# REGULAR MEETING
# TOWN OF EVANS PLANNING BOARD
# WEDNESDAY, JULY 12, 2023

MEMBERS PRESENT: Chairwoman A. Sellers, L. Szewczyk, D. Schiedel, M. Keller, J. Mesi

EXCUSED: J. Wilson

ALSO PRESENT: William (Bill) Smith, Director of Planning & Community Development
Brittany Penberthy, Town Counsel

APPLICANTS/REPRESENTATIVES: John Schenne, Schenne & Associates

**Chairwoman Sellers:** I would like to welcome everyone to the July 12, 2023 Planning Board meeting. Before we begin tonight's meeting, there is a change to our agenda; the second item on the agenda, regarding Hogg Subdivision and Rezone recommendation and the third item regarding the Site Plan & Special Use Permit Recommendation for the Solar Liberty project on Southwestern Boulevard will not be heard this evening. Please watch the Town's website for further updates.

All public meetings and public hearings currently scheduled before the Planning Board of the Town of Evans, will be held both in person and by remote access via Zoom while giving the public the ability to listen in and comment when given the opportunity. If any person wishes to comment on these actions, it is their right to do so when the floor is opened to the public. At that time, we ask that anyone who wishes to speak please clearly state your name and address, spelling your last name for the record. Those attending online may "raise their hand" using the function on your Zoom interface. Each person is limited to one opportunity to speak and comments shall be limited to 3 minutes.

For the record, a Planning Board Public Meeting is conducted solely for the pre-determined action items listed on the official Planning Board Agenda and/or any other business that may be presently before the Planning Board as advertised.

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

**Site Plan & Special Use Permit Recommendation** – Proposed construction of a 5,000± sq. ft. building for the operation of a Motor Vehicle Sales business with a Special Use Permit located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12. Petitioner: Christian DelPrince/Duncan Motors, 8555 Southwestern Blvd., Angola NY 14006.

**PROJECT BACKGROUND:**

- The applicant received a Rezone recommendation from the Planning Board at the January 27, 2021 meeting and Town Board approval at the February 17, 2021 public hearing thereby successfully rezoning the parcel from Rural Agriculture (RA) to Light Industrial (LI).
- Mr. DelPrince and his architect, John Schenne appeared before the Planning Board at a Work Session on June 14, 2023 and Mr. Schenne is with us this evening representing his client for Site Plan approval and recommendation of the Special Use Permit.

**INTERDEPARTMENTAL REVIEWS:**

- **Planning Director, Bill Smith:**
    - The applicant has addressed comments provided by the NYSDOT as well as the Planning Board. The curb cut was removed from Southwestern Boulevard.
    - The comments that we had at Work Session were addressed on the side façade on the northwest and southeast elevations; the windows were improved and the awnings were added.
    - The only thing I would note is we have had issues on the current site across the street on the number of vehicles being in violation of their Special Use Permit (SUP); I believe they are at 63 on that site and they are considerably over including where they are parked also. I will pass this along to Mr. DelPrince also and for the Town Board as well, for the public hearing, so we need to make sure that the site is kept in order. On the SUP I would recommend conditions stating a maximum of up to 102 vehicles and that they be placed in accordance with approved Site Plan, that the paved area be stripped properly and that the vehicles are to be kept within the paved area.
    - Additionally, there is a letter from Mr. Burgasser that I will also include in the minutes.
- **Code Enforcement Officer, John Flading –** No comments.
- **Town Engineer, Dave Johnson –** Per Bill Smith, Dave Johnson has reviewed this site and I know there has been some concerns around drainage in this area. Dave has carefully reviewed the drainage plan, as well as the Storm Water Pollution Prevention Plan (SWPPP) so that it meets all local and state requirements for drainage and Storm Water Pollution and the Clark Patterson Lee (CPL) engineering department does approve the site plan.
- **Deputy Attorney, Brittany Penberthy –** No comments.

**Chair: OUTSIDE AGENCY REVIEWS:**

- **Erie County Department of Environment and Planning:** A 239M Review was sent to the County, their comments were addressed and revisions were made as requested by the NYS Department of Transportation. Further, an Agricultural Data Statement was not required, as there were no active farm operations within 500' of the proposed project.

**SEQR:** The Planning Board has reviewed the site plan application and have found no significant environmental concerns in regards to the proposed plan amendment.

At this time, I will ask the applicant if they wish to address the Planning Board with any further information than previously submitted.

**John Schenne, Schenne Associates:** I believe we have answered everyone's questions; Town, County and State and I don't believe there are any outstanding issues.
**Chair:** Are there any outstanding questions or comments from the Planning Board before I open the floor to the public? *No further questions or comments.* There being no further questions or comments

from the Board, I will open the floor for any public comment. There is no one in attendance, but we do have someone online.
**Bill Smith, Planning Director**: We have Nancy Lambert online.
**Nancy Lambert, 8458 Southwestern Blvd., Angola, NY 14006:** Where will the entrance be? Will it be on Southwestern or will it be on Eden Evans Center Road?
**Planning Director:** It will be on Eden Evans Center, as the NYSDOT would only allow a curb cut on Routes 5 or 20 only if there is no other alternative, and in this case there is an alternative.
**Ms. Lambert:** Okay. How far is the building setback from the corner?
**Planning Director:** Ninety feet from Eden Evans Center and One hundred and sixty from Route 20.
**Ms. Lambert:** Okay, I will come in and talk with you in-person if you could have that plan available.
**Planning Director:** The plan is available in the Planning Office and you can come in and review it prior to the Town Board public hearing.

*Ms. Lambert questioned when the public hearing would be and the Planning Director advised it would be on Wednesday the 19th.*

**Chairwoman Sellers:** There being no further questions or comments, I will close the floor and bring it back to the Planning Board. May I please have a motion regarding the recommendation to the Town Board for the Special Use Permit.

**L. Szewczyk: 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, Duncan Motors, is requesting a SUP for the proposed construction of a 5,000+ sq. ft. building for the operation of a Motor Vehicle Sales business located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12 zoned in the Light Industrial (LI) District; and
**WHEREAS,** New or used automotive sales businesses are permitted within the LI District with the approval of an SUP; and
**WHEREAS**, the Planning Department has received the required application, forms and fee from Duncan Motors and reviewed the proposal with Planning Board at Work Session; and
**WHEREAS,** the Planning Board has determined that a SUP for an automotive sales business is consistent with the current zoning of the parcel; 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 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12 for the following reasons:

- The action is consistent with the Town of Evans Zoning.
- The project is not expected to result in any changes to the character of the surrounding community.
- 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:

- The site needs to be developed and maintained in accordance with the site plan as approved by the Town of Evans Planning Board on July 12, 2023.

- This SUP will be for the display of up to 102 vehicles and placed in accordance with the approved site plan.
- All vehicles must be displayed within the paved area that is to be stripped properly per the approved site plan.
- The SUP shall be for a one-year period and the applicant may apply for renewal.
- Completion of the project shall be consistent with all elements of the approved site plan and subject to the review and approval of the Code Enforcement Officer, Town Engineer and Planning Director.

**D. Schiedel:** Second.

***Roll Call Vote: All in Favor…Carried***

**Chair - <u>NEXT STEPS</u>:** Should the SUP be approved by the Town Board we will then send a letter to the Code Enforcement Office advising them of our action this evening as the building permit process is under their jurisdiction.

Thank you everyone for joining in on our meeting this evening, whether in-person or remotely. May I please have a motion to adjourn.

**L. Szewczyk:** Motion.

**M. Keller:** Second.

***Roll Call Vote: All in Favor…Carried***

**Chair**: Carried. Good night everyone.

Respectfully submitted by:
Debra L. Wilson