Community this Town Board was going to Opt-out of the RPTL 487 in which every Solar Installation put in after that date would pay property taxes on clean renewable Solar, wind or Farm waste systems. It did not matter if the system was residential or commercial .Presently every installation is tax exempt for a period of 15 years in which homeowners and businesses would get a chance to recoup their investments, unless the County, Town, or School district chooses to require a "Pilot" as many municipalities have done with large solar installs. This effort to tax solar was tabled and left under "Old Business" after the "Stop the Sun Tax Petition" was submitted and this Solar Opt-out has been posted on every Town minute agenda since then. Sadly the Village of Angola did opt-out in early 2017 and is going to collect property Taxes on both Residential and Commercial systems.

After reviewing the data supplied by the NYSERDA database the following was found:

- Since 2000 NYS has 84109 Solar installations installed or about to be installed. The capital investments by residential and commercial systems is over 6.2 Billion dollars
- In 2017 11673 systems with a cost of 1.5 Billion Dollars of the 6.2 billion occurred.

- Just in the month of Jan 2018 over 764 systems were applied for with a cost of 61 million dollars in NYS
- Erie County has also seen the largest growth in Solar installations in 2017, with close to 62 million dollars in capital investments in towns and villages across Erie county.
- Erie County has over 1800 Solar PV system installed or in the pipeline with a capital investment of over 218 million dollars since 2000
- Erie County has done this by the help of removing the Sales Tax on Solar installations which our group spearheaded. Erie county became one of the first counties in NYS to do so.
- Sadly in the Town of Evans had only 2 residential systems installed in 2017 with a cost of 57 thousand dollars
- The Town of Evans has been deemed a "load Community" and has some of the highest costs of electricity in Erie County because of our distance from Niagara Falls.
- To date the Village of Angola has not seen any tax revenue because no systems are being installed and is marking itself as an anti renewable community which we do not believe it was their intent.
- One of the biggest selling points Small Businesses and Companies is their ability to market themselves as going green. This is not the case in Evans or Angola because of the Moratorium and the opt out.
- As proven by the energy audit of the Town Hall, Businesses could benefit on their Electrical Costs by reducing their Peak Demand Cost which is in some cases is half of their electric bill by the use of Solar. They cannot do this under this Moratorium.

If we are going to change all the above we will have to immediately take the following steps :

- The Town of Evans needs to remove the Solar opt-out from their "Old Business Agenda"
- The Moratorium needs to lifted so Small Businesses, Farmers, Companies , and non profits so they can install solar systems.
- Expand the area Solar farms are to be allowed so landowners can reap the rewards and the Town can collect revenue from Payment in lieu of tax agreements. Like Grand Island, Lackawanna, Hamburg and many other Erie County Communities are doing. This will also help reduce the electrical cost for nearby Businesses
- The Village of Angola needs to Opt back in and allow small businesses and residents reap the rewards of clean renewable energy without being Taxed
- Nowhere in the LWRP or the Comprehensive plan has there been photo's of Buildings with Renewable Energy Showcased. Even the Towns website has failed to emphasis this. We have monitoring systems on both the Town Hall and Highway dept. that could show Taxpayer's how much there is in tax savings because of these Solar PV systems.

It is time we as a Community we join Erie County and NYS with clean renewable Solar.

Respectfully , William J Henry wjhenrysr@verizon.net
Chairperson for the Friends & Neighbors Advocating Better Green Living of WNY

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Board to determine the need for Planning Board review and recommendation prior to the public hearing, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office and the Code Enforcement Office.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Aye
	Councilman Macko	Aye
	Supervisor Hosler	Aye

PRIVILEGE OF THE FLOOR

Lynn Wayland spoke in regards to the flower bed in her backyard, drainage runoff from a neighbors yard and the September 21, 2017 Drainage Meeting as well as phone calls not being returned.

Cheri Hahn spoke in opposition to Resolution on tonight's Agenda - Pool Fee Credit.

