Welcome – In-Person & ZOOM Public Meeting, Court Room, July 9th 2025

Chair: I would like to welcome everyone to the July 9th 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 this evening is:

   Rezone – Resolution to recommend approval of a proposed rezone of a 35.1-acre vacant portion of land located at 8930 Erie Road (SBL# 235.00-2-6.1) from Two-Family Residential (R2) to Mobile Home Residential (MHR-5) for expansion to the current mobile home park. Petitioner: Melody Meadows.

PROJECT BACKGROUND:

- Andy Marino and Tredo Engineers submitted pre-application materials on April 24th, 2025
- The matter was brought to Planning Board and discussed at the May 14th Work Session
- A 239m was submitted to the County, with no comments received.
- A Coordinated Review was conducted, with all interested and involved agencies.
- The applicant is before us to seek approval of the Rezone

INTERDEPARTMENTAL REVIEWS:

- Planning Director, Bill Smith-
  - The rezone would allow for the development of a Type 1 action under SEQR so a coordinated review was conducted.
  - If recommended to and approved by Town Board a full Site Plan application will be required for review and approval by Planning Board.
  - I haver no objections to the proposed rezone.
- Code Enforcement Officer, John Flading – No objections, in favor.
- Deputy Attorney, Brittany Penberthy – Brittany, would you care to comment?

Chair: OUTSIDE AGENCY REVIEWS:

- Erie County Department of Environment and Planning: No comments received.
- NYS Department of Environmental Conservation:
    - No objections to the Town as Lead Agency.
    - Portions of regulated freshwater wetlands and their adjacent areas may be located in the project area.
    - To determine whether the property contains regulated freshwater wetlands, the project sponsor must submit a request for a Parcel Jurisdictional Determination
    - If the property contains regulated freshwater wetlands or adjacent areas, further delineation of the wetland boundaries and a Project Jurisdictional Determination (Project JD) may be required.
    - If regulated freshwater wetlands or adjacent areas are present, all efforts must be made to first avoid disturbing the wetland and adjacent area.
    - Any physical alteration (i.e. land clearing, filling, drainage pipe/ditch installation, etc.) to the bed or banks (within 50 feet of the stream) will require an Article 15, Title 5, Protection of Waters Permit from the NYSDEC.
    - Since project activities will involve land disturbance of 1 acre or more, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001).
    - This proposed project is defined as a Sanitary Sewer Extension and will require approval from the Erie County Department of Environment and Planning, Division of Sewerage Management (ECDSM), as well as approval from the Erie County Department of Health.
- NYS Department of State:
    - No objections to the Town as designated Lead Agency.
- NYS Department of Transportation:
    - No objections to the Town as designated Lead Agency.
    - There are no anticipated traffic impacts to NYS-5
    - A Highway work permit will be required for any future disturbance within the right-of-way.
- Erie County Water Authority:
    - No objections to the Town as designated Lead Agency.
    - The project will require ECWA review for any new services or modifications to existing services.

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.

- 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?
- Bill mentioned that Erie County Dept of Environment and Planning did not respond back with comments within the 30 days, and that we will look out for potential comments from them and DPW if they choose to respond.

Chair:

- Are there any comments or questions from the Board before I open the floor to the public? Andy Marino from Tredo Engineers spoke on behalf of the applicant and answered all questions by the Board.
- 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?

RESOLUTION (Read by Don Schiedel)

WHEREAS, it is the responsibility of the Planning Board of the Town of Evans to make recommendation to the Town Board pertaining to the rezoning of property; and

WHEREAS, the Evans Planning Board has before us a rezone application prepared by Tredo Engineers and Melody Meadow Estates ("the Applicant") for the proposed rezone of a 35.1-acre portion of vacant land from Residential Two Family (R-2) to Mobile Home Residential (MHR-5) for expansion of the current mobile home park with proposed roadway and sidewalk extension plans and layout for 75 new units located at 8930 Erie Rd., Angola, NY (SBL# 235.00-2-6.1); and

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

WHEREAS, the Planning Department has conducted a coordinated review of the proposed rezone with all interested and involved agencies per the requirements of the State Environmental Quality Review Act ("SEQR"), New York State Environmental Conservation Law, Article 8 and 6 NYCRR Part 617; and

WHEREAS, the Planning Board has expressed no concerns regarding any potential adverse environmental impacts of the proposed rezone.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves recommendation to the Town Board of the proposed rezone of 35.1-acre portion of vacant land from Residential Two Family (R-2) to Mobile Home Residential (MHR-5) for the following reasons:

- The project will constitute the use of an underutilized property.
- The action is not expected to result in any significant adverse impacts.
- The action will provide an alternative source of housing for the community.

Second- Kevin

Roll Call Vote: Aye- Anne Sellers, Aye- Don Schiedel, Aye- Joe Pinter

Aye- Joe Mesi, Aye- Debi Wilson, Aye- Lori Szewczyk, Aye-Kevin Hassen

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.

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

Rezone: Approval to recommend the rezone of a 0.59-acre parcel located at 0 Larkin Road (SBL# 205.03-1-29.1) from Single Family Residential Lake (R-1-L)) to Single Family Residential (R-1) for construction of a single-family home. Petitioner: Scott Morrison.

PROJECT BACKGROUND:

- In a letter dated April 13th, the applicant requested for the property to be rezoned from R-1-L to R-1 due to the proposed residential plans not complying with the current zoning setback requirements.
- The applicant, Scott Morrison came before the Planning Board at Work Session on June 11th.
- The Board had no objections at the Work Session

INTERDEPARTMENTAL REVIEWS:

- Planning Director, Bill Smith
    - The existing parcels in this area do not conform to the current R-1-L zoning district, even when merging.

    - Parcels located across Beachwood Rd located actually on the lake are not zoned R-1-L.
    - Future plans for this portion of the Sturgeon Point area call for medium density residential development.
    - Consideration should be given to a larger rezone of abutting parcels including Town-owned land to R-1.
    - I have no objections to the rezone.
- Code Enforcement Officer, John Flading – No objections, in favor.
- Deputy Attorney, Brittany Penberthy – Brittany, would you care to comment?

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.
- 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?

RESOLUTION (Read by Debi Wilson)

WHEREAS, it is the responsibility of the Planning Board of the Town of Evans to make recommendation to the Town Board pertaining to the rezoning of property; and

WHEