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Town of Evans

REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, MARCH 25, 2020

MEMBERS PRESENT: A. Sellers, J. Pinter, M. Connors, B. Bergum, A. Lloyd, L. Szewczyk, D. Schiedel

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

Chair, A. Sellers opened the meeting at 7:00 P.M. The meeting was an online conference meeting through the GoTo Meeting platform.

Chairwoman Sellers: I would like to welcome everyone to the March 25, 2020 Planning Board meeting. Due to the current COVID-19 crisis we will be holding this meeting via conference call while giving the public the ability to listen in. We ask that you all please be considerate of any background noise so that the Board members can communicate effectively. For this meeting, per the NYS Governor's Emergency Changes to the Open Meetings Law and per the Evans Town Supervisor's Executive Order 2020.2 Declaration of Local State of Emergency, only the Board members and the project applicants will be asked to speak in order to provide the necessary information for the Board to make a determination on their proposed projects. Any questions or comments from the public can be mailed or phoned in to the Evans Planning Department. Due to the unique circumstances of this meeting, we ask that all, including Board Members, please state their name before speaking. And we will do our best to move things along as efficiently as possible.

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

- **Site Plan Review** – Proposed Mini Storage Facility Expansion on 3.20± acres of a 8.55± acre parcel for the construction of 9 non-climate controlled storage buildings located at 1670 Eden-Evans Center Road, Angola, NY, 14006; SBL# 221.00-3-16.112. Petitioner: Evans Self Storage, LLC, 367 Delaware Ave., Buffalo, NY 14202

HISTORY:

- Evans Self Storage, LLC currently owns and operates the approximate 30,000 square feet self storage facility at 1670 Eden-Evans Center Road, previously owned and operated by Southwestern Storage, LLC.
- On February 14, 2020, the engineers for Evans Self Storage, LLC (Carmina, Woods, Morris) submitted to the Planning Department a complete Site Plan Application, including Stormwater Pollution Prevention Plan (SWPPP), for a proposed 30,200 square feet expansion of the self-storage facility.
- On March 11th, 2020, the project was reviewed at the Planning Board Work Session at which time no revisions to the site plan were requested.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith**
  - I have no concerns, the project is consistent with the intent of the current Light Industrial zoning district and meets all building requirements and design criteria within that section. We looked it over pretty carefully with Jeneen in Code Enforcement. Jeneen, do you have anything from the Code Enforcement side you would like to add?
- **Code Enforcement Officer, Jeneen Hill**
  - No, everything looks good to us.
- **Town Engineer**
  - Initial review of the SWPPP resulted in some concerns regarding drainage in the area west of the northeast storage units and the area south of the southwest storage units. Updates were made by the applicant to provide positive drainage into the proposed onsite drainage system and water quality treatment systems in the areas of concern. The Town Engineer has expressed satisfaction with the changes.
- **Town of Evans DPW:**
  - No comment

OUTSIDE AGENCY REVIEWS:

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

SEQR:

- The Planning Board has reviewed the short form of the SEQR and has found no significant environmental concerns.

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

Director: May I just interrupt for a moment please. I hear a television or something in the background. If someone has a television running in the background would you please turn it off. Perhaps it is people talking.

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.

John Barniak,Carmina Woods Morris: We are the civil engineers for the project.

Director: John, if you would please give us a little synopsis of your project. I know we have gone over all this at Work Sessions, so we are familiar with the project, but if you could just give us a synopsis for those listening in.

Mr. Barniak: Sure. As previously stated, the proposed Site Plan for the expansion of the Southwestern Self Storage project consists of nine (9) individual self-storage units. Six of the storage units are located along the Eden Evans Center Road frontage and to the northeast of that in the interior of the existing site, there is an additional three (3) storage units. This site, as previously stated, does have its own stormwater detention and treatment facility. There was a landscaping plan that was prepared, that provides screening along Eden Evans Center Road and also the existing driveway into the site.

