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REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, NOVEMBER 13, 2019

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

ALSO PRESENT: William Smith, Director of Planning & Community Development
Jeneen Hill, Code Enforcement Officer

Chair A. Sellers opened the meeting at 7:00 P.M. The meeting took place in the Records Room of the Evans Municipal Center, 8787 Erie Road, Angola, NY 14006.

Chairwoman Sellers: I would like to welcome everyone to the November 13, 2019 Planning Board meeting. Before we begin tonight's meeting we have some housekeeping we need to take care of; regarding minutes from the August 28, 2019 public meeting; are there any additions, corrections or questions or may I please have a motion to accept them as submitted.
B. Bergum: Motion to accept.
M. Connors: Second.

Vote: *All in favor; motion carried.*

For the record, 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 floor is opened to the public. Each person is limited to one opportunity to speak and comments shall be limited to 3-minutes. If you wish to comment, and haven't done so already, we ask that you sign up on the sheet located on the table in front of us.

1. The First item on the agenda tonight is:

Rezone – proposed rezone of a 0.49± acre parcel located at 8926 Lake Shore Road from Waterfront Mixed Use (WMU) to Residential Two-Family (R-2), SBL# 234.16-2-24. Petitioner: Amy Vassallo, 8917 Sandrock Road, Eden, NY 14057.

HISTORY:

- On May 10th, 2017 the Planning Board held a public meeting in the Records Room of the Evans Municipal Center to recommend the new Waterfront Mixed Use (WMU) zoning designation for the purpose of rezoning properties which were zoned Neighborhood Business within the Local Waterfront Revitalization district, as well as designated areas located along Route 5. The Planning Board approved to recommend the adoption with stipulations on a 4 to 2 vote.
- On September 20, 2017 the Town Board held a public hearing for consideration of the adoption of Proposed Local Law #8 of the year 2017 which amended Local law #8 of the year 1987 commonly known as the Zoning Law. On a unanimous vote, with one Councilman absent, Proposed Local law #8 of the year 2017 was further amended and adopted as Local Law #7 of the year 2017.
- The rezone request before us this evening is the Vassallo property located at 8926 Lake Shore Road which was one of the properties that was rezoned during the adoption of the WMU designation and they are now requesting the property to be brought back to their original R-2 zoning designation.

INTERDEPARTMENTAL REVIEWS:

Chair: Bill, would you give your review please.

- **Planning Director, W. Smith:** The Planning Department has no objections with the rezone.

Chair: Code Enforcement, Jeneen...

- **Code Enforcement Officer, J. Hill:** Code Enforcement has no objections.

Chair: OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on October 10, 2019 and returned today, November 13, 2019; they offered no recommendation having determined the proposed action to be of local concern.

SEQR: The Planning Board has reviewed the Environmental Assessment Form, as well as the comments from involved agencies as part of the SEQRA review process and have found no significant environmental concerns. Therefore, a SEQRA negative declaration is recommended for this action.

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

There being no further questions or comments from the Board, at this time I will open the floor to the Applicant and/or his representative – please 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.

Amy Vassallo, 8926 Lake Shore Road, Angola, NY: I'm here today to request my property to be rezoned backed to its original state and we believe it was changed into Waterfront Mixed Use in error and we would like it to be rezoned back to the original stage. Thank you.

Chair: Does anyone else from the public have any comments? There being no questions from the public, are there any further questions or comments from the Planning Board?

M. Connors: I have a letter from a Town resident that he wanted me to read for tonight's meeting, as he could not make it tonight. This letter is dated today's date, November 13th, from a Town resident, Michael Spence. The residents address is 8918 Lake Shore Road, in our Town. *(see attached letter from Michael Spence, 8918 Lake Shore Rd., Angola).*

Chair: Thank you. There being no further questions from the Planning Board may I please have a motion regarding recommendation for approval of the rezone of the Vassallo property located at 8926 Lake Shore Road, Angola. Could I have a motion please.

M. Connors: We have reviewed the application, and Environmental Assessment Form, as well as the comments from involved agencies, as part of the SEQRA review process for this proposed rezoning action. Based on our analysis of the Environmental Assessment Form and comments received, we have found no apparent significant environmental concerns. Therefore, a SEQRA negative declaration is recommended for this action.

J. Pinter: Second.

Vote: *All in favor; with J. McEvoy abstaining. Motion carried.*

Chair: I will make the approval recommendation motion. I would like to make a motion to recommend approval of this rezoning to the Town Board based on the following reasons:

1. The action is not expected to result in any significant adverse impacts
2. The rezone will not result in any changes to the character of the surrounding community.

A. Lloyd: Second.

Vote: *All in favor; with J. McEvoy abstaining. Motion carried.*

Chair: The Planning Office will send a letter to the Town Board notifying them of our recommendation this evening, as the Town Board has final approval on all rezone actions. The Town Board will set a public hearing and a legal notice will appear in the Observer notifying the public of the date and time of the public hearing. Once published, abutter notices will be sent out to all property owners within 500-feet of your property with the legal notice attached. The public will be given the opportunity to speak in regards to your rezone request at the public hearing. Once the public hearing is closed, the Town Board will make their determination in regards to your rezone request. Good luck to you as you as you continue through the process.

Planning Director, W. Smith: One other thing that I would ask the Planning Board to vote on regarding a recommendation; the Vassallo's are requesting that the $500 rezone fee be waived, which she officially requested in her letter to us. This would be up to the Town Board, but we should get a vote on their request. That is only because the belief is from the applicant that the rezone was done in error, so again, this is just a recommendation. And Amy, the Planning Board is the recommending Board so the rezone, as Ann just read, will be up to the Town Board to decide, but we make the recommendation of the rezone and we could recommend for them to also waive the fee.

Chair: I would like to take a vote to make that recommendation to the Town Board, that the fee should be waived. So I would like to make that recommendation that the fee be waived due to the belief that the rezone was done in error.

J. Pinter: Second.

Vote: *All in favor; with J. McEvoy abstaining. Motion carried.*

Chair: May I have a motion to adjourn.

M. Connors: Just before we adjourn, I would like to acknowledge Planning Board member John McEvoy, as this may very well be his last Planning Board meeting here in the Town. I wish I had the numbers, but I think John has been on this Board many, many, many years and he is only departing because of his change of residence. As a Town resident, I want to offer my sincere appreciation for all the years of your guidance and insight, not only as a Town resident and Planning Board member, but as a fellow NYS Trooper. As many as you may, or may not know, I requested and received John's shield number when I became a Trooper and it has been an honor to carry that shield ever since. So, congratulations and best of luck in your new home.

D. Wilson: You will be missed.

J. McEvoy: It's been fun.

A. Lloyd: Motion to adjourn.

B. Bergum: Second.

Vote: *All in favor; so moved.*

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 2/26/2020