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REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, JANUARY 23, 2019

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

Interim Planning Board Director, Justin Steinbach opened the meeting at 6:00 P.M. The meeting took place in the Court Room of the Evans Municipal Center, 8787 Erie Road, Angola, NY 14006.

J. Steinbach: I would like to welcome everyone to the January 23, 2019 Planning Board meeting. Just by way of quick introductions, obviously, I am not Roberta, for those who do not know, she has left the Town and taken another position in the Town of Amherst working for their Planning Department. My name is Justin Steinbach, I am a Planner from CPL, the Town's Planning and Engineering consultants, and I'll be filling in for Roberta for the time being while the Town searches for a new Director; hopefully that will be some time soon. Also, our Chair is not here today, so I will be filling in for him tonight as well. So, if anybody has any other positions I need to fill in for, please let me know so I can be prepared!

Some other housekeeping items:

- Let us begin by welcoming our newest Planning Board Member, William B. Smith, Jr. Bill was appointed by the Town Board on January 9, 2019 to finish out previous Board Member Laura Whittinghill's term which expires on December 31, 2020. W. Smith comes to us with a Masters Degree in Urban and Regional Planning and will be an excellent addition to the Board. Welcome aboard Bill!
- Regarding reappointments, may I please have a motion to reappoint Debra Wilson as Secretary to the Planning Board for 2019.

A. Sellers: I'll move.
J. McEvoy: Second.

Vote: *All in favor; motion carried. Steinbach abstained.*

J. Steinbach: Regarding minutes from our November 14 and December 12, 2018 Planning Board meetings, are there any additions, corrections or additions, or may I have a motion to accept the minutes as submitted?

J. McEvoy: I'll make a motion to accept the minutes as submitted.
J. Pinter: I will second it for both months.

Vote: *All in favor; motion carried. Steinbach & Sellers abstained.*

J. Steinbach: A last bit of housekeeping; for the record and as previously stated, a Planning Board Public Meeting is conducted solely for the actual items that are on the Agenda itself 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, they may 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. If you would like to speak, we ask that you sign in ahead of time.

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

Site Plan Review (Resubmission) for Warren Self Storage Facility – 9545 Hardpan Road, Angola, NY 14006, SBL # 251.00-1-1.112. Project involves the construction of 4 new storage buildings with associated parking and driveway, site grading and landscaping. Petitioner: Bob Warren.

HISTORY:

- This project was previously reviewed and approved at the October 25, 2017 Planning Board meeting. Subsequently, the applicant had made a number of changes from the October 18, 2017 version of the plan as a result of the easement surrounding the existing power lines. A resubmission was provided to the Board for review and approval. The changes generally include additional land disturbance and vegetation removal, submission of a revised stormwater plan, shifting the proposed buildings further back into the site (same number of building, although slightly less overall footprint), additional pavement, additional stormwater facilities, and revising the entrance and frontage landscaping. The applicant has provided an amended SEQRA form as well noting the changes to the project.

INTERDEPARTMENTAL REVIEWS:

- **Planning Department:** Approved, pending any clarification on proposed signage for the site (location, type). Did have previous comments regarding lighting, which the applicants engineer provided clarification on.
- **Town Engineer, Dave Johnson of CPL:** Approved the project noting the following comment:
  - Confirm applicant has secured all approvals from outside agencies prior to granting final approval.
- **Code Enforcement:** Approved the project noting the following comment:
  - Section 200.24 specifically does not note whether or not two different principle businesses are permitted on the same parcel of land. The current and proposed businesses are both permitted uses under Section 200.24 (LI District); therefore, both businesses would have to be sold together and operated as one or the lot would have to be split and meet zoning regulations at the time of sale.

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on January 11, 2019 and approved on January 15, 2019 with no recommendations.

With that, are there any questions or comments from the Board before we open up the floor?

A. Sellers: What did the applicant do; did he split the lot for two businesses or change the plan?
J. Steinbach: It is all still one lot. The plan was changed because of the easements that were not noted on previous plans. The buildings could not be underneath the power lines as they were previously shown. So, because of that easement, all the buildings were shifted back. More area was cleared as far as vegetation goes, some additional pavement was put in, they revised the entrance, added some additional stormwater facilities...
A. Sellers: The issue that was raised on two different businesses being on one lot is not an issue?
J. Steinbach: It is not an issue right now because it doesn't specifically note within the Code that there can only be one business on a lot. However, it is one of those issues where if one of the businesses was to be sold, then both of them should be sold at the same time so that you don't have