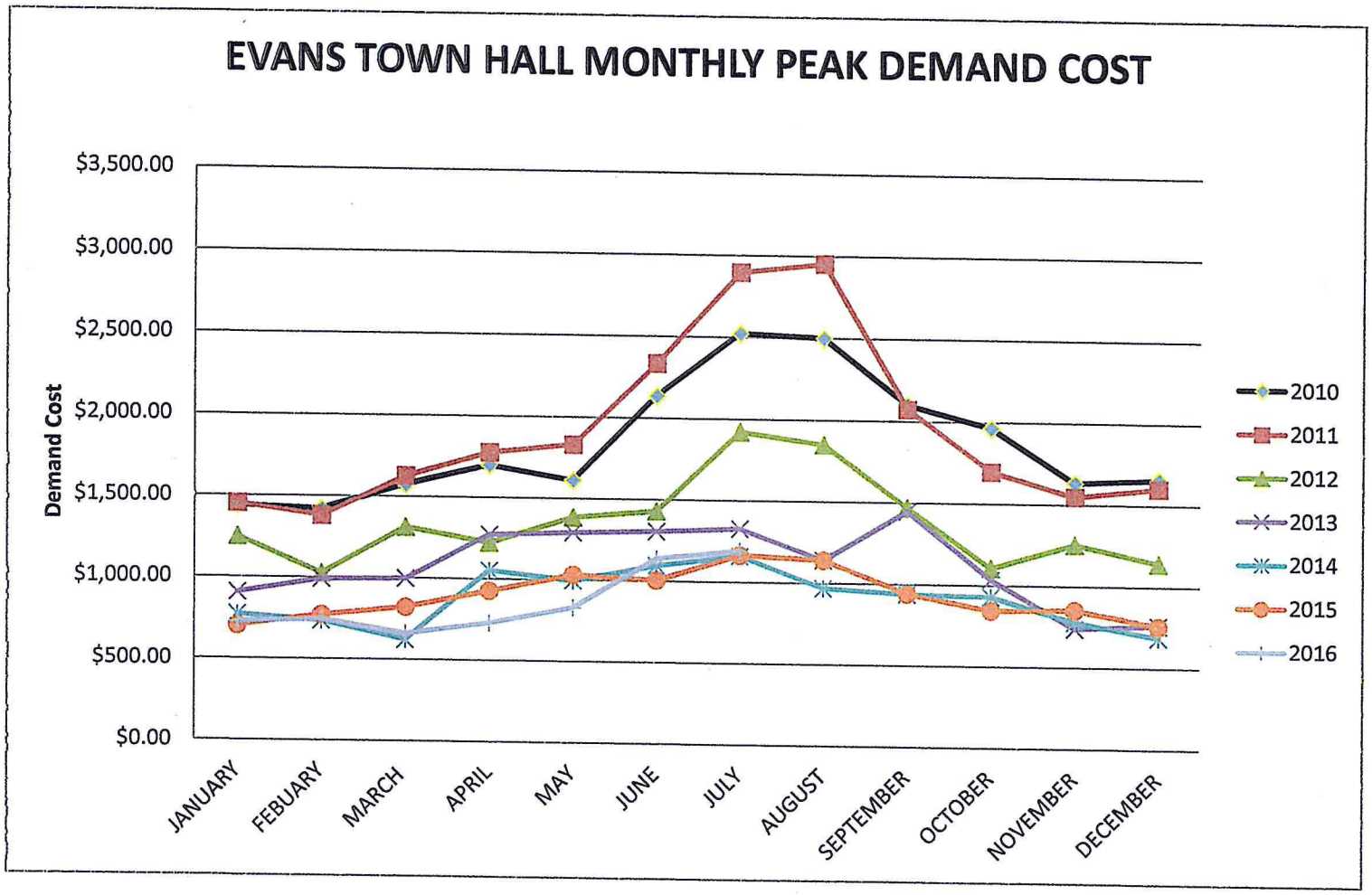
PUBLIC HEARING

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on November 15, 2017 at 7:10 p.m. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #12 of the year 2017, which will extend the temporary moratorium implemented by Local Law #3 of year 2016, and subsequently extended by Local Law #9 of the year 2016 and Local Law #3 of the year 2017, on the issuance of applications and the granting of applications, permits, licenses or approvals for the erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures for a period of 6 months from the expiration of the moratorium implemented by Local Law #3 of year 2016 and subsequently extended by Local Law #9 of the year 2016 and Local Law #3 of the year 2017.

