REGULAR MEETING OF THE
TOWN OF EVANS PLANNING BOARD
WEDNESDAY, MARCH 24, 2021

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

ALSO PRESENT: William Smith, Director of Planning & Community Development
Brittany Penberthy, Planning Counsel

Chair, A. Sellers opened the meeting at 6:00 P.M. The meeting was an online conference meeting through the GoTo Meeting platform.

I would like to welcome everyone to the March 24th, 2021 Planning Board meeting. Due to the current COVID-19 crisis and the NYS Governor's Emergency Changes to the Open Meetings Law and per the Town of Evans Supervisor's Executive Order 2021.09, we are holding this meeting via the GoTo Meeting platform/conference call while giving the public the ability to listen in and comment when given the opportunity. 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 discussed or brought before the Planning Board at this Public Meeting. That being said, if any resident wishes to comment on this action, it is their right to do so when the floor is opened to the public. We also ask that all please be considerate of any background noise so that the Board members can communicate effectively. If it is not your turn to speak, we ask that you please mute your phones or the microphone on your computer. Due to the unique circumstances of this meeting, the Board members are reminded to state their name before speaking as well.

For the record, all links for past Planning Board Meeting Video Recordings are located on the Town's website at townofevans.org and can be found in the green Quick Links section on the Town's homepage under Agendas, Recordings & Minutes; recordings may be viewed by clicking the links provided.

1. The only item on the agenda this evening is a:

- **Special Use Permit –** Approve to recommend a Special Use Permit (SUP) for the operation of a Watersports Equipment Rental and Lessons business to be located at 8140 Lake Shore Road, Angola, NY 14006, SBL# 219.16-2-11.2. Petitioner: Kris Kinn, 8140 Lake Shore Road, Angola, NY 14006.

HISTORY:

- The applicant, Kris Kinn, purchased the property at 8140 Lake Shore Road in January 0f 2020.
- The applicant, met with Director of Planning, Bill Smith for a pre-submittal appointment on February 18, 2021 and subsequently submitted a completed application on February 22, 2021.
- The project went before the Planning Board for review at a Work Session on March 10, 2021.

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INTERDEPARTMENTAL REVIEWS: Bill, would you please provide your comments

- **Planning Director, Bill Smith**

  To start, I have received a good deal of feedback on this proposed Special Use Permit (SUP) from residents, both in favor and opposition including seven (7) letters in favor and eleven (11) in opposition which Debi will enter into the record.

  - For clarification purposes, a Home Occupation is permitted in the Single Family Residential District (R-1) with the approval of a Special Use Permit.
  - The purpose of the Special Use Permit is to allow Planning Board to carefully review and establish conditions on how the business is operated in order to mitigate any potential adverse impacts.
  - Under the Special Use Permit, the property is also regularly monitored by Code Enforcement to ensure that the business is keeping to what was submitted with their application in terms of site plan and description, as well as upholding any agreed upon conditions of the permit.
  - That is specifically what we are here to discuss at this meeting, the Kris Kinn Lake Erie Watersports LLC business. In talking with Kris Kinn, her Watersports Equipment Rental and Lessons business plans to utilize the entire Evans waterfront and beyond, including the mouth of 18 Mile Creek and Cattaraugus Creek in the Town of Hanover. The nature of her business will be primarily equipment and vessel rental and delivery services. Kite surfing lessons will be, for the most part, conducted at Bennett Beach, at the mouth of Big Sister. Only on occasion when the lake conditions are appropriate for kayaking, will she utilize public access points including the Wendt Road terminus, which is owned by the Town of Evans, to access the lake for launching. However, it has been made clear to Ms. Kinn that any customer parking on Wendt Road is prohibited. In addition, no equipment will be stored anywhere other than where identified on the submitted site plan, except for immediate loading and unloading purposes.
  - Ms. Kinn will also be taking advantage of the recently constructed portion of the Shoreline Trail by renting bicycles, which is in line with the goals of that project.
  - The Town has and will continue to work with Ms. Kinn to identify other potential locations for her business, we have talked with her and introduced her to BENLIC, the County Land Bank, including the former Pepper's restaurant site. Unfortunately, BENLIC is way behind and things have been moving very slowly there and we have not been able to get that meeting set up yet and that is a long process.
  - And in regards to any concerns about setting precedent, which is another concern we have heard, by allowing a watersport rental business in a residential neighborhood, the fact of the matter is that there have been numerous residents who have run similar businesses out of their homes, and various businesses out of their homes, under the radar of the Town of Evans Code Enforcement in the past. And we have issued numerous Home Occupation Special Use Permits as well; since I've been here I think there has been three (3) or four (4) as well, so this is not unheard of. Ms Kinn is in actuality setting a

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positive precedent by working through the proper channels to operate her home occupation business in accordance with Town Code.

- Overall, the nature of Ms Kinn's business is in line with the recommendations of the adopted 2013 LWRP, including the utilization of public waterfront access points non-motorized boat launching, utilization of the Shoreline Trail, and the development of small waterfront-related local businesses. This is all part of what was adopted in the 2011-2013 Local Waterfront Revitalization Program.
- A lot of what we are hearing from residents is regarding the issues at the Wendt Road terminus. The Wendt Road terminus is a separate matter from the Special Use Permit. The Planning Board discussed some conceptual plans back in summer of 2020 to help address the issues which have been reported by neighboring residents regarding traffic and parking congestion, littering, trespassing, public intoxication, lewdness, as well as degradation of the beach environment at the Wendt Road terminus, all of which are serious issues and things that need to be addressed. I will point out again, this has long been a public access right-of-way to Lake Erie for Town of Evans residents; that 50-feet right-of-way that follows that right-of-way of the street and then on each side you have the land owned by Cradle Beach.
- These plans were put on hold due to the timing of a potential funding source; however, the Planning Board will begin to revisit those issues with the goal of making some recommendations to Town Board in the coming weeks and months; particularly as we near the summer season.
- Parking at the terminus of Wendt Road will continue to be reserved for Town resident sticker holders only and the area will be closely monitored and patrolled by Evans Police Department.
- We have also been in contact with Cradle Beach and have had at least two lengthy conversations in regards to protecting their beach area that abuts the Wendt Road terminus area, which will include the installation of signage delineating the public vs private property boundaries. So we are looking to tackle some of that low hanging fruit and things that we can do to help address some of the issues that are happening at the Wendt Road terminus. But I would like to again highlight that the issuance of a Special Use Permit or the request of one by Ms. Kinn is what we are here to speak about today. A lot of the issues that we see down on Wendt Road, including public intoxication, lewdness and congestion and a number of things are not the main focus of this conversation.

- **Code Enforcement Office: Reported by Chair**
  - Code Enforcement has no objections to this project.

Chair: <u>OUTSIDE AGENCY REVIEWS</u>:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on February 23, 2021 and returned on March 16, 2021; they offered no comment and determined the action to be of local concern.

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SEQR: The Planning Board has reviewed the FEAF Part 1 and have found no significant environmental concerns in regards to the Special Use Permit on the property.

Chair: At this time, I will ask the applicant if she wishes to address the Planning Board with any further information than previously submitted.

- *Kris was having difficulty with connection and was fading in and out; the Chair moved on until Ms. Kinn could establish a better connection.*

We will move on for now; are there any questions from the Board before I open the floor to the public?

M. Connors: Bill, could you please go over the process if a Special Use Permit is awarded; how those are then policed moving forward just to give the public a little bit of any idea how that works.

Director Smith: A Special Use Permit cannot be issued until the Town reviews the site to make sure it is in accordance with the site plan that was submitted. Whatever is on that site plan needs to be exactly what is on the site. I know a question of portable toilets came up. That was not on the site plan so that would be something that would have to be addressed or contained within a primary accessory structure that is on the site plan. So we would not issue a Special Use Permit unless everything was in accordance with the submitted site plan. From there, we also make sure that we would do regular inspections to make sure that any business activity falls within what was submitted and under the conditions of the Special Use Permit to make sure that all conditions are being met; I can't speak for Code Enforcement, but that would probably occur more if there were complaints from neighbors that the conditions weren't being met – that would trigger an inspection. The SUP would be good for one (1) year and then up for renewal. Again, inspection would be required for the renewal which then goes back to the Town Board, if approved it would be good for another two (2) years, and every two years after the first year.

