REGULAR MEETING OF THE

TOWN OF EVANS PLANNING BOARD

April 23rd, 2025

MEMBERS PRESENT: A. Sellers, D. Schiedel, J. Mesi, L. Szewczyk, D. Wilson (VIA Zoom)

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

Brittany Penberthy, Deputy Town Counsel

Jigar Sandhu, Planning & Community Development Specialist

APPLICANTS/REPRESENTATIVES: Bill Barret, 7176 Lake Shore Rd, SUP applicant

Welcome – In-Person & ZOOM Public Meeting, Court Room April 23rd – 6:00pm

Chair: As all are aware, as a courtesy we provide the public an opportunity to review our meetings both in person and online via Zoom. Pursuant to Open Meetings Law, this town has further enacted written procedures relating to those extraordinary circumstances that would allow members of our board to appear via videoconferencing. Here tonight, Debi Wilson has encountered such a circumstance with an unanticipated family health concern, but which she can appear and participate remotely from 36 Maple St, Angola, NY 14006. Her appearance remotely has been accepted in this circumstance, and he will be included as a participating, voting member of this meeting.

I would like to welcome everyone to the April 23rd Planning Board meeting.

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 is:

Special Use Permit for Bed and Breakfast with Home Occupation – Resolution to recommend approval of a proposed bed-and-breakfast operation as well as a wellness and counseling business involving small group yoga and other personal training programs to be located at the future residence of William and Gina Barrett. 7176 Lake Shore Road, Derby, NY 14047. SBL# 205.00-1-1.

PROJECT BACKGROUND:

- The applicant(s) met with the Planning Director and Code Enforcement Officer in February of this year for a pre-application meeting.
- A complete application for a Special Use Permit to operate a bed-and-breakfast operation as well as a wellness and counseling business from their future residence located in the R-1 Zoning District was submitted to the Planning Department on March 28, 2025 by William and Gina Barrett.
- The applicant came before the Planning Board during Work Session on April 9th to discuss the proposed project, including a review of survey, site plan, floor plans and proposed programming and operations.
- The applicant is now before us this evening seeking Planning Board's recommendation to Town Board.
- If recommended, a formal recommendation letter will be provided to the Town Board with a request to schedule a public hearing on the matter.

INTERDEPARTMENTAL REVIEWS:

- Planning Director, Bill Smith:
    - I have no objections to the proposed SUP with conditions as stated in the resolution. I believe that the project Is a good addition to the waterfront.
- Code Enforcement Officer, John Flading: John, would you care to comment?
    - No concerns. Stated support for project.
- Deputy Attorney, Brittany Penberthy: Brittany, would you care to comment?
    - No comments or concerns.

Chair: OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** No comments, local concern.
- **Erie County Department of Public Works:** No comments, local concern.

Chair:

- At this time, I will ask the applicant if they wish to address the Planning Board with any further information than previously submitted.
    - Bill Barrett Spoke and let the Board know he can answer any questions they Board may have.
- There being no further comments from the petitioner are there any questions or comments from the Board before I open the floor to the public.

    - Resident of the Town spoke about the project and commented about the logistics of SUPs.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments. Are there any further questions or comments from the Planning Board?
    - Anne spoke about concerns of how there should be two separate SUPs. One for home occupation, one for bed and breakfast.
    - Bill Smith provided Anne with more information behind the idea of just one SUP.
    - Bill Barrett clarified on proposed uses.
- There being no further questions from the Planning Board may I please have a motion regarding Special Use Permit recommendation to Town Board?

Motion: Lori 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 applicants William and Gina Barrett are requesting a SUP to operate a bed and breakfast as well as a wellness and counseling business including small group yoga and other personal training programs from their future residence located at 7176 Lake Shore Road (SBL# 205.00-1-1) currently zoned in the Single Family Residential (R-1) District; and

WHEREAS, a bed and breakfast is permitted in the R-1 District under the design regulations of Section 200-16.1 of the Town Code and with the issuance of a SUP; and

WHEREAS, the Planning Department has received the required application, forms and fee from the applicants and reviewed the proposal with Planning Board at Work Session; and

WHEREAS, the Planning Board has determined that a SUP to operate a bed and breakfast with small group yoga and other wellness training programs is consistent with the Evans Local Waterfront Revitalization Program; and

WHEREAS, the issuance of the SUP is not anticipated to result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby recommends that the Town Board approve the proposed SUP to operate a bed and breakfast as well as a small wellness and counseling business at 7176 Lake Shore Road.