Copies of the Proposed Local will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website www.townofevans.org.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.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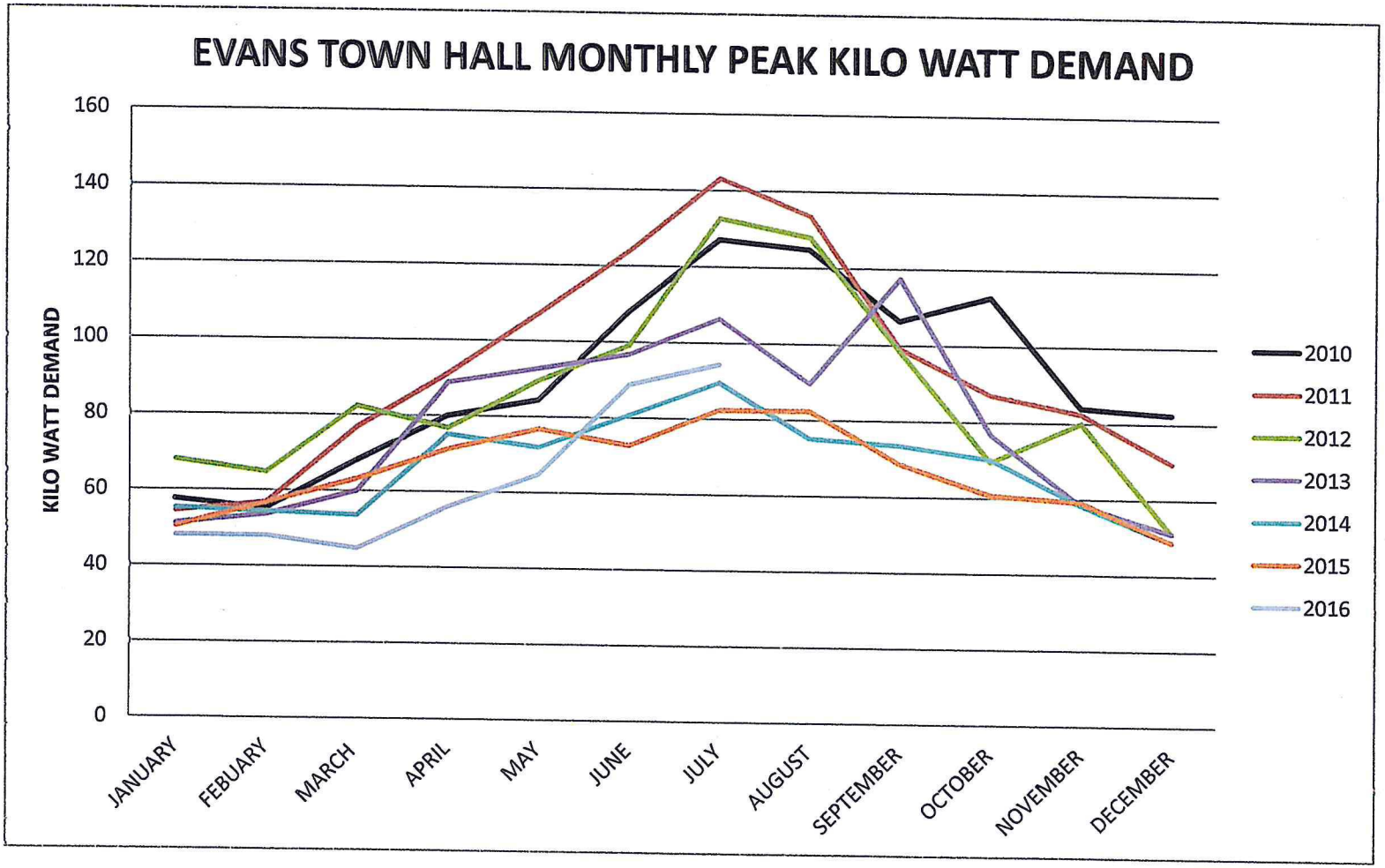
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