two separate businesses going. Then the question becomes who pays taxes on which piece of property and so on and so forth; so, they should be sold as one lot.
A. Sellers: We are approving a site plan for just the self-storage, correct?
J. Steinbach: Correct.
A. Sellers: What is the other business?
J. Steinbach: I do not know, J. Warren could you answer that question please.
Robert Warren, Owner of Warren Self-Storage: I sell automotive equipment to big automotive dealers and body shops, so it's mainly a warehouse. The general public doesn't come there. That's why I bought the building.
J. Steinbach: Thank you J. Warren. Any other comments? There being no further questions from the Planning Board, although you have already spoke J. Warren, at this time, I will open the floor to you, if you have anything more to add to it you are more than welcome to. Nothing? Very good. If there is no further comments, I will close the floor and bring it back to the Planning Board if there is any more comments or questions. If there are no further comments or questions from the Planning Board, may I have a motion please.
A. Sellers: 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 acting as Lead Agency, has determined that the project is not anticipated to result in any significant effects on the environment and that the previous negative declaration remains valid.
J. McEvoy: Second.

Vote: *All in favor. Motion carried. Steinbach abstained.*

A. Sellers: Having made this determination, I would also like to move to approve the project based on the following reason(s):

1. The action is consistent with the Town of Evans Comprehensive Plan.
2. This project will constitute the use of an underutilized portion of the property.

and with the following condition(s):

1. The applicant/developer must file for the necessary Erie County DPW permits prior for work to begin on the project; and copies of all correspondence and/or permits between the applicant and/or his representative must be provided to the Planning and Code Enforcement Offices.

I so move.
J. McEvoy: Second again.

Vote: *All in favor; motion carried. Steinbach abstained.*

NEXT STEPS:

- The Planning Office will notify the Code Enforcement Office of our action this evening as everything moves through. Good luck to you as you continue through the process.

2. The second item on the agenda is:

Special Use Permit – 8181 Erie Road, Angola, NY 14006; SBL# 220.15-1-21 for the operation of a motor vehicle service, repair and sales facility to be located at the same address. Petitioner: Gary L. Toner/ITEC, 7023 Waring Circle, Derby, NY 14047.

HISTORY:

- Former Napa Auto Parts site.
- Application was filed on October 12, 2018.

- This was previously brought before the Planning Board on December 12, 2018 and tabled with info sent to the applicant for additional site plan information.
- The applicant has provided additional plans and documents addressing the necessary changes and this was reviewed at the Board's regular work session on January 9th, 2019.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director:** Approved the project noting the following comments:
  - Need clarification on the primary business as well as other potential business ventures at the property. Some discussion with CEO regarding other potential sales or business ventures including solar sales, custom windmills/lighthouses... Everything based on what that primary business is but need to ensure what the primary business is to ensure adequate parking.
  - Update the plans to show the boulders in place of planters if they are to be used.
  - Provide NYSDOT correspondence re: changes to access on Route 5 (understanding that no physical changes proposed so likely no comment will be made by NYSDOT), but any correspondence that you have would be useful for us to have.
  - Confirm the number of vehicle sales to 6 per plans
  - Parking requires 12 total spaces based on bay count (5 with 2 spaces each) and attached dwelling unit (2 per unit)
  - Need for an oil/water separator is a recommended best management practice in MS4, but we will defer to Town Board and Building Inspector for requiring that, unless we have any other comments from the Board on that one.
- **Town Engineer, Dave Johnson of CPL:** Approved. No comments pending parking requirements.
- **Code Enforcement:** Approved. No comments.

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on October 26, 2018 and approved on October 29, 2018 with no recommendations.

So with that, I will ask if the Board has any further questions or comments before I open the floor to the applicant.

A. Sellers: I admit some ignorance here because I wasn't at that meeting and in just reading the draft minutes now. So there are going to be three businesses there?
J. Steinbach: That is what we need clarification on. When I read over the Building Inspectors notes it was noted in his report with discussions he had with the applicant, that there is some kind of solar business that is run and possible storage and such there and also the windmills or lighthouse types of things.
Gary Toner, Applicant: I heard that, yes I will comment on that.
A. Sellers: Do you have a plan that shows parking that's required.
J. Steinbach: Yes, the plan that we have before us shows the parking as of now.
A. Sellers: The parking for the three businesses?
Mr. Toner: There's only one business.
J. Steinbach: That is what we need to find out to make sure.
Mr. Toner: I originally purchased the building for the warehouse for my solar products. I sell solar products wholesale; I own 10 patents. I sell them to businesses across the country. I needed a place to put them. Then I realized there are a bunch of garages behind the building; I'm a licensed state inspector so I thought you know what, I'll bring one of my facilities here so that is going to be the

actual business here. The warehouse will just hold the product, there is going to be no flow of traffic for that, people will not be coming there to buy the product. As far as the windmills, oddly enough, as a stress relief, I'll go to the back room and I'll build something. I built this really nice lighthouse and I built a windmill and put it in front of my house. I just like building that stuff to just power-down a bit, so that's not going to be a business at all. We're not going to be selling those out of this location.

A. Sellers: Let me interrupt you for just one minute. So what you're talking about, warehousing, is the existing building in front on Rt. 5, not the area of renovation in the back with the bays.

Mr. Toner: That is correct.

A. Sellers: And the public won't be coming in and out of that existing building?

Mr. Toner: Well they will if they want to. They'll bring in their car for service, they'll pull in the front, walk in the front where the office is, where my daughter will be and we'll take the information and/or schedule the repair and either I or someone will bring it around back to the facility and then bring it back when it's done to the front.

W. Smith: But there will be no sale of solar panels?

Mr. Toner: No, that is something that just caught on years ago. If someone like Valley Forge calls and wants an $80,000 order, I better have it stocked and where do I put that stuff? For years I thought, it can't be in the freezing cold, it can't be in the really hot, where do you put this stuff, I need a building. I couldn't find one and here there one was in my own hometown falling apart, and I was able to get that building and that was my main purpose for buying the building.

W. Smith: And your not selling the windmills out of this building?

Mr. Toner: Oh no, I'll give those away really, that's just for me to just breathe a little bit; just to build something, to make something.

J. Pinter: You say stock, how much stock are we talking about to be stored in their, say solar panels.

Mr. Toner: It wouldn't be solar panels, it would be solar lights for flag poles to illuminate the flag from the bottom up or the top down. Every once in awhile a commercial solar lighting for like street lights and that type of thing.

J. Pinter: So they are all relatively small.

Mr. Toner: Oh yes, really small boxes, the size maybe of a small toaster. There is like eight or ten of them in a box and there's a few hundred of those boxes. So maybe 1000 lights there.

J. Pinter: And you're talking a 6' x 6' footprint in the building maybe, something like that.

Mr. Toner: No, that warehouse there is pretty big, it's got to be 25' x 25'.

J. Pinter: I'm just trying to get an idea of how much area your stock would take up.

Mr. Toner: It is probably 10% full now because I didn't have a ton of money to stock the place. So there is some stock there now but I don't think there will ever be a full stock there; I don't see that happening. I mean it would be great and if it does, then I'll buy a bigger building.

J. Pinter: Now how does the stock get in and out?

Mr. Toner: In the very front there is a garage door and I myself will go to my other place where the truck drops it off, that's my legal registered business hours on Route 62. So what the government does is, I'm a licensed importer, they'll bring it to my licensed facility where they'll drop it off. I then grab it, put it in my truck and drive over to my building on Route 5, open up the garage door and bring it in. Eventually, what I hope to do is license this place with the Federal Government saying here, I've moved to this location so then the trucks can lawfully come to my location and drop off.

J. McEvoy: Where on the front of this existing building is the garage door that you would load and unload from?

Mr. Toner: If you are standing in front of the building, it's on the left towards the city of Buffalo, that would be north.

J. McEvoy: It does not show a door there.

Mr. Toner: And we're not requiring any handicap parking.

J. Pinter: We do, I just don't see it noted.

A. Sellers: I don't see it, Justin can you show me where it is on this plan?

J. Steinbach: No, you are correct handicap parking is not noted on the plan. The only thing that is noted is the vehicle sales on the right side of the building and the parking in the front and side.
A. Sellers: Ok, so I think we have to condition the plan on the requisite of handicap parking and do you plan on having a dumpster.
Mr. Toner: I do have a dumpster around back and I've been told it has to be fenced in so I understand that.
A. Sellers: The dumpster needs to be shown on the plan, so that is the second contingency. The plan has to show handicap parking and a dumpster and of course you know it has to be fenced.
J. Steinbach: And you also want shown where that loading area is in the front of the building.
J. McEvoy: Yes, because the garage door isn't shown on the plan.
A. Sellers: And where the people door is, because where the people access the front existing building where your receptionist will be, you'll need that handicap parking accessible; it will have to up front there.
Mr. Toner: Yes, it will be right there by the front door.
A. Sellers: And how many handicap parking spaces will he need Justin.
J. Steinbach: That I will need to check and see what that is. I don't know off the top of my head.
W. Smith: On the parking, you have five up front and then the 'short-term vehicle storage' spaces along the side. Are those eight spaces are those spaces for vehicles that you are working on or is that customer parking.
Mr. Toner: Along the side will be vehicles on the property for sale. Up front will be customer parking and the term storage will be out in the back. So for example, if after we're done working on a vehicle a customer hasn't picked it up yet.
W. Smith: Are you planning on storing unregistered or parts vehicles or those sort of things on the side?
Mr. Toner: No, I haven't gotten into that yet. I'm a licensed dealer now and I haven't gotten into that yet and I don't plan on getting into that.
A. Sellers: You have 'display for vehicle sales' your selling cars as well?
J. Pinter: What did we say at the previous meeting, six I believe.
W. Smith: Yes, there are six spaces on the plan.
Mr. Toner: Yes, six is correct.
A. Sellers: And he meets the parking requirements?
J. Steinbach: Yes, per the number of bays it is two spaces per bay, which would be ten.
A. Sellers: I see five up here and the other shows parking for short-term vehicle storage as needed. That is not parking for customers. If he needs ten spots, he only has five.
J. Pinter: Right, that is not customer parking.
A. Sellers: He has parking for vehicle sales, parking for short-term vehicle storage as needed. So my thought is that existing blacktop/gravel driveway should have another five spots.
Mr. Toner: Well, there is only three bays being used for the business.
A. Sellers: I count five car bays listed on the plan.
Mr. Toner: There are five inside the building. There are three bays and then there is a wall with a door and those are the back two bays, which I just have some personal items in. So only three bays are being used for the business.
J. Pinter: That's three in, two out bays.
Mr. Toner: Yes.
A. Sellers: Oh, I see they go in and out.
Mr. Toner: Yes, you can drive right through.
J. Steinbach: Okay, so three total.
A. Sellers: So you will have to revise the parking plan to show handicap parking, the site of the dumpster. Justin I guess you're going to be the person that will be contingent upon your accepting the revised plan if we accept it tonight.

J. Pinter: What is the number of spots we are saying he needs? Was it six or was it eight?
J. Steinbach: It would be eight because you have the bays and then you also have the residential one too and that requires two.
A. Sellers: There is a residential dwelling?
J. Steinbach: Yes (Justin pointed to the residential dwelling).
A. Sellers: Oh, this is not separated off.
J. Pinter: You own that residential building too, correct?
Mr. Toner: I do, yes.
A. Sellers: Is there any parking now around that existing building?
Mr. Toner: There is a driveway that comes in there and goes around the entire structure. There is a lot of space on that side.
A. Sellers: And is someone residing in that building currently?
Mr. Toner: My stepson.
J. Steinbach: Alright, so per bay, which we have three, so we would need six total spaces based on the bays, two for the existing and then we need to find out how many bays for handicap. It is a minimum of six spaces per code and with this primary use being motor vehicle repair and service it was two spaces per bay. So it is a minimum of six.
A. Sellers: And we don't require anything for counting his employees or the residential existing building?
Mr. Toner: Employees will be parking in the back.
J. Steinbach: The residential is two so we are looking at a total of eight spaces just based on the interpretation of the code.
A. Sellers: So the revised parking should show eight. I want to make sure you know what the revision has to look like.
J. McEvoy: How is the parking going to be affected by the loading dock/garage bay door that is located in the front.
Mr. Toner: We will probably only use that once every couple of months.
W. Smith: Justin, did we get clarification on oil/water separators? Seeing that the building's previous use was not auto service but just auto parts?
J. Steinbach: From speaking with the Town Engineer, there was no strict requirement for having an oil/water separator; it is a best management practice under the MS4 regulations. So, it is a good practice to have one concerning the fact that they are doing more service and repair.
A. Sellers: We've always required them with anybody who is doing auto repair.
J. Pinter: Yes, we have always required them on just about everything across the board.
J. Steinbach: Well, there is obviously a precedence for it and considering the use that is going in...
A. Sellers: What is the difference with the best practices, I'm sorry, I don't understand. So is there an alternative to having an oil/water separator?
J. Steinbach: I can't speak to that off the top of my head but I don't believe so. I think the best way, as far as ensuring water quality, is an oil/water separator.
Mr. Toner: You know that place had been an auto repair facility for years. I know I heard you say that it wasn't but it was an auto repair facility before I bought it. In fact in those back bays, there are lifts and floor drains and an air compressor, I mean that's what it was.
W. Smith: Okay, I thought it was just an auto parts store.
Mr. Toner: Oh no, the parts were in front where the warehouse is, but the back was a repair facility. In fact as I was going through the place I went up to the top shelf and there are tens of thousands of repair bills from auto repair from that location.
A. Sellers: Tens of thousands of what?
Mr. Toner: Repair receipts, business copies for auto repairs done there.
J. Pinter: Under the radar, must have been.

Mr. Toner: A number of people I've talked to remember it being a repair facility. The pads are on the floor for the alignment machines.
J. Pinter: How long ago was that?
Mr. Toner: Those receipts were from the 70's, so quite a while ago.
J. Pinter: When did you buy the building?
Mr. Toner: Just last year
W. Smith: Do you intend on using oil/water separators?
Mr. Toner: If I can put one in easily, if there isn't one already there, sure. Why not? I just don't know what it will take to get one in if there's not one there.
J. Steinbach: I would definitely say look into seeing if there is one there that exists. If there isn't one, there should be one put in to ensure good water quality. That is my opinion.
J. McEvoy: Mainly because we have no idea where those floor drains drain to.
J. Pinter: That is a sensitive area also with the flooding back there as well. It is a wetland area all the way from where you are to Backus Road and behind you; it is wet and bad there so you have to be careful.
A. Sellers: I think we need to have some resolution on that before we pass this. The other, kind of a less important probably question I have from the minutes is flags.
Mr. Toner: I had asked, I think the last time I was here in December, how they felt about a flagpole up front, but that was something we just pushed to the side. It is probably a bit premature.
A. Sellers: John, you had talked to him about a permit issue depending on the kinds of flags and Mr. Toner you said USA flags.
J. McEvoy: My concern was with the streamers and such that are not allowed.
A. Sellers: So you say I'm a real big flagpole kind of guy. I just don't see any flagpoles on the plan.
Mr. Toner: I asked them last time can I put a flagpole in front of the place.
A. Sellers: Well of course you can have a flagpole in front of your place, I guess I wasn't understanding when you said you were a big flagpole kind of guy what that meant exactly.
Mr. Toner: When I started the solar lights back in 2012, I put a flagpole on one of my properties and I wanted to illuminate it, so I was going to dig a trench and put in conduit and halogen in the floor but that was expensive. So I thought, you know what, maybe solar and that's how it developed. But my thought was I really love the Country, I really wanted to illuminate the flag and that was my heart beat.
A. Sellers: Oh so the flagpole with the solar on it advertises the solar lights you sell.
Mr. Toner: No, I wouldn't advertise here, I wouldn't make enough. I just wanted a flag.
A. Sellers: Well we of course would have no objections to you having a flag.
J. Steinbach: I would say that is fine, if it's a flagpole that goes up as long as it is just an American flag I don't see any problem with that one. Looking this over, as far as handicapped parking it defers to NYSDMV and vehicle and traffic law.
W. Smith: I would be surprised if it's more than one space for a total of five parking spots.
J. Steinbach: I would check with your architect, he could probably advise you on that one. Otherwise I could see if I could help you out and try and get some answers too.
Mr. Toner: I will check with him, but I do think it's only one, but I'll check with him to be sure.
J. Steinbach: Any other questions or comments.
W. Smith: I just have a clarification on the planter boxes versus did I hear boulders was reasonable?
J. Steinbach: That's what was brought up, I can't recall if those were in the minutes or if that was a separate conversation.
A. Sellers: Those were supposed to be large planters you said you would plant with attractive ivy or something.
Mr. Toner: Yes, just to put up front to stop people from pulling in and out at their leisure.
A. Sellers: I see a typical 48" concrete planter box – 9 of them are shown on the plan; and that's your intention for closing up the driveway; 9 planters. This is important because once we approve a plan then the Code Enforcement Office can't approve you for a Certificate of Occupancy unless the plan is

complete. So don't just say off the top of your head if you're not going to do it. It's important that it is here in ink for you.
Mr. Toner: I mean if it has to be done, it will certainly be done. I would just leave it the way it is, but apparently, there was some concern about having such an open front.
J. Pinter: Yes, especially with the parking upfront.
A. Sellers: You had said you see people coming in and turning around and you wanted it closed off. We don't have a problem with that; we think it's safer to have fewer curb cuts.
J. Pinter: We did that because of the parking in front parallel to the...
A. Sellers: It would keep it safe to not have access directly to Route 5.
J. Steinbach: So based on what I gather from previous conversations that you have had with the building inspector is, instead of doing the planters you were thinking about doing the boulders because of the fact of the road salt.
Mr. Toner: The inspector said the road salt is going to get in there and kill it all and it's going to be a constant replanting and maintenance of that and then the architect said to just place some big boulders out there. I'll go with whatever works.
A. Sellers: Mr. Toner, I'm not trying to be difficult but I read in the minutes that you have solar light packs on the building that are night sky compliant, but I don't see them written on the plans. Was there another lighting plan that came in that we don't have?
J. Steinbach: No.
A. Sellers: Okay, so we are going to have to put that on a contingency too because you have to show your lighting on the plan.
Mr. Toner: I don't have solar lights on the building.
A. Sellers: Pardon me, but you have light packs of some kind on the building; you have some lighting.
Mr. Toner: There is lighting there, yes there is.
A. Sellers: Ok, so can you show us that on the plan please?
Mr. Toner: I sure can.
J. Steinbach: If you are going to convert the lighting over to solar lighting, I don't know if that was your intention...
Mr. Toner: I was thinking maybe some pole lights; solar pole lights around the back.
J. Steinbach: Okay, just show where those would be and add some notes on the plan itself if those are going to be solar or whatever; just make sure you note it.
A. Sellers: Roberta said in the last meeting that you would need to give us the photometrics and you told her you were very aware of the dark sky policies and you know just how to do this. She seems to think that you were going to show us a plan where they were going to be, but you're saying no, they are not going to be solar lights.
Mr. Toner: No, they are hardwired on the building.
J. Pinter: I may have missed this, but did the NYSDOT comment on the boulders or the curb cut for traffic flow?
J. Steinbach: I have not seen anything, but my understanding too is since there is actually no physical changes to the curb cut itself DOT won't have any comment on it, because there is no need for any type of highway work permit or anything else like that as the existing curb cut is staying as is. If you were in fact putting in an actual curb to actually close that down then obviously they would come to the table to approve that work being done.
J. Pinter: They don't need to approve blocking off that entrance like that?
J. Steinbach: My understanding is they do not because there is no physical changes. It would be good to send this along to NYSDOT, just to be sure.
J. Pinter: The basis of my question is the note said the DOT would be commenting on it so I just wanted to see if they did comment.