Chair: Are there any further questions or comments for the applicant's representative from the Board?

No comments.

There being no further comments, I will close the floor and may I please have two motions; one regarding approval and one for SEQR.

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

VOTE RESULT: **ADOPTED BY ROLL CALL**

A. Sellers	Aye
J. Pinter	Aye
B. Bergum	Aye
M. Connors	Aye
A. Lloyd	Aye
L. Sczewczyk	Aye
D. Schiedel	Aye

M. Connors: Approval Motion
Having made this determination, I would also like to move to approve the project based on the following reasons:

- The project appears to be consistent with the current zoning of the property.
- The action is not expected to result in any significant adverse impacts.
- The project will not result in any changes to the character of the surrounding community.
- The project will result in the continuation and expansion of an existing business in the Town,

and with the following condition(s):

1. All elements of the project will be constructed per the approved site plan and in compliance with the Town of Evans Code Enforcement, Planning, Highway and Engineering Departments' reviews and comments.

A. Lloyd: Second.

VOTE RESULT: **ADOPTED BY ROLL CALL**

A. Sellers	Aye
J. Pinter	Aye
B. Bergum	Aye
M. Connors	Aye
A. Lloyd	Aye
L. Sczewczyk	Aye
D. Schiedel	Aye

Chair: NEXT STEPS
The Planning Office will send a letter to the Code Enforcement Office advising of our action tonight. You may continue the building process under their jurisdiction, and as always our office would be happy to assist should the need arise. Thank you for expanding your business in the Town of Evans and best wishes to you as you continue through the construction process.

Director: Anne, if I could pause for a moment. The folks from the Evans Self Storage Facility project, you may step off now, you do not need to stay for the rest of the meeting. Thank you.

Chair:

2. The second item on the Agenda this evening is a:

- **Rezone –** Proposed rezone of a 15.97± acre parcel from Recreational Facility (RF) to Residential Two-Family (R-2) for a proposed subdivision to be located at 8462 Lake Shore Road, Angola, NY, SBL# 220.00-1-22. Petitioner: Eagle Associates of Niagara Frontier, Inc., 4155 Walden Ave., Lancaster, NY 14086.

HISTORY:

- Currently zoned as Recreational Facility (RF), the 15.97 acre was once home to the St. Vincent de Paul youth summer camp, which closed in August 2016 after 90 years.
- Today, the former St. Vincent de Paul summer camp facilities sits vacant, including eight cabins, a dining hall, a recreation hall, several utility buildings and an in-ground pool.
- The parcel was purchased by Eagle Associates of Niagara Frontier, Inc in April 2018 with plans to convert the camp into a "low-density, quality residential community of single family detached homes".
- On January 29, 2020 the applicants met with the Planning Director and the Town Supervisor to discuss their initial concept plans for the site.
- On March 2nd, 2020, the engineers for Eagle Associates of Niagara Frontier, Inc. (Nussbaumer & Clark, Inc) submitted to the Planning Department a complete Rezone Application to convert the parcel from Recreational Facility (RF) to Residential Two-Family (R-2) zoning with a proposed Cluster Development designation.
- On March 11th, 2020, the project was reviewed at the Planning Board Work Session, at which time no concerns were shared regarding the proposed rezone; however, some initial feedback was given on Site Plan Development and the requirements of the proposed Cluster Development.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith**
  - The action before Planning Board at this time is a recommendation to the Town Board for the proposed rezone from RF to R-2. This action is consistent with the recommended future land use of the 2019 Evans-Angola Comprehensive Plan. If approved by Town Board, the next step will be to further site plan development and that is when we will take a closer look at the proposed cluster development designation, as well as any additional environmental reviews per SEQR requirements for the Site Plan development process. Some initial feedback on site plan and the cluster development has been provided by both the Planning Department and Planning Board at Work Session. We received some updated Site Plans today, and those concerns regarding the calculations of environmentally sensitive areas and making sure the open space requirements and all that are met for the cluster development code, that they have begun addressing those and I feel that we are on a good track there. But again, the action before us

tonight is strictly looking at the Rezone, which is also recommended in the Comprehensive Plan. Jeneen, I do have a note from you based on our review, as follows:

- **Code Enforcement Officer, per Director:**
  - Jeneen pointed out the 50-foot minimum requirements. The Code Enforcement Office noted that the site plan shows three proposed lots with frontages less than the 50-minimum required for an R-2 cluster development. This will be addressed later during site plan development, but it should be noted now as we're starting to move ahead; the code calls for 50-foot minimum frontage on those lots.
- **Town Engineer, per Director:**
  - The Town Engineer, Dave Johnson did take a look at the project and has been working and had some phone calls with Nussbaumer and Clark too regarding the calculations. Again, that is more looking forward to Site Plan development, but one thing that Dave did point out was that stormwater treatment pond and discharge points should be considered early in the site plan development process and the earlier we can start identifying those locations the better. In addition, some additional surveying of the wooded areas, any rock outcrops and unstable soils, such as sandy areas and the 15% slope, all that should be surveyed and I know they have been mapping that out and they will have more for us to look at once we move through Site Plan development. Some additional review of the 15% slope calculations is also required.
- **Town of Evans DPW, Chair:**
  - No comment

OUTSIDE AGENCY REVIEWS, Chair:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County and returned; they offered the following comments:
  - Phase Two of the Lakeshore Shoreline Trail Multi-Use Pathway has been designed along this stretch of Lake Shore Road, with construction pending due to road infrastructure investigations. The Town should ensure that the proposed rezoning and subsequent development of the property does not interrupt or negatively impact construction or operation of the Pathway.
  - The proposed project includes a curb cut on Lake Shore Road, an Erie County road, and is serviced by Erie County sewer. The Town should ensure that the Erie County Department of Public Works and Division of Sewerage Management are engaged as this project progresses.

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

No comments.

There being no further questions or comments from the Board, at this time I will open the floor to the applicant – please state your name and address, spelling your last name for the record.

Robert Pidanick, Nussbaumer & Clark, 3556 Lake Shore Road, Buffalo, 14292: I am here with the owner and the representatives of Scheid Architectural.

Chair: Would you like to give a brief explanation of what you are doing for the record?

Mr. Pidanick: You just explained it all very well. This is the former St. Vincent DePaul Camp which operated there for 90 years. It was sold two years ago to Eagle Associates of Niagara Frontier Inc. and they are proposing to Rezone the property to R-2 for the purpose of developing 23 sublots, single family detached residential subdivision. We have been in contact with the Town Engineer and with the Planning Department to discuss concerns that have risen with respect to the Site Plan and going forward we are prepared to address those. Again, we respectfully request that the Board make the recommendation to Rezone to R-2.

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

No comments.

There being no further questions from the Planning Board may I please have a motion regarding recommendation to the Town Board?

B. Bergum: <u>SEQRA Motion</u>
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.
Director: Again, if I may interrupt, I just want to point out this for the Rezone, the Site Plan development process will go through an additional SEQRA process.
L. Szewczyk: Second.

VOTE RESULT: **ADOPTED BY ROLL CALL**

A. Sellers	Aye
J. Pinter	Aye
B. Bergum	Aye
M. Connors	Aye
A. Lloyd	Aye
L. Sczewczyk	Aye
D. Schiedel	Aye

B. Bergum: <u>Approval Motion</u>
I would like to make a motion to recommend approval of this rezoning to the Town Board based on the following reasons:

- The action is consistent with the Town of Evans Comprehensive Plan.
- The action is not expected to result in any significant adverse impacts.
- The rezone will not result in any changes to the character of the surrounding community.
- The project will constitute the use of a currently underutilized property.

A. Sellers: Second.

VOTE RESULT: **ADOPTED BY ROLL CALL**

A. Sellers	Aye
J. Pinter	Aye
B. Bergum	Aye
M. Connors	Aye
A. Lloyd	Aye
L. Sczewczyk	Aye
D. Schiedel	Aye

Chair: NEXT STEPS
The Planning Office will send a letter to the Town Board advising of our action tonight. We will send a letter to the Town Board requesting a Public Hearing to be scheduled once we are past the COVID-19 Pandemic and no longer in a State of Emergency. Please watch the Town's website for updates.

3. The Third item on the Agenda this evening is a:

- **Special Use Permit –** for the purpose of operating a private grooming facility to be located at 7030 Sweetland Road, Derby, NY, 14047, SBL# 207.00-4-66. Petitioner: Mary Moran, 7030 Sweetland Road, Derby, NY 14047

HISTORY:

- On March 3rd, the resident of 7030 Sweetland Road, Mary Moran, visited the Planning Department to determine if a permit would be required for her home dog grooming business.
- As previous owner of a dog grooming business in Hamburg, NY, the applicant is now serving approximately five customers per week out of her home residence.
- While a Special Use Permit is required to establish a home business in a Rural Residential district, the action was deemed eligible for a Site Plan Waiver by the Planning Department.
- On March 11th, 2020, the application for Special Use Permit was reviewed at the Planning Board Work Session, at which time no concerns were raised and no additional materials were requested.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith:**
  - I would just say when we are looking at the conditions on this that based on the description of the applicant provided in terms of the business activity description on the application, where she said she really is not serving more than a couple customers per day and only about 3 days per week and to remain consistent with other conditions placed on dog service facilities, and I know that for the most part she is just utilizing her laundry room for the dog grooming services.
  - I would make a recommendation that the Planning Board place the condition on the Special Use Permit that dog grooming services shall be provided to no more than one customer at a time and no more than three customers per day.
- **Code Enforcement Officer, Chair:**
  - No Comment
- **Town Engineer**
  - No comment
- **Town of Evans DPW:**
  - No comment

OUTSIDE AGENCY REVIEWS:

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

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

Chair: I did a site visit here. There are no neighbors who can even see this property and it's on a very rural little stretch on Sweetland Road and she is really surrounded by woods. Her driveway is plenty big enough and it's a double driveway should she have more than one extra car plus her own two in that driveway. She is using a people door in her garage into the laundry room and I can see no problem with this at all. We, as you know, added three dogs per day which gives her flexibility. She only has a few customers, should she decide to do them all in one day, one dog at a time, there would be no problem.

Are they any other questions or comments from the Board?

No comments.

There being no further questions or comments from the Board, at this time I will close the floor and bring it back to the Planning Board. May I please have a motion regarding recommendation to the Town Board.

D. Schiedel: Having reviewed the application, and having deemed the project eligible for Site Plan Waiver, 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.
- This project is in compliance with the intent of the Town's Rural Residential District.
- 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. Dog grooming services shall be provided to o more than one customer at a time and no more than three customers per day.

B. Bergum: Second,

VOTE RESULT: **ADOPTED BY ROLL CALL**

A. Sellers	Aye
J. Pinter	Aye
B. Bergum	Aye
M. Connors	Aye
A. Lloyd	Aye
L. Sczewczyk	Aye
D. Schiedel	Aye

Chair: <u>NEXT STEPS</u>
The Planning Office will send a letter to the Town Board advising of our action tonight. We will send a letter to the Town Board requesting a Public Hearing to be scheduled once we are past the COVID-19 Pandemic and no longer in a State of Emergency. Please watch the Town's website for updates.

4. The Fourth item on the Agenda this evening is a:

Zoning Amendment – recommend for approval to the Evans Town Board the Amendment to Chapter 200 Zoning, to include Article XIV, Small Cell Wireless Facilities.

