REGULAR MEETING OF THE
TOWN OF EVANS PLANNING BOARD
WEDNESDAY, SEPTEMBER 26, 2018

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

ABSENT: T. Catalano

ALSO PRESENT: Roberta Rappoccio, Chairwoman 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.

Chairwoman Rappoccio: I would like to welcome everyone to the September 26, 2018 Planning Board meeting. Before we begin tonight's meeting we have some housekeeping we need to take care of. Regarding minutes from the August 29, 2018 public meeting; are there any additions, corrections or questions or may I have a motion to accept them as submitted.

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

Vote: *All in favor. Motion is carried*

Chair: For the record and as previously stated, a Planning Board Public Meeting is conducted solely for the pre-determined action items listed on the official Planning Board Agenda 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.

The First item on the Agenda this evening is:

1. **Recommendation to approve to the Evans Town Board a Special Use Permit** – for Copart of Connecticut, Inc. for the continued operation of a short-term auto storage facility with ancillary receiving/shipping and administrative activities onsite, located at 8418 Southwestern Blvd, Angola, NY, SBL# 221.00-3-22.1 and 221.00-3-9.12. Petitioner: Copart of Connecticut, Inc., 14185 Dallas Parkway, Dallas, TX 75254

HISTORY:

- There is a bit of history on the two properties; the original property located at 8418 Southwestern Boulevard houses the Southtowns Auto Auction building, SBL# 221.00-3-22.1, and was purchased in September of 1999. Subsequently, in December of 2012, Southtowns Auto Auction purchased an adjacent vacant parcel on Southwestern Boulevard, SBL# 221.00-3-9.12, to further expand their auto auction staging area.
- Copart of Connecticut, Inc. is currently under conditioned contract to purchase both the Southtowns Auto Auction and the 8418 Marshalling LLC properties from Southtowns Auto Auction and have been authorized by the existing owner to pursue securing a Special Use Permit in their name before finalizing the purchase.

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- Requirements of the existing Southtowns Auto Auction Special Use Permit are as follows:
    - No vehicles shall be stored on the site in excess of 30 days.
    - The 30.57+/-acre parcel that remains zoned Rural Agriculture (RA) (formerly Suburban Residential (SR)) be dedicated forever wild through deed restrictions, a conservation easement or some other means as deemed acceptable to the Town Attorney and
    - The natural vegetation that exists along the southwestern property line shall remain fully intact to provide a visual buffer.
- Copart is requesting one amendment to the original terms on the existing Special Use Permit, which is to allow vehicles to be stored on the site for a period of 60 days or less versus a maximum of 30 days.
- It should be noted for the record that the facility recently passed a bi-annual inspection by the Town's Code Enforcement Office and the Evans Town Board approved renewal of the Southtowns Auto Auction's Special Use Permit on July 18, 2018.

INTERDEPARTMENTAL REVIEW:

- **Planning Director Rappoccio:** I have no issue with amending the conditions to include a 60-day period to store vehicles.
- **Town Engineer, Dave Johnson/Director Rappoccio:** No comment
- **Code Enforcement, Steve Bremer/Director Rappoccio:** No comment

OUTSIDE AGENCY REVIEW:

- **Erie County Department of Environment and Planning:** We have received the 239M Review from the County on September 26, 2018 with no comments and of local concern.
- **NYS Department of Environmental Conservation:** We received a letter from the NYS DEC dated September 21, 2018. The DEC agreed that the Town of Evans should act as Lead Agency; and stated that the NYS DEC is not an involved agency and has no specific comments regarding the Special Use Permit to continue operations at this facility.
- **NYS Department of Transportation, Region #5:** To date the Town has not received a response from the NYS DOT however, the 30 day review period does not expire until October 15, 2018

Chair: Are there any questions or comments from the Board before I open the floor to the public? There being no questions from the 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.

PLEASE REMEMBER - Comments shall be held to the 3 minute time limit per person, and each person shall be limited to one time at the microphone to comment. Thank you.