J. Steinbach: I haven't seen anything. Do you plan on sending this on to the NYSDOT to have them look at it?
Mr. Toner: I understand there was no need so I wasn't going to do that; it wasn't my plan.
A. Sellers: I have another issue that is in the draft minutes that I wasn't here for so I have to ask you. You said regarding the existing drains, you were given advice to just plug them up and concrete over and Steve told you to cover them...who is Steve?
Mr. Toner: Steve Bremer, the Building Inspector that was here.
J. Pinter: Steve Bremer, the previous Code Enforcement Officer.
A. Sellers: And Joe reminds you that there is a wetland and you are saying it's not your intention to close off the drains with concrete.
Mr. Toner: If I have to I will, but I'd like not to. It would be nice to have them, they are pre-existing.
A. Sellers: If you are going to have the drains then I think you need the oil separator, because you can't be draining oily water because of the runoff issue. So, I think that's up to you, but you have to have an oil/water separator; it's our understanding that is the way it's done in car repair unless you tell me there's something new or different that I do not know about.
J. Steinbach: Not that I am aware of.
A. Sellers: So Roberta said we will see if we need a spillage or oil separator based on size. Also Joe, you commented just like we did at the auto auction twice, which is our standards. John asks if you know where those drains go and nobody seems to know.
J. Steinbach: Based on what we are going to talk about here I would first off identify if there is one that exists at the facility now and if there is make sure it's in proper working order and if not, I would say based on precedence and again best management, I would say one should be put in.
Mr. Toner: No blocking the existing drains?
A. Sellers: No blocking the drains, it means putting something in the drains so there is a filter and oil will be taken out and will not go out with any water runoff either from hosing down the building or leakage and spillage when your working on cars.
Mr. Toner: The building inspector said either that or block them off. There's no other option?
A. Sellers: Blocking it off is a different problem for you, I understand that because then you're cleaning out directly from your concrete floors, you're not able to hose anything off.
J. Pinter: I wouldn't block anything off until I knew where it went.
Mr. Toner: Yes, I'm thinking maybe I should get somebody in there to maybe mouse those drains and see where they go. Maybe there's a separator in there already.
J. Pinter: That might be the solution.
A. Sellers: How would you like to handle this Justin? Do you want the plan to show oil separator or proof of a separator in the existing drains?
J. Steinbach: I would say identify if one does exist currently and if so, make sure it is in proper working order but if one doesn't then one should be installed.
J. Pinter: I agree.
A. Sellers: We require it.
Mr. Toner: Just to be clear, there is no blocking of the drains that are there?
J. Pinter: I don't think it is an alternative to the solution, is that what you are asking?
Mr. Toner: As an alternative to putting in a separator which may be costly and time consuming, I don't know.
J. Pinter: I don't believe that is the alternative. I don't think that solves the problem.
A. Sellers: That only gives you a different problem of cleaning up your floors if you were to block the drains.
Mr. Toner: You know I have a repair facility on Route 62, I've been there for maybe 10 or 12 years and we don't have that problem there with hosing it.
A. Sellers: But I do think that we have to have a decision, if they are blocked off then there is no drainage of oil and gas into stormwater runoff from drains that are in the floor, so perhaps the previous

building inspector was advising you to close them off in lieu of having working separators. I think that's your choice actually.

Mr. Toner: The previous fellow said if you spill something it's pretty rare, believe it or not, to get a lot of oil on your floor, but we buy oil absorb a product that is meant for that purpose for shops without drains.

A. Sellers: You know there could be businesses all over Town that are required to have one, but never have a spillage but for the environmental purposes we have to require that if you have drains, you have separators.

Mr. Toner: If I have them, ok.

A. Sellers: We can't forsee the future whether or not there would ever be a spillage.

Mr. Pinter: So that is something you're going to have to look into then; the drains.

A. Sellers: You'll have to show an oil separator and proof of function or blocked drains.

J. Steinbach: I would say if the drains are blocked that you should have some kind of an action plan stating what you would do to clean up any spills.

A. Sellers: And that's your environmental problem; that's going to affect your work environment but not the stormwater runoff from drains.

Mr. Toner: I have materials on hand, on a shelf, just in case; to absorb materials that might end up on the ground immediately. So we wouldn't have to buy the supplies, we'd have them there just in case. We'd probably never have to use them but they will be there.

A. Sellers: And that will of course be on a condition of approval and will show on your plan before you get your certificate of occupancy you would have to fulfill all the conditions on the plan, just so you understand that.

Mr. Toner: No problem

J. Steinbach: Just so I have all the conditions noted correctly in terms of the oil/water separator; identify if one exists and is in good working order or block the drains with an action plan to contain any spills. Sound correct?

A. Sellers: I think it does.

J. Pinter: I don't know, I'm not sure, it just sounds weird to block the drains up.

A. Sellers: Well if you block the drains and he has a spillage of fuel, he has to clean it up on his own.

J. Pinter: Yeah, but how many drains are there, who is blocking them, how are they being blocked? Is there a certain way they have to be blocked?

A. Sellers: I think if you're blocking, you would have to concrete them in so they can't take any stormwater runoff.

J. Pinter: I don't know how you'd block them, it's a big unknown to me. Who is responsible for checking that. If you're blocking a drain, and I'm not opposed to it, but I just don't understand it enough to say go ahead, block the drain and we're good. I mean how are we blocking the drain, how...

A. Sellers: Right, I think the Building Inspector has to have proof that there's no contamination to stormwater runoff.

J. Pinter: Because it has to be blocked so that nothing gets through. I don't know if that's cement or whether it's something more than that.

A. Sellers: I don't know that we have to specify that, do we? Isn't that his responsibility? We need to figure out how to do this.

J. Steinbach: I would say that it is the applicant's responsibility to figure out how to adequately block them off and then a Building Inspector should go in and make sure they are appropriately blocked off and that nothing goes through.

A. Sellers: Does that sound okay to you? It's awkward, I understand.

J. Pinter: It is awkward.

A. Sellers: Okay Justin, that is number one.

J. Steinbach: Number two would be to show the location of the dumpster and ensure it is fenced in.

Number three would be to revise parking to show a minimum of eight spaces based on the number of bays and the existing dwelling unit and also show the number of handicap spaces.
A. Sellers: I would also say number four would be to show a lighting plan.
J. Steinbach: Yep. Number four would be show existing and proposed lighting and provide any photometrics to show how far spillage goes. The other item that was noted, which would be number five, was showing the location of the loading garage door and main entrance.
W. Smith: I think we would like some clarification as to will there be planters, boulders, bollards or...
J. Steinbach: That was what number six was going to be.
A. Sellers: On the plan he does have a typical 48" concrete planter box.
W. Smith: Yes, but it sounds like he is reconsidering that, as boulders were recommended.
Mr. Toner: Yes, after the Building Inspector questioned if that was really the best way to go and then the architect said to maybe put some boulders out there. I agreed that was probably a good idea, so that's how that got raised.
A. Sellers: I don't think we have ever used boulders along Route 5.
J. Pinter: Mickey Rats used a little bit of both
J. McEvoy: You might want to check with your insurance company on that to see what your liability may be if somebody runs off the road and hits one of those boulders.
M. Connors: I think you'd be dealing that with a planter box too.
J. Pinter: Yes, but a planter box would have some give though.
M. Connors: True.
J. Pinter: That boulders going to stick.
M. Connors: True.
J. Pinter: It could end up in the front of your building too.
A. Sellers: If we accept the plan as it is presented to us, we are accepting 48" concrete planter boxes. I'm okay with that. Are you okay with that?
J. Pinter: As long as he can keep them alive and there are certain species that won't get killed by the road salt.
A. Sellers: You do have major salt spray from Route 5 there so you have to have resistant plantings.
J. Pinter: Jeneen are you the acting Code Enforcement Officer now?
Jeneen Hill, Code Enforcement Officer: I'm one of them.
J. Pinter: Jeneen, as our acting Code Enforcement Officer regarding the drainage, are you in favor blocking the drain? What are your thoughts on that?
J. Hill: I would go for an oil separator over blocking the drains. I don't know how you would block them and be confident in it being 100% effective.
A. Sellers: But would you approve if he did block them vs an oil separator? Would you need to check State requirements or something?
J. Hill: We did check the State requirements and you have to have an oil/water separator according to the code.
A. Sellers: So let's just forget about blocking the drains then. You will need an oil/water separator.
Mr. Toner: Am I required to even have drains?
A. Sellers: You tell us in these notes that you have drains.
Mr. Toner: They are there, but if they are not required I will just cover them up. If the drains have to be in the facility, we'll figure it out, but if the don't have to be there they won't be there; pretty straight-forward.
J. Hill: We did check the International Building Code and it states if you have drains you have to have an oil/water separator.
A. Sellers: So you've heard the Building Inspector, if you have drains you have to have an oil/water separator.
Mr. Toner: What if we get rid of the drains?

W. Smith: So it sounds like there needs to be clarification on whether or not it's appropriate for him to cement over the drains and if that is a reasonable solution. If so, how we can ensure there is no seepage into the stormwater systems.
Mr. Toner: Would the architect have this knowledge? Could I reach back out to that firm for some clarity?
J. Hill: I can ask the Department of State.
A. Sellers: On condition number 1, I'm showing the oil separator and the proof of the function, so I think that maybe we need to change that stating the issue of drains has to be to the approval of the Town Code Enforcement Officer.
J. Pinter: That makes sense. Again, I'm not against it, I'm just unfamiliar with it and I worry about it.
Mr. Toner: I get it. If drains have to be there, we'll have them. If not, then we'll cover them up and I'm done. As long as it doesn't say those drains must be in the facility or you can't have the facility. I'm not sure if that exists, we have to look into that as well.
J. Steinbach: Understood. So we'll defer to the CEO to determine the drain issue.
Mr. Toner: They may be something that's easy to install, I don't know, I've never installed one. If it's just the matter of chipping out some concrete and putting it in, alright piece of cake, no big deal. But maybe there's a whole lot more involved in it.
A. Sellers: So we are not going to resolve this tonight. We will just put that the drain issue will be approved at the satisfaction of the Town Code Enforcement Officer.
Mr. Toner: Gotcha', we'll see where that goes.
J. Pinter: I did catch one other thing in going back at the notes; there was a different number of bays. The notes say you're going to have four bays.
Mr. Toner: Well there was originally four, well there was four doors there before I bought the building. They took one of the doors, covered it up and put in a man door, put siding on it and limited it to three bays. So I just kept the three bays, I didn't open up that wall.
J. Pinter: Let me double-check what I saw in these notes.
J. Steinbach: Page eight of nine on the top? You mentioned there was drainage there inside the bays, I'm only going to use four, it's actually three doors, but a four bay unit.
J. Pinter: Yes, that's what it was, thank you. So you closed the one door, and there's three doors, but four bays.
Mr. Toner: What they did was the one bay was converted into an office or something for them. I left that stand inside that garage. It was a four bay garage with three doors on it.
J. Pinter: So the one bay is not going to be used for repairs.
Mr. Toner: No. I'm not going to tear down that structure that is in there.
J. Pinter: That's it for me then, thank you. Let's just make sure we get the parking right.
J. Steinbach: Any other comments, questions, concerns?
J. McEvoy: Not at this time.
J. Steinbach: Okay. Anything further from you Mr. Toner?
Mr. Toner: May I get an email or something from the Department stating what it is I have to do before moving forward? I'll get that to the architect and resubmit.
J. Steinbach: We will do that. There being no one from the public wishing to speak and no further questions or comments from the Planning Board, I will ask the Board for two motions; one for SEQR and one to approve the Special Use Permit with conditios.
J. McEvoy: I will do the SEQR motion. 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 motor vehicle service, repair and sales facility to be located at 8181 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.

A. Sellers: Second.

Vote: *All in favor; motion carried. Steinbach abstained.*

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.

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

1. The drain issue will be approved to the satisfaction of the Town Code Enforcement Officer;
2. Update plans to show the dumpster and the screening;
3. Required parking shall be a minimum of 8 spaces and a designated handicap parking area;
4. Both the existing and proposed lighting on the building must be shown on the plan;
5. The plan must show the location of the loading garage door and the main entrance, and
6. Identify specifically the type of concrete planter box to be used to block off access to Route 5.

I so move.

J. Pinter: On the question, are we clear enough on the drainage issue?
W. Smith: If there are drains though, there needs to be an oil separator. The question is whether he can get rid of the drains.
J. Steinbach: That is all going to be dictated by the Code Enforcement Office.
A. Sellers: Can I get a second?
J. McEvoy: Second.

Vote: *All in favor; motion carried. Steinbach abstained.*

J. Steinbach: 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. With that, may I have a motion to adjourn?

J. McEvoy: Motion to adjourn.
J. Pinter: Second.

Vote: *All in favor; motion carried. Steinbach abstained.*

J. Steinbach: Thank you everyone for attending.

Respectfully submitted by:

Debra L. Wilson
Secretary

Approved: 9/10/19