(Correction forthcoming when minutes are approved; after one-year inspection, provided inspection is favorable for renewal, the SUP does not have to go back before the Town Board for biannual renewals.)

Chair: And if there were problems and the neighbors had valid complaints that first year, it would weigh heavily against getting that SUP reissued. So, if our recommendation is for it tonight, it is not a forever guaranteed use; it is an SUP for one year.
Director: Correct, and if there were valid issues, if the business was being run not to the agreed upon conditions and criteria that are set through the SUP, that would trigger a court appearance, fines and the possibility of eventual revocation of the SUP.
Chair: Is there anyone else from the Board that would like to speak?

No further questions or comments from the Board.

There being no further questions or comments from the Board, at this time I will open the floor for any public comment. As always, we ask that anyone who wishes to speak please clearly state your name and address, spelling your last name for the record. Each person is limited to one opportunity to speak and comments shall be limited to three (3) minutes. Again, comments must be related solely to the action before the Planning Board this evening. Is there anyone here who wishes to speak?

Director: I would like to remind everyone you have three (3) minutes, there are probably quite a few people who want to speak.

Patrick Zydel, 8160 Hillside St., Angola: I will make it quick. I was under the impression that the Special Permit Use was under the variance board of the building department, so I looked it up and found that it was under the

Town Planning Board. With my research I found that some of the things that the Planning Board is responsible for is the safety and the interest and welfare of the residents of the Town, to hold public hearings and proposals and make recommendations. Is there anything I'm missing on the responsibilities of the Planning Board?

Chair: Not that I can think of, that's pretty much what we do. We make recommendations unless it's something that we have the direct power to pass ourselves. There are many, many things that we can approve.

Director: Such as a site plan. That is the general goal of our Board.

Mr. Zydel: Okay, I won't go on with that, I don't want to take up the time. So what I'm learning is Ms. Kinn has run the business for several years from a local public lakefront site, prior to this past summer of 2020 where she based her business from her home and had some controversy in the neighborhood with advertising and her trailer and signs in front of her lawn. It is my understanding that she is applying now for a SUP to continue and expand her business from her home. Is that correct?

Chair: Actually Patrick it doesn't even need to be to expand it; she is now working within the law. She came to the Town and has applied for this home occupation permit and a SUP that would go with that in order to run her business.

Mr. Zydel: Understood. If I could comment, it seems to me that it would be a good idea for the Planning Board to look into it that when a person applies for a SUP they could send notices to the neighbors and give them a heads-up like they do when you apply for a variance, so that you can be prepared for what's going to happen in your neighborhood. Would that be something you guys could consider?

Chair: We do advertise this meeting and we advertise the agenda. Debi what was the date of the publication? Was it two (2) weeks ago in the PennySaver?

D. Wilson, Planning Board Secretary: It is published 2 weeks before the actual Planning Board meeting. Additionally, we do send notices to residents at the Town Board level to any resident that is within 100-feet. That is at the public hearing and residents get a chance to speak at the public hearing.

Director: Correct, Town Board is the ultimate deciding Board on this, the Planning Board is the recommending Board. When it goes to the Town Board a public hearing is set and abutter notices goes to the neighbors.

Mr. Zydel: Okay, so what is the Planning Board's procedure when they get a SUP; what we're doing right now and what you explained, is that procedure?

Ms. Penberthy: Mr. Zydel your time is also up, so this will be the last question.

Mr. Zydel: Oh my goodness, you answered the questions, you're taking my time. Could I ask some more questions?

Chair: We can take that question.

Director: I will ask Mr. Zydel to repeat the question, because I can't say…

Mr. Zydel: I don't want to take-up the time, because I've got more important things to let you know about. Look here, from the meeting what I did was this; I didn't hear the meeting right away and I found out about it and I played the meeting and I was really set back. So what I did, I called two of my friends to have them listen to the meeting on the 10th of March that you had. They listened to it and they are on different Boards on different Towns and so on, and with that I didn't say anything and I just asked them "what do you think of this meeting?" I gave them nothing and they came back and said "we can't believe the congratulations and the applause that this woman had gotten for her permit; where we thought this first meeting is an information for the Board."