HISTORY:

- On March 22, 2019, Town staff and Planning Board members attended a training seminar held by the WNY Chapter of the American Planning Association and Verizon on the development of local ordinances for the advent of small cell wireless facilities.
- An additional meeting with Town staff and a Verizon representative was held in late 2019 to further discuss the development of small cell wireless facilities in Evans.
- A draft code was created by Town staff from the Planning, Code Enforcement, and Legal Departments which was reviewed and revised by Planning Board at Work Sessions held on January 8th, February 12th, and March 11th.
- The overall intent of the draft ordinance is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, modification, and removal of small cell wireless facilities within the Town of Evans.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith:**
  - I think that we spent some good time in pulling this together. Jeneen Hill and Brittany Penberthy were very helpful in getting us here. There could be a representative from Verizon listening in on this right now, and as I shared with him, this is a recommendation at this point. I did share the draft code with them as well, so this is a recommendation to the Town Board. Despite the issues that we are having here, with our inability to hold public hearings currently, we will hold a public hearing at the Town Board level where additional comments can be made. We will also have a public comment period where the draft will be shard with the public for, I believe, 10-days that we have to post it. So there will be more time for public input on this, but I do feel like we've gotten to a place within this code where we struck a balance between preservation of rural character and aesthetic quality and at the same time allowing the advent of small cell wireless facility which can be a huge benefit to our Town in terms of enhancing telecommunication services.
- **Code Enforcement Officer, Chair:**
  - No comments
- **Town Engineer**
  - No comments
- **Town of Evans DPW:**
  - No comments

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County and returned; they offered the following comments:
  - The Town of Evans should ensure that proposed and/or existing small wireless facilities located within public rights of way, or other assets owned or maintained by Erie County, are coordinated with the Erie County Dept of Public Works. This coordination should begin as early as possible in the application process and continue throughout the application and construction phases.

Are there any further questions or comments from the Planning Board?

No comments

There being no further questions from the Planning Board may I please have a motion regarding recommendation to the Town Board?

J. Pinter: I would like to make a motion to recommend to the Evans Town Board the approval of the following zoning amendment:

- Amend Chapter 200 Zoning, to include Article XIV, Small Cell Wireless Facilities.

For the following reasons:

- The action is not expected to result in any significant adverse impacts.
- The action is not expected to result in any changes to the character of the surrounding community.
- The action supports the expansion and continued operation of a service which provides a valued benefit to the community.

A. Lloyd: Second.

VOTE RESULT: **ADOPTED BY ROLL CALL**

A. Sellers	Aye
J. Pinter	Aye
B. Bergum	Aye
M. Connors	Aye
A. Lloyd	Aye
L. Sczewczyk	Aye
D. Schiedel	Aye

Chair: **NEXT STEPS**

- The Planning Office will send a letter to the Town Board advising of our action tonight. We will send a letter to the Town Board requesting a Public Hearing to be scheduled once we are past the COVID-19 Pandemic and no longer in a State of Emergency. Please watch the Town's website for updates.

Thank you everyone for joining in on our conference meeting this evening. We ask that you continue to watch the Town's website for updates during this time of inconvenience. Please remember, you are welcome to submit your comments or questions to the Planning Department by email at planning@townofevans.org or you may leave a message at 716-549-0945, as we will retrieve our messages off and on throughout the day. Thank you for your patience and understanding during this difficult time. It is our hope to keep government moving as efficiently as possible while keeping the public and our staff safe. May I please have a motion to adjourn.

B. Bergum: Motion to adjourn.
A. Lloyd: Second.

VOTE RESULT: **ADOPTED BY ROLL CALL**

A. Sellers	Aye
J. Pinter	Aye
B. Bergum	Aye
M. Connors	Aye
A. Lloyd	Aye
L. Sczewczyk	Aye
D. Schiedel	Aye

Chair: Carried. Thank you everyone and good night.

Respectfully submitted by:

Debra L. Wilson
Secretary

Approved: 5/27/20