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REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, FEBRUARY 27, 2019

MEMBERS PRESENT: T. Catalano, A. Sellers, J. McEvoy, M. Connors, W. Smith
EXCUSED: J. Pinter, B. Bergum
ALSO PRESENT: Justin Steinbach, Interim Director of Planning, CPL
Jeneen Hill, Code Enforcement Officer

Chairman Ted Catalano 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.

Chairman Catalano: I would like to welcome everyone to the February 27, 2019 Planning Board meeting. We have a short agenda, so we will get right to it.

For the record and as previously stated, a Planning Board Public Meeting is conducted solely for the predetermined 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 floor is opened to the public. Please remember to limit comments to 3 minutes with each person limited to one opportunity to speak and we ask that you sign in ahead of time.

1. **First item on the agenda is:**

   Special Use Permit approval recommendation for a Boat Sales & Service Facility – 9268 Erie Road, Angola, NY 14006, SBL # 235.00-3-19. The project involves a new business, using the existing building and improvements to the site including parking/access reconfiguration, landscaping, lighting, and fencing. Petitioner is Donald Schaffer from Orchard Park.

HISTORY:

- This project was submitted on November 15, 2018, reviewed internally and at the February 6, 2019 Planning Board work session. The applicant revised their sketch plan following that meeting and has provided an updated plan to the Planning Board here tonight.

INTERDEPARTMENTAL REVIEWS:

- **Interim Planning Director, Justin Steinbach of CPL:** Approved but noted a few comments that were brought up at the work session on February 6th and appear to have been subsequently addressed by the applicant regarding fencing, access, lighting, and signage.
- **Town Engineer, Dave Johnson of CPL:** No comments.
- **Code Enforcement:** Approved the project noting the following comment:
  - Rear parking/storage area to be gravel surface

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on December 28, 2018 and approved on January 14, 2019 with no recommendations.

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

A. Sellers: I have one. Is there someone here to speak for the applicant tonight? Looking at the landscape plan I'm happy to see it, I like the green areas, but I don't know whether the Hawthorns are trees or shrubs because I could not find that Ohio Pioneer variety. If it is a shrub that's fine in the other area, but our law calls for trees along Route 5. Is that a Hawthorn tree or shrub?
Donald Schaffer, 8 Chase Road, Orchard Park, New York: They are trees.
A. Sellers: Oh that's wonderful and did you check to make sure they can take the salt spray?
Mr. Schaffer: I did.
A. Sellers: Wonderful, they are beautiful trees.
Mr. Schaffer: Yes, they are great trees and they are really hardy so they should be fine.
Chairman: At this time, I will open the floor to the Applicant and/or his representative – please step up to the microphone, state your name and address, spelling your last name for the record.

Chairman: We did see the new site plan and the lighting which we had already discussed the shield down lighting. I thought there was a concern about the driveway entrances because it looked like when you go by, the whole driveway was wide open.
J. McEvoy: From like the center of where the building is now, all the way to the Herr Road sign, all the way to the end of the property, that is wide open. There is no curbing in there. How is that going to be closed off?
Mr. Schaffer: There is three entrances, which are curbed down entrances, so there actually is three separate entrances, and there's a small curb on the remainder of it. The plan shows that the north side entrance is going to be totally closed off, backfilled and landscaped. There will be two entrances, which are the existing ones now. When they redid the drainage, they repaved all three sections so that there is newly fresh paved areas there; that is where the entrances are.
J. McEvoy: From where your southwest most entrances, there is nothing to delineate where the entrance ends; where the driveway ends.
Mr. Schaffer: There is a curb. There is a curb and sidewalk actually in front of the building from one end of the property to the other; it is curbed and side walked.
A. Sellers: Is there a chance that the snow is hiding it?
J. McEvoy: I drove through there last week.
Mr. Schaffer: Yes, there is a cement curb and a cement sidewalk attached to the curb. Then there is the three cuts and the one cut is going to be completely closed off.
A. Sellers: I like the islands in the parking area as well. I think this meets code.
W. Smith: We previously discussed the drainage at the Work Session and it was my understanding it was mostly gravel, but in the notes, I noticed it says pieces of pavement. Is it large sections of pavement?
Mr. Schaffer: No, just the entrances is where the pavement is. The rest of it is just loose gravel.
A. Sellers: Because if it were impervious, then we would have to see a drainage plan. If you keep it in gravel as it exists then nothing drains off site.
Mr. Schaffer: It will remain gravel.
A. Sellers: That would be a problem for you in the future. You are not allowed to drain onto a neighbor's property. So if there happened to be a problem then you would have to put in drainage; but as long as it stays the way it is I think you are okay.
Mr. Schaffer: Right now the whole thing is kind of designed to flow back towards the creek so that is behind the property; it's a natural flow right now.
Chairman: Because it's pitched to the back.

Mr. Schaffer: I guess I can't say down the road there wouldn't be the thought of paving (maybe 7, 8 10 years from now) but we would address that at the time regarding drainage and all that goes with it. I don't even know if there are drains that run down Route 5.
A. Sellers: Yes, there are storm sewers on Route 5 of course.
Mr. Schaffer: So, you would be able to just tie into those when the time came.
Chairman: Is there anyone else who wishes to speak?

There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments. Are there any further questions or comments from the Planning Board?

There being no further questions from the Planning Board may I please have two motions – one regarding an amended SEQRA and one regarding Site Plan recommendation.

J. McEvoy: The Town of Evans Planning Board hereby declares lead agency in accordance with the SEQR process for the approval of the Special Use Permit for the operation of a boat sales & service facility to be located at 9268 Erie Road; and

Based on the Town's review of the information submitted and the guidelines of the New York State Environmental Quality Review Act, the Planning Board has determined that the project is not anticipated to result in any significant adverse impacts on the environment and that a negative declaration is hereby issued.
W. Smith: Second.

Vote: *All in favor. Motion carried.*

A. Sellers: Having reviewed the application and plans, I would like to make a motion to recommend approving this Special Use Permit to the Town Board based on the following reasons:

- The action will not result in any significant adverse impacts to the environment
- The development 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.

J. McEvoy: Second.

Vote: *All in favor. Motion carried.*

Chairman: The Planning Office will send a letter on behalf of the Planning Board to the Town Board advising of our recommendations and request them to set a public hearing in this regard. The Town Board has final approval of all Special Use Permits.

Please continue to work closely with the Planning Office and the Code Enforcement Office as you move forward with this project. Good luck to you.

May I please have a motion to adjourn?

A. Sellers: So moved.
J. McEvoy: Second.

Vote: *All in favor. Motion carried.*

Chairman: Thank you everyone for attending our meeting this evening. Good night.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: