REGULAR MEETING OF THE
TOWN OF EVANS PLANNING BOARD
WEDNESDAY, FEBRUARY 28, 2024

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

MEMBERS EXCUSED: A. Sellers, J. Pinter

ALSO PRESENT: William Smith, Director of Planning & Community Development
Brittany Penberthy, Deputy Town Counsel
John Wilson, Town Councilman, Planning Board Liaison
Laurie Reitz, Town Councilwoman

APPLICANTS/REPRESENTATIVES: Alexandra Moll, HHL Architect

Director of Planning & Development Bill Smith opened the meeting at 6pm excusing both Chairwoman Sellers and Planning Board Member J. Pinter.

I would like to welcome everyone to the February 28, 2024 Planning Board meeting.

We are two members short this evening, but we do have a quorum so we will start with our public meeting on the Graycliff Visitor Center Expansion and then we are going to move on to the Work Session after that with two or three other projects that we are going to review. 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. 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 only item on the agenda this evening is a:

Site Plan – Graycliff Visitor Center Expansion at 6472 Lake Shore Rd., Derby, SBL# 192.02-1-6. Applicant: Graycliff Conservancy, 6472 Lake Shore Rd., Derby NY 14047

PROJECT BACKGROUND:

- The applicant and their design team have met with the Planning Board to discuss the project at Work Session on three separate times. This is our fourth time meeting but our first public meeting. We did meet with the Conservancy and their representatives on August 24, 2022 for the first time, so this project has been going on for a while with different iterations which have been scaled back a little bit since that first time reviewing and subsequently on June 14, 2023.

- The applicant filed a formal and complete Site Plan Review Application with the Planning Department on January 9, 2024 and reviewed the proposed project with the Planning Board at Work Session the following evening.
- In addition, in the past, variances had been granted by the Zoning Board of Appeals on the side yard setback. It has passed the six-month period for renewal since that time, so the applicant will still be required to receive that side yard setback renewal from the Zoning Board of Appeals (ZBA).
- The applicant is before us this evening seeking a conditional Site Plan approval as well as a recommendation for the renewal of the area variance on the side yard setback.
- Since the variance was granted previously, they have actually increased the setback, so the variance has decreased a couple feet. The existing building is pre-existing, non-conforming on the side yard setback which requires 25 feet and they are at 15 as you can see on the plan. The previous version had the overhang coming out further, past the existing building. This is now equal to the existing building on the overhang.
- The only part that they are furthering their non-conforming status on is the overhang on the building. The actual wall is further back, sort of a large cantilever overhang consistent with the Frank Lloyd Wright (FLW) design.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, Bill Smith:**
    - The project is consistent with the Town's Comprehensive Plan and our Local Waterfront Revitalization program.
    - A Waterfront Assessment Form (WAF) was provided with their application.
    - The Graycliff Estate is definitely an asset to our Town and provides a valued benefit to our community. It is good to see enhancements to the grounds and the Visitor Center.
    - Again, previous variances will need to be successfully renewed with the ZBA.
    - Also, we did receive comments from Carmina Wood Designs. Clark Patterson Lee (CPL) is the engineer on this project and they are also our Town Engineer, so we are unable to use them for our engineering review, therefore we had a third party engineering review take place with Carmina Wood. Carmina Wood did provide comments particularly on the drainage on the retention facility and Storm Water Pollution Prevention Plan (SWPPP), they are very minor in nature and that is in your packets as well too. They just need to clean-up some of the calculations on the SWPPP. As of today, CPL has not addressed. I have talked with Carmina Wood and CPL about these and they will be addressing the comments, but both of them feel they will not alter the site plan that we see today in any significant fashion. Carmina felt that a conditional site plan approval is appropriate.
    - Once those minor alterations are made to the calculations and SWPPP, then some of the drainage on the bioretention materials and some potential conflicts with the gas line, those will be brought back to me and sent to Carmina Wood for their final review to confirm they had addressed their comments and stamp those. You have those comments, so as long as they are addressed and

appropriately reviewed again, they will come back to me, we will stamp them which would allow the applicant to move forward with their building permit.
    - Right now we are looking for a conditional approval on a variance from the ZBA on a side yard setback renewal and addressing the comments from engineering.
- **Code Enforcement Officer, John Flading:** Has no objections to the project.
- **Carmina Wood Engineer:** Comments are noted above regarding the February 8, 2024 letter that will still need to be addressed.
- **Deputy Attorney, Brittany Penberthy**: Brittany is stuck in Grand Island currently, but she did review the SEQR Negative Declaration and the potential proposed resolutions that may be put forth tonight and has no issues. If she is able, she will attend tonight's meeting at some point.