Corey Auerbach, Partner, Barclay Damon: I represent Copart Connecticut. I thought it would be helpful to tell you a little bit about Copart, about the company, about their operations. First of all thank you to Roberta for all your assistance in facilitating us getting all the applications in. So, Copart Connecticut is purchasing the existing Buffalo Auto Auction site, their use is a little bit different than Buffalo Auto Auction in that Copart basically deals with inoperable vehicles. Copart essentially is a one-stop shop for insurance companies where if a vehicle is totaled, either at the accident scene or at a mechanic shop, Copart will arrange to have the vehicle delivered to their facility and will process the change of title from the owner to what is called a salvage title by working with the NYS Department of

Motor Vehicles. At that point I like to think of it as an 'Ebay' for inoperable cars. Essentially what they do is they prepare what they call an asset report and they post it on the internet along with 8 or 10 pictures of the vehicle and then someone who is either interested in purchasing it for parts or for some other purpose, can buy it from Copart. The purchaser then arranges for that vehicle to be picked up from the Copart site and delivered to wherever it's going. It could be somewhere locally, but more often than not they go overseas or are shipped to other parts of the Country. Copart has 180 locations, has been around since 1985 and is a publicly traded company on the S&P 500. This will be their Western New York, or Buffalo Region facility to take inventory from the Buffalo Region. They have facilities across the Thruway; they are in Albany, Rochester and Syracuse presently and this will be the Buffalo location. They also have locations in Long Island, Staten Island and West Chester. Again, they are a publicly traded company so they comply with very rigorous standards. They are not planning any site activity at the site. It will basically be short-term storage of vehicles from when they come in to where they are eventually off-loaded to a wholesaler or to an individual and that process generally takes less than 60-days which is why we are asking for a little bit of additional time from what the Buffalo Auto Auction site had. So that's basically Copart in a nutshell. The only thing that's different is customers are not coming to this location, so there's no buyable option like there may have been at Buffalo Auto Auction. In very rare circumstances somebody may actually come and look at one of the vehicles, but more often than not that's done all online, sight unseen based upon an asset report and a photograph. So, a little bit different in that regard in that there are not customers coming and there are no sales done onsite whatsoever; 100% of the sales are done on the internet.

Ms. Whittinghill: I have a question. In the event a car is not unloaded, what happens to that vehicle?

Mr. Auerbach: It may go to another Copart facility, this way there may be additional market demand in another location, but by their experiences cars are not there more than 60 days. Based upon pricing, if they need to, the price will change so that the vehicles moves, but they are comfortable with the 60 day limitation because their cars move within that time.

Ms. Whittinghill: Thank you.

Ms. Sellers: So there's a graveyard at the end of the road for cars that just don't move. I mean they send them to a scrap yard or something?

Mr. Auerbach: More often than not somebody will purchase a large number of vehicles because the price will be reduced; that's what was explained to me. More often than not, multiple vehicles are leaving in one shipment because the purchaser has to arrange shipment, so they want to make it worth their while. If there is a vehicle that is inoperable that has expensive parts that can be salvaged, that is more attractive, but for some of those lower cost vehicles it's not uncommon for someone to load three vehicles on a single shipment and take them out.

Mr. Pinter: What is the daily volume of vehicles we are looking at here?

Mr. Auerbach: That's a good question. Copart's answer is generally by the size of the facility. So, they generally do about 100 vehicles per acre. This is a very large site but only a small portion of it is actually dedicated to vehicle storage and again, they are not proposing any site modifications so I think it could be expected there would be 400-600 vehicles onsite. That would not be uncharacteristic from some aerial photographs I've seen at the Buffalo Auto Auction site where there has been a good number of vehicles.

Mr. Pinter: A lot of those cars currently are new cars that are stored there for distribution; will that continue?

Mr. Auerbach: No

Mr. Pinter: All of that will be gone so the whole lot will just be used for this.

Mr. Auerbach: Correct. Ninety-percent of the vehicles at the Copart facility are completely inoperable.

Mr. McEvoy: So we're talking about vehicles that have been wrecked in accidents, possibly leaking oil, transmission, rear differentials, everything. What are we going to do to prevent any seepage into the ground?

Mr. Pinter: That was my next question.
Mr. Auerbach: So, by the time vehicles reach the Copart Auction Facility, they are generally free of any fluids, there's nothing left in them by the time they come to the Copart Facility. But they do of course have regulated spill management guidelines and other environment protections. They are incredibly environmental friendly; not to keep referencing back to the S&P 500 but that is a publically traded company, but they have to comply with very rigorous standards. Generally the fluids have been drained from the vehicle before they reach a Copart facility. In other words anything that would leak has already leaked out between the accident, the auto body shop, transport; so generally no fluids are left in that vehicle when it comes to a Copart shop.
Mr. McEvoy: A lot of the wrecked vehicles that I see go from an accident scene to an auto body shop somewhere; a tow facility. Once the insurance company writes an estimate on it and they are totaled out it immediately goes to Copart or IAA in Buffalo. I have been to IAA and to Copart in Rochester and I've never seen anybody siphoning fluids out of a car.
Mr. Auerbach: Right, because the fluids are generally drained by the time it reaches the Copart facility. You mentioned the Rochester facility and there is a facility in Leroy, I've visited it myself and I've not witnessed any draining of fluids occurring there because again the fluids have already been drained out by the time they reach the facility.
Ms. Sellers: Any idea of how many employees on site?
Mr. Auerbach: That's a good question. I don't have an employment number, but I can certainly find that out and be prepared to provide that information; I don't have any specifics on employment at this time.
Mr. Pinter: As a follow-up on the vehicle questions – give or take 400-600 vehicles stored at the facility at one time; on the average what is the daily traffic of people coming to pick-up cars and cars being dropped off? Is it a daily thing, weekly? I'm curious to that aspect.
Mr. Auerbach: It is absolutely a daily thing. I don't have a number to give you to say the average 'x' number of vehicles are moved at the site per day, but when you turn vehicles over in 60-days, every day there are vehicles...
Mr. Pinter: Coming in and going out.
Mr. McEvoy: Will any car crushing take place at the facility?
Mr. Auerbach: There is absolutely no crushing or dismantling of any kind. The vehicle that arrives on the site is the vehicle that leaves it.
Mr. Pinter: And they all come in on some sort of vehicle transport obviously, correct?
Mr. Auerbach: Correct. This is to receive basically, the Buffalo region inventory.
Mr. Connors: The employees that are working for Buffalo Auto Auction would they be employed by Copart?
Mr. Auerbach: It would make sense, but I don't know specifically. I know contractually in their land purchase agreement there is no representation regarding employment, but it would be a natural fit due to the similarity between the uses that the existing employees would have an opportunity with Copart. While I don't have specific employment numbers, I would predict there would be more employees at the Copart facility than there are at the existing facility.
Mr. Connors: Typically they would be open Monday through Friday?
Mr. Auerbach: Yes, standard business hours.
Chair: Is there anyone else who wishes to speak? *No response.* There being no further comments from the public, I will close floor and bring it back to the Planning Board. Are there any further questions/comments from the Planning Board? *No response.* There being no further questions from the Planning Board we will need a motion, which should include a SEQR recommendation to the Town Board.

Mr. Pinter: I will make the motion. Having reviewed the application and plans, I would like to make a motion to recommend approval of this Special Use Permit to the Town Board based on the following reasons:

- We have found no apparent significant environmental concerns and recommend a SEQR negative declaration.
- The retention and continuation of this business in the Town will be a benefit to the local community and surrounding area.
- The nature of this business appears to be within the character of the surrounding area.

It is also recommended that the following conditions be placed on the approval of this action:

- The site must be developed in accordance with the site plan as approved by the Town of Evans Planning Board on April 3, 2001 and revised on October 19, 2010.
- No vehicles shall be stored on the site in excess of 60 days.
- The 30.57+/- acre parcel that is zoned Rural Agriculture (RA) be dedicated forever wild through deed restrictions, a conservation easement or some other means as deemed acceptable to the Town Attorney.
- The natural vegetation that exists along the southwestern property shall remain fully intact to provide a visual buffer.
- This Special Use Permit shall be for a two (2) year period. Applicant may apply for renewal.
- No vehicles for sale shall be displayed outside of the fenced area.

WE FURTHER issue the following conditions on the approval of this action:

- The response from the NYS DOT to the SEQR Coordination Review letter.

Mr. McEvoy: Second the motion.

Vote: *All in favor. Motion is carried*

Chair: Thank you everyone for attending our meeting this evening. May I please have a motion to adjourn.
Ms. Sellers: So moved.
Mr. McEvoy: Second.

Vote: *All in favor. Motion is carried*

Chair: Motion carried. Good night.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 10/24/18