Director: Thank you Mr. Zydel. I'm going to have to mute you as you've gone beyond your three (3) minutes.

Mr. Zydel: They feel that this was a done deal from the beginning; way back when. Everything was all done. Thank you and shame, shame, shame.

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Chair: It's a difficult one, but I feel we best go on, but let's listen to someone else. We just started to explore it. There is a Town public hearing for the Town Board which you are welcome to go to Mr. Zydel. Would anyone else care to speak?

Chandra Shaver, 615 Ainsworth Parkway, Angola: Good evening. I hope you guys are all doing well and staying safe. I just want to bring it to the table that I hope that, yes, we really do want to support her business, however, this is directly like in her front lawn that I would see signage, cars parked, a porta potty. Yes, she put up a fence, yes we've put up a fence on our property, but it's not something that we want to see. And yes, she did make a comment on a Town page on Facebook saying she would be having a porta potty, yes I know it wasn't in her first plans that she submitted to you. But I just would hope that the Board just takes it into consideration that these are our homes, this is our front yard that we would be looking at and it's kind of heartbreaking that we've work so hard to establish our home here with my husband for twelve years and now we have to look at a business being run right on the corner. We want to support her, just not in this little small tight-knit area. We already know that there's issues with her, but I'm not bringing that up at all. The concern that I have is if she were to rent from her property here, that would be a used place, but it's for Town residents and no out-of-town residents should be allowed to use that access whether it be for kayaks and such. So, that's just what I want to bring to the table.

Chair: Bill, can we guarantee for these people that there is no porta potty? There is none on the site plan, we're not approving a porta potty. Is this something that we can guarantee them?

Director: Yes, I hope that maybe Kris can speak to this. What I can say is that I talked to our Code Enforcement about what the code says about placing a portable toilet in the backyard, but we could list it as a condition of the SUP that it would not be permitted; that is something that we can discuss. Kris are you planning on putting portable toilets; I see you have joined us again.

Kris Kinn, 8140 Lake Shore Rd., Angola: Yes, I can hear you. The porta potty issue, first of all I am doing some renovations to the inside of my home this year and I do have a little bit of work to do on my fence and add a couple of gates. I often have a couple guys working for me on my other property as well. So having a porta potty at my home wasn't necessarily in the plans at all for the business, but I happened to mention it on a Facebook page comment because there was a complaint that people were defecating down at the end of the road. So to ensure the residents that they weren't going to be coming from my customers, I suggested that I would have a porta potty. However, it is not in my current plans so if this is an issue whatsoever, there's no problem for me at all to not get one.

Chair: So you would let your customers use the bathroom facilities in your house?

Ms. Kinn: I certainly would. If they needed to use the restroom I certainly would. Also, I do want to address really quickly that I do have a 6-foot privacy fence around my entire yard now. What I'm doing her also, and the layout that I proposed, is actually going to take all of my trailers out of my front driveway and I will no longer have the kind of signage that I had before. The banners that were on my trailer were taken down last year as soon as I was made aware that I was not supposed to have them, and the signs as well. My only signage will be a really nice little 2' x 2' sign, similar to what Stock Services has on Bennett Road. If I did have a porta potty that I would need because I am renovating my bathroom, it would be hidden behind the fence, not in view to anybody passing by on Lake Shore Road or Wendt Drive and especially you couldn't see anything on Ainsworth whatsoever behind my fence now.

Chair: Is there anyone else who would like to speak?

Joyce Torge, 573 Wendt Road, Angola: I know it was mentioned by Chandra, I don't want to be repetitious, but we have no ill will towards Kris or her business, I wish her every success. However, this is a residential neighborhood and just by default bringing customers to a business is going to totally turn that out into a business district. People are going to come, they are going to see the dead-end road and check it out at the

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end. I hear it all the time all summer long and I know that you are well aware of the multiple ongoing issues we've had year after year. We've had three meetings before the Town Board and as Chandra said, these are our homes, these are our neighbors and frequently cars speed down. These may not be Kris' customers, I'm not saying that, but what we are going to do is introduce more people to a very small area that's residential, has little kids and dogs and that is already having issues for years with people coming here. I just don't see any kind of a resolution to that. This is not a business district, we bought in a residential district. There is enough people down there.

Chair: I have a question for you. Are you also identified as Dolly Torge on the letter that we received?

Ms. Torge: Yes, I don't know how to change that, but yes it's Joyce.

Chair: Okay, because it is a residential district she will have these extra restrictions on her. She tells us that most of her business is delivering equipment to other areas; kayaks to 18-Mile Creek, to the other creeks, to beaches, and that kite surfing is taught at Bennett Beach. She said it is only the occasional kayakers.

Ms. Torge: I did hear she said that a couple of weeks ago, but she has left the kayak cart up at the bluff before and there are people who come down to kite surf. I just don't understand how one person can outweigh the majority of people that are upset about this taking place in a very quiet residential area, when people are parking on our lawns, parking over on Hillside and Milsom and asking neighbors to buy them a permit for $5; I'll give you $25 if you buy me a permit.

Chair: If you separate out the beach issue, which we agree is a very difficult issue that needs to get some more help on for the neighbors, and concentrate just on her business, could you let the Board know. And remember, anyone can apply for a home occupation permit. You can apply for a home occupation permit and put out that small sign that is allowed; if you are a realtor with an office in your home, if you are cutting hair in your home, there are a lot of things you could get a home occupation permit and you only need that in a residential district. So, what we are talking about, which we need you to tell us is, if her property is totally fenced and you see none of her business and most of her business is being conducted offsite, and separating it from the beach issue, tell us what your complaint is with Kris' business.

Ms. Torge: Well, as I've said I have nothing but respect for her for trying to get a business going, however, my problem with it is as I mentioned before, people coming here because of a business and saying "*hey, look at this down here, we should just come down here and party or park, we don't have to go to Bennett Beach where they check for beer."* I can't even tell you how many times I have heard people say that "*Oh I never knew this was here."* I've heard people on the phone giving people directions telling them to leave Bennett Beach and come here and party.

Chair: You are probably past the 3-minute limit, so we thank you for your comments. Do we have anyone else…

Ms. Torge: May I just quickly say one more thing. What about the Sturgeon Point or other public access areas where a business could be a business? That's a possibility.

Director: I already stated that we are working with her on identifying potential long-term areas within our business districts. Thank you, your 3-minutes are up.

Ms. Torge: Okay, thank you.

Chair: Is there anyone else who would like to speak?

Ken Garbarino, 8420 Lake Shore Drive, Angola: Could you just clarify the watersports equipment, I think you went through that before, but what type of equipment is she renting out?

Ms. Kinn: So, I'm renting out tandem kayaks, paddleboards and bicycles.

Mr. Garbarino: Well that seems reasonable. Thank you.

Director: You're welcome.

Chair: Is there anyone else who would like to speak?

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Ed Conboy, 8168 Hillside St., Angola: I too encourage Kris to have a successful business and am glad to see that somebody is using the available lake that we have in front of us, especially due to the fact that Sturgeon Point Marina, as discussed in the Town Board meetings, may not open due to the cost of dredging. I hope that, and I anticipate, that parking on the area roads will not be a problem and I wish her success so that she can make enough money to pay the high taxes that we do pay in the Town of Evans. I have nothing but good wishes for her and hope that she succeeds. Thank you.
Chair: Thank you. Is there anyone else who would like to speak?
Tebra Howard, 1520 Eden Evans Center Rd., Angola: I give Kris a lot of credit, she has been working very hard with her business and it sounds like she is just trying to accommodate all the neighbors down there regardless of where her business is located. The whole Wendt Road terminus is an issue that can be addressed at a later time, I know you all know my opinion on that also. I wish Kris all the best. She is really trying to do a business that would help our lakefront and with the bike access in what she is renting. It's not just that the stuff is going down to the Wendt Road terminus, it's also being delivered to the other areas she mentioned. I hope you will approve of this. I certainly approve of it and I wish her all the best. Thank you.
Chair: Thank you. Are there any other comments?

No further questions or comments from the Public.

There being no further questions or comments from the public, I will close the floor to the public and bring it back to the Planning Board for further questions or comments. Would anyone from the Board like to add anything?
M. Connors: Knowing that we have the issue, as we know now from last year, with the beach access down there, I think most of the concerns is that this Special Use Permit is going to compound the issues that we have there. But I think Bill you are correct in saying that we have to deal with that issue at the beachfront separately then any issues that may or may not come from this Special Use Permit. First of all, we don't know where those customers that she rents to are going to go. If they all end up going to the beach access point, we know that they have to have a permit, we know that they have to be a Town resident we know that the police department is going to have to continue to maintain a patrol there and provide action if needed; if vehicles don't have that permit on their cars. I think in this particular case, we know a Special Use Permit is going to be good for one year and this is a good example of how we evaluate what she has been able to do in one year. If she is as successful as people think that she will be, she is going to outgrow that location and move on. I can't think of a better business to put into a business parcel in another project that we are working on right now down at Ellicott Development, if that should take shape. So again, I think that we do these Special Use Permits and that it is important to note regardless of the amount of complaints that come in, it does get reassessed by us, and again we are just a recommending body to the Town Board and I would anticipate that most of the people on this meeting this evening will address their concerns or favoritism to the Town Board at that meeting. I am humbled when we have such an outpouring of public comment. I think it is great that people are paying attention especially when it comes to the waterfront.
Chair: I have one more question for Kris. I was somewhat bothered by the fact that the trailer that you take kayaks down to the beach at the end of Wendt is left there. Is that up at the top of the bluff? The space is quite limited for neighbors and the public to get down to that beach.
Ms. Kinn: Yes, I certainly agree. I did a couple times this summer leave my trailer down there while I had renters down there. There were a couple times that I left the trailer at the end of the road last year and it was during when my renters were out. It was simply because loading them and unloading them and pulling the trailer in and out at the end of the road. It was easier for me; it was a weekday. I won't be doing that again, there's no reason for me to have to do that, I'll drive down there, unload them, load them back up, and drive

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away. In the meantime, my trailer will never be parked down there. Also, this year I have kayak carriers as well. Depending on the customer, and their physical shape, we can put them on carriers. Also, if the end of the road is very busy, however I never have a problem getting my things down there, but I can also put them on kayak carriers and let them take them down to the end of the beach right from my home.

Chair: Okay, thank you very much.

Director: Anne, that may be a good segue for us to talk a little bit about the conditions before we move forward with any resolution. The conditions that I have listed so far and that I would ask the Planning Board to either confirm or provide any proposed revisions would be:

- Vehicle parking shall be contained to the areas located on the property as identified in the submitted site plan. Any vehicle parking associated with the Watersports Rental and Lessons business shall be prohibited at the terminus of Wendt Road as well as prohibited along the Wendt Road and Lake Shore Road right-of-ways. Any need for overflow parking shall be accommodated at nearby general public parking areas, such as those located at Bennet Beach County Park.
- No watercrafts nor any associated equipment shall be stored at the Wendt Road terminus for any periods of time other than during loading and unloading.
- Any use of the Wendt Road terminus to access Lake Erie shall take place well within the designated 50 feet right-of-way owned by the Town of Evans. (Not to be trespassing on Cradle Beach property, and again we've talked with Cradle Beach about how this year we are going to be putting in some private property beyond this point signage to clearly delineate the boundaries of the beach)
- The only other thing I can think of is regarding bathroom facilities if we wanted to make sure that condition, although it doesn't sound as though Kris is planning on putting and portable bathrooms in, but if we want to put that as a condition of the permit I could write that up really quick.

Chair: The only other thing that I read in the letters that we did not cover is someone had a concern that the Town would be liable for any accidents or loss. Every business carries its own insurance and the Town gives many businesses permits to operate and the Town is not liable for any problems they have; their liability insurance needs to cover that.

Director: Right. So Kris I am assuming that you are insured.

Ms. Kinn: Yes, that's true, I am insured. I'm fully covered.

Chair: I think then that we have covered all of the points in the letters that we have received. So I would like to have two motions from the Board; one regarding SEQR and one regarding approval.

Director: Would you like me to come up with the wording regarding bathroom facilities? If you'd like me to state it and you can write it down or you can make up your own if you want to. It's pretty simple…bathroom facilities will be contained within the primary and accessory structures located on the submitted site plan. No portable toilets will be permitted.