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

1. The owners shall operate the bed and breakfast in accordance with all provisions listed in Section 200-16.1 of the Town Code.
2. The number of overnight guests shall be limited to six, based on the availability of three guest bedrooms with an allowable maximum number of two guests per bedroom.

3. Indoor and outdoor programming related to the occupant's wellness and counseling business shall be limited to quiet educational and therapeutic activities, including yoga, meditation, art, writing and business classes.
4. The total number of guests on site shall be limited to ten at any time, which includes all overnight guests of the bed and breakfast plus any other guests participating in indoor and outdoor programming.
5. All programming shall be limited to two additional staff members and/or instructors at any time.
6. Formal indoor and outdoor programming affiliated with the bed and breakfast and the occupant's wellness and counseling business (not including normal leisure) shall be limited to the hours of 7:00 A.M. to 9:00 P.M.
7. Vehicle parking shall be contained to the areas located on the property as identified in the submitted site plan.
8. Any alterations to the approved site plan, bed and breakfast facilities or the affiliated programming shall be reviewed by the Planning Director and Code Enforcement Officer to determine if additional Planning Board and Town Board approvals shall be required.

Second: Joe Mesi

Roll Call Vote

Aye Anne Sellers; Aye Don Schiedel; Aye Joe Mesi; Aye Lori Szewczyk; Aye Debi Wilson

CHAIR NEXT STEPS We will send a letter to the Town Board notifying them of our recommendations 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, notifying the public of the date and time of the public hearing. Once published, abutter notices will be sent out to app property owners within 700 feet of your property with the legal notice attached. The public will be given the opportunity to speak regarding your Special Use Permit request at the public hearing. Once the public hearing is closed, the Town Board will make their determination in regard to your Special use Permit request.

2. The second item on the agenda this evening is:

   Code Amendment – Resolution to recommend approval of a proposed amendments to Section 200-17 of Evans Town Code regarding the allowable size, type and use of accessory structures in residential districts.

PROJECT BACKGROUND:

- The Evans Code Review Committee is recommending the proposed amendment to address the significant number of variances being granted to permit accessory structures beyond 900 square feet in floor area as well as other recent issues regarding accessory structures.
- The matter was brought to Planning Board and discussed at the February 12th, March 26th and April 9th Work Sessions.
- The proposed amendment was also revisited by Code Review Committee at this morning's meeting with some suggested revisions based on recent research.
- A draft of the proposed amendment is now before the Planning Board for consideration to recommend adoption to Town Board.

INTERDEPARTMENTAL REVIEWS:

- Planning Director, Bill Smith: I have no objection to adoption of the code amendment as is. However, it would be understandable if the Board wishes to table this item tonight to give more time for consideration of the last-minute revisions.

- Code Enforcement Officer, John Flading – John, would you care to comment?
    - John agreed and stated that this is an item that should be tabled for the next meeting.
- Deputy Attorney, Brittany Penberthy – Brittany, would you care to comment?
    - Brittany also stated that this is an item item that should be tabled for the next meeting.

Chair:

- Motion to table: Anne Sellers; Second: Debi Wilson

Roll Call Vote

Aye Anne Sellers; Aye Don Schiedel; Aye Joe Mesi; Aye Lori Szewczyk; Aye Debi Wilson

3. The third item on the agenda this evening is:

   Code Amendment – Resolution to recommend approval of a proposed amendment to Chapter 200, Article VIII of the Evans Town Code regarding the permitting of ponds.

PROJECT BACKGROUND:

- The Evans Code Review Committee is recommending the proposed amendment regarding the permitting of private ponds to address any potential negative environmental impacts of private pond construction.
- Proposed requirements for permitting include submission of engineered drawing and site plan as well as setback and drainage requirements.
- The matter was brought to Planning Board and discussed at the February 12th, March 26th and April 9th work sessions.
- A draft of the proposed amendment is now before the Planning Board for consideration to recommend adoption to Town Board.

INTERDEPARTMENTAL REVIEWS:

- Planning Director, Bill Smith:
    - No objections.
- Code Enforcement Officer, John Flading – John, would you care to comment?
    - John is in support of this code.
- Deputy Attorney, Brittany Penberthy – Brittany, would you care to comment?
    - No comments or concerns.

Chair: OUTSIDE AGENCY REVIEWS:

- Erie County Department of Environment and Planning: No comments, local concern.