Bill: OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** A 239M Review was sent to the County and returned on January 17, 2024; they offered no recommendation having determined the proposed action to be a matter of local concern.
- **Erie County Division of Sewerage Management (DSM):** Review and approval of any proposed sanitary sewers is required by Erie County DSM and the Town shall be copied in on all such correspondence.
- **New York State Parks, Recreation and Historic Preservation (SHPO):** As part of the grant agreement between the State of NY and the Graycliff Conservancy, two Preservation Covenants were fully executed which requires OPRHP approval of any changes made to the interior and exterior of the building and to the surrounding landscape. The maintenance access path going west toward the lake/Graycliff should remain grassy to ensure minimal visible impact to the area immediately surrounding Graycliff. Further, it was determined the expanded visitors center will have **no adverse impact** on the property listed in the State/National Registers of Historic Places.

SEQR: The Planning Board has reviewed the site plan application and have found no significant environmental concerns.

At this time, I will ask the applicant to please address the Planning Board with where we are with the project.

Alexandra Moll, HHL Architects

- Graycliff is looking to preserve the existing Visitor Center and expand it to accommodate the tourists who come for various tours. There will be expanded toilet facilities, the gift shop will still remain, there will be an expanded space where people may wait before their tour starts and then they can progress through the grounds. They are also proposing to expand the 'picking garden' and do other landscape improvements including managing stormwater. Eventually the new expansion will have an intensive green roof, which will also help with stormwater management.

Bill Smith:

- Bill pointed out that this project has gone back and forth with questions, but asked the Board if they had any additional questions or comments *(no comments or questions).*
- Bill asked Ms. Moll how things are looking as far as getting this done? That is one concern the Board has had with all the previous reviews and with variances being expired. Site Plan approvals have expiration dates also; 6 months.
- Additionally, there was a neighbor concern regarding he amount of traffic, events and things which Graycliff has been hosting. Is this particular project intended to create more visitors and traffic?

Alexandra:

- In terms of drawings, it's pencils down, they are not changing the plans, the construction document set is fixed, the specifications are fixed; what the Planning Board sees today is not going to substantially change unless further comments are received from Carmina Wood. She will reach out to CPL to try and expedite the required changes as outlined by Carmina Wood.
- Things are now in the hands of the Graycliff Conservancy as they continue to secure funding to meet a cost estimate and to meet those funding goals. Everyone is eager to start by early summer hopefully.
- This project is intended to handle what is currently there, they are not looking to expand that, rather to have a more gracious waiting/staging area where people can mill around and experience while awaiting their tour; essentially give them something to do.

Planning Board member, Lori Szewczyk addressed the issue of traffic and noted that many members of the community walk or bike to the market, and although cars are also utilized, traffic doesn't seem to be a problem.

Planning Board members, Joe Mesi acknowledged the importance of Graycliff, a historical building, to our community and felt a conditional approval might help them secure funding.

There being no further questions or comments from the Board, Bill opened the floor to the public?

Mike Vogel, 6540 Lake Shore Road, Derby, NY

- Mike commended the Planning Board for reaching out to SHPO on this project. He also was happy to see HHL as the architects as he has worked a lot with them when he was on the Erie Canal Harbor Development Corporation Board (ECHDC) and he had a lot of confidence in them
- Mike was looking for a minor clarification on the setback requirement because he felt what he had just heard seems to be a little bit different than what the plans indicate. Mike is the side lot and the family has been there since 1948. It was his understanding that the side yard setback was 15 feet.

  Bill explained the zoning of the property is Public Facility and there is a 25-foot setback requirement from the side yard of a residential district. The existing building is set back 15 feet, but zoning in the Town didn't start until 1987; the building is currently a pre-

existing, non-conforming structure and "grandfathered in." Because it is grandfathered in, the variance basically says they cannot create any more non-conformance, so they can't build it closer to the property line or even if it were extended along that same distance from the property line, if they are continuing that non-conformance setback, then you require a variance. So even though they are not moving the building any closer to the property line (they are continuing that overhang, not the wall) the wall is still setback 25 feet, it's that FLW sort of large overhang soffit, cantilever design. They have actually reduced the variance and brought it into greater conformance from their original submission. The Board is actually happy to see that overhang brought in closer and away from Vogel's property line because it does bring it closer to being in conformance with code even though it still requires a variance.