J. Pinter: What is your thought on that Bill?

Director: I think one of the issues is that anybody can really put a portable toilet in their lawn if they are having special events or construction and things like that too. So, maybe leaving off that part about no portable bathrooms will be permitted on the property; maybe that's a little harsh. Maybe we just say bathrooms for customers will be contained within primary and accessory structures located on the site plan. That way we can ensure customer facilities are within the building and that it's not a permanent thing, in case Kris does ever want to have a backyard barbeque and put a porta-john back there. I mean it's not unheard of.

M. Connors: So Bill, we're saying bathrooms shall be contained within a structure associated with the Special Use Permit?

Director: I have bathroom facilities for customers shall be contained within the primary accessory structure located on the submitted site plan. Brittany, do you have any thoughts on that?

B. Penberty, Planning Counsel: That's fine, you could also add additional portable toilets will be subject to subsequent review and approval.
Director: That's a good one, do you have that Mike?
M. Connors:
WHEREAS, it is the responsibility of the Planning Board of the Town of Evans to make recommendation to the Town Board pertaining to the issuance of Special Use Permits (SUP); and
WHEREAS, the applicant Kris Kinn is requesting a SUP to operate a Lake Erie Watersports Rental and Lessons business from her current residence located at 8140 Lake Shore Road (SBL# 219.16-2-11.2) currently zoned in the Single Family Residential District; and
WHEREAS, a Home Occupation is permitted in the R-1 Zoning District under the design regulations of Section 200-17 of the Town Code and with the approval of a SUP; and
WHEREAS, the Planning Department has received the required application, forms and fee from Ms. Kinn and reviewed the proposal with Planning Board at Work Session; and
WHEREAS, the Planning Board has determined that a SUP for a Watersport Rentals and Lessons business is consistent with the recommendations of the adopted 2013 Local Waterfront Revitalization Program; and
WHEREAS, the Planning Board has expressed no concerns regarding any potential adverse environmental impacts of the proposed SUP.
NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves recommendation to the Town Board of the proposed SUP for the owner of the parcel located at 8140 Lake Shore Road (SBL# 219.16-2-11.2) for the following reasons:

- The action is consistent with the Town of Evans LWRP.
- The action is not expected to result in any significant adverse impacts.

AND BE IT FURTHER RESOLVED, that the following conditions shall be placed on the approval of this action:

1. Vehicle parking shall be contained to the areas located on the property as identified in the submitted site plan. Any vehicle parking associated with the Watersports Rental and Lessons business shall be prohibited at the terminus of Wendt Road as well as prohibited along the Wendt Road and Lake Shore Road right-of-ways. Any need for overflow parking shall be accommodated at nearby general public parking areas, such as those located at Bennet Beach County Park.
2. No watercrafts nor any associated equipment shall be stored at the Wendt Road terminus for any periods of time other than during loading and unloading.
3. Any use of the Wendt Road terminus to access Lake Erie shall take place well within the designated 50 feet right-of-way owned by the Town of Evans.
4. Bathroom facilities for customers will be contained within the primary and accessory structures located on the submitted site plan. Additional portable toilets will be subject to subsequent review and approval.

Chair: May I have a second.
A. Lloyd: Second.

Roll Call Vote: *All in favor. Motion carried.*

Chair: NEXT STEPS – We will send a letter to the Town Board notifying them of our recommendation this evening, as the Town Board has final approval on all Special Use Permits. 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 100-feet of your

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property with the legal notice attached. The public will be given the opportunity to speak in regards to your Special Use Permit request at the public hearing. Once the public hearing is closed, the Town Board will make their determination in regards to your Special Use Permit request. Good luck to you Ms. Kinn as you continue through the process.

I would like to say just one more thing to the neighborhood. Our intent with this project to make that business as unnoticeable and invisible as possible, to protect that neighborhood.

Thank you everyone for attending our GoTo meeting this evening. May I please have a motion to adjourn.

A. Lloyd: Motion to adjourn
L. Szewczyk: Second.

Roll Call Vote: *All in favor. Motion carried.*

CHAIR: Carried. Good night everyone.
Director: Good night. Thank you all.

Respectfully submitted by:

Debra L. Wilson
Secretary

Approved:

Resident Correspondence Attached

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