Chair:

- Are there any comments or questions from the Board before I open the floor to the public?
- There being no further questions or comments from the Board, I will open the floor for any public comment.
    - A resident had questions regarding the code and what exactly it will address. The questions were answered by the Board.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
- Are there any further questions or comments from the Planning Board?
- There being no further questions from the Planning Board may I please have a motion regarding recommendation of local law # 3 to the Town Board?

  Motion: Joe Mesi

  WHEREAS, the Evans Planning Board seeks to address the permitting of private ponds to mitigate any potential negative environmental impacts of private pond construction; and

WHEREAS, the Town Board is to receive recommendation from the Planning Board regarding any amendments to local zoning regulations; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the Town of Evans has submitted a full statement of proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M, and has received and addressed comments.

NOW THEREFORE BE IT RESOLVED, the Evans Planning Board hereby recommends adoption of Local Law #3 of the Year 2025 to amend Section 200-40.2 regarding the permitting of private ponds.

Second: Anne Sellers

Roll Call Vote

Aye Anne Sellers; Aye Don Schiedel; Aye Joe Mesi; Aye Lori Szewczyk; Aye Debi Wilson

Chair: The Planning Office will send a letter to the Town Board advising them of our recommendation and request a Public Hearing be set, as the Town Board has final approval on all Code Amendments.

4. The fourth item on the agenda this evening is:

   Code Amendment – Resolution to recommend approval of a proposed amendment to Chapter 101. Article II. Street Excavations regarding the permitting of cuts made on or under Town roads.

PROJECT BACKGROUND:

- The Code Review Committee is recommending the proposed amendment to require any excavation or cut in or under any street, highway, road, unimproved road, sidewalk or public place to be issued by the Town of Evans Code Enforcement Office with the approval from the Town of Evans Highway Superintendent.
- The purpose of the amendment is to help streamline the permitting process and ensure interdepartmental coordination during the permitting of new construction.
- The proposed amendment was reviewed by the Planning Board at the February 12th Work Session and is now before us for recommendation to Town Board.

INTERDEPARTMENTAL REVIEWS:

- Planning Director, Bill Smith:
    - No comments or concerns.
- Code Enforcement Officer, John Flading – John, would you care to comment?
    - No comments or concerns.
- Deputy Attorney, Brittany Penberthy – Brittany, would you care to comment?
    - No comments or concerns.

Chair: OUTSIDE AGENCY REVIEWS:

- Erie County Department of Environment and Planning: No comments, local concern.

Chair:

- Are there any comments or questions from the Board before I open the floor to the public?
    - Joe Mesi asked about how the value of bonds will work.
    - The board discussed altering the code to change language regarding unimproved roads so it is not all encompassing.
- There being no further questions or comments from the Board, I will open the floor for any public comment.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
- Are there any further questions or comments from the Planning Board?
- There being no further questions from the Planning Board may I please have a motion regarding recommendation to the Town Board?

  Motion: Lori Szewczyk

WHEREAS the Evans Planning Board seeks to help streamline the permitting process and ensure interdepartmental coordination during the permitting of any excavation or cut in or under any Town road and

WHEREAS the Town Board is to receive recommendation from the Planning Board regarding any amendments to local zoning regulations and

WHEREAS the Planning Board of the Town of Evans has determined that the proposed amendment will not result in any significant adverse impacts to the environment and

WHEREAS the Town of Evans has submitted a full statement of proposed action to the Erie County Division of Planning pursuant to GML Section 239M and has received no comments

NOW THEREFORE BE IT RESOLVED the Evans Planning Board hereby recommends adoption of Local Law 4 of the Year 2025 to Chapter 101 Article 2 Street Excavations requiring the permitting of any excavation or cut in or under any street, highway, road, unimproved road, where appropriate, sidewalk or public place to be issued by the Town of Evans Code Enforcement Officer with the approval from the Town of Evans Highway Superintendent.

Second: Don Schiedel

Roll Call Vote

Aye Anne Sellers; Aye Don Schiedel; Aye Joe Mesi; Aye Lori Szewczyk; Aye Debi Wilson

Chair: The Planning Office will send a letter to the Town Board advising them of our recommendation and request a Public Hearing be set, as the Town Board has final approval on all Code Amendments.

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

Motion: Debi Wilson Second: Don Schiedel

Chair: Carried. Good night, everyone.

Respectfully submitted by:
Jigar Sandhu
Secretary

Approved