Stasia Vogel, 6540 Lake Shore Rd., Derby NY

- Stasia thanked the Board for providing the plans stating it was very excellent so they had a chance to look at them because they hadn't had a chance to see them.
- Stasia questioned:
    - the material of the overhang
    - whether there would be lights in the overhang
    - what the projected use of the extra space will be, and
    - the projected cost of construction, gardening and sewers, etc.
    - once funding is secured, what would the anticipated date of completion be

Alexandra explained that the roof itself would be natural wood so it will weather over time. It will be 4-inch-wide wood planks that will create the overhang on the exterior that continues from the outside in, so you get a sense of seamlessness by bringing the exterior into the exhibit space. It will be an environmentally friendly oil finish and ultra-violet will grey that wood out so it will start out as a greener wood and then silver-out eventually; it should look quite beautiful.

Regarding lighting, there will be down-lighting underneath, nothing that would cause night time light pollution.

The extra space will be utilized as exhibit space, like tabletop exhibits where they can display some of the ephemera from the Graycliff Estate, paintings, drawings, things that were used by the owners, that type of thing. There will also be a digital display on the walls. Essentially its main purpose is to be a waiting area.

The project has been scaled down from the original concept. They have future plans for more of the grounds such as the orchard. Right now they are looking at just reworking the grounds around the Visitor Center and then the expansion; its estimated at approximately $4.3 million.

The estimated completion date once all funding is set is approximately 1 ½ years.

Bill: Thank you. Is there anyone else who wishes to speak? *(none).* There being no further questions or comments from the public, I will close the floor and bring it back to the Planning Board.

- Are there any further questions or comments from the Board? *(none)*
- There being no further questions or comments from the Board, may I please have two motions; one regarding SEQR and one regarding Site Plan approval.

L. Szewczyk: SEQR Motion

WHEREAS, the Planning Board of the Town of Evans has been declared Lead Agency for theSEQR process for the proposed Frank Lloyd Wright's Graycliff Estate Visitors Center Expansionat 6472 Old Lake Shore Road, Derby, NY 14047 (SBL# 192.02-1-6); and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Evans Planning Board has reviewed the proposed project; and

WHEREAS, the Planning Board considered all of the criteria for Determination of Significance listed in the SEQR regulations (6NYCRR 617.11), and has found that the proposed action is not anticipated to result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues a Negative Declaration, thereby concluding that the project will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

D. Schiedel: Second.

Roll Call Vote: All in Favor…Carried

D. Schiedel: Conditional Approval Motion

WHEREAS, the Planning Board of the Town of Evans has carefully reviewed the proposed Frank Lloyd Wright's Graycliff Estate Visitors Center Expansion at 6472 Old Lake Shore Road, Derby, NY 14047 (SBL# 192.02-1-6); and

WHEREAS, the Planning Board has issued a SEQR negative declaration and determined that the applicant has met all requirements for site plan approval.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board conditionally approves the project based, in part, on the following reasons:

1. The action is not expected to result in any significant adverse impacts.
2. The project will not result in any changes to the character of the surrounding community.
3. The action is consistent with the Town of Evans Comprehensive Plan and Local Waterfront Revitalization Program.
4. The project is anticipated to result in an aesthetic improvement to the property.
5. The continuation and expansion of the Graycliff Estates and Conservancy will provide a number of valued benefits to the Town and surrounding region.

BE IT FURTHER RESOLVED, final site plan approval is conditioned on the successful renewal of the previously approved side yard setback variance from the Zoning Board of Appeals; and

BE IT FURTHER RESOLVED, the Planning Board authorizes the Director of Planning to submit a letter of recommendation to the Zoning Board of Appeals in favor of said variance renewal; and

BE IT FURTHER RESOLVED, final site plan approval is also conditioned on the applicant successfully addressing all comments stated in the February 8, 2024 engineering review letter submitted to the Town from Carmina Wood Design.

M. Keller: Second.

Roll Call Vote: All in Favor…Carried

Bill Smith: Next Steps

We will send a letter to the Evans Zoning Board of Appeals recommending the granting of the proposed variance, and we will be in touch when we receive the updated drawings from CPL

and we will review with Carmina Wood as well. In addition, the Planning Office staff will send a letter to the Code Enforcement Office advising them of our action this evening; please continue to work closely with their office as you continue through the building permit process which is under their jurisdiction. Good luck and best wishes to you.

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 to adjourn

M. Keller: Second.

ROLL CALL VOTE: *Chairwoman Seller: excused*
J. Pinter: excused
L. Szewczyk
M. Keller
J. Mesi

All in Favor

Bill: Carried. Thank you everyone for attending.

Respectfully submitted by:
Debra L. Wilson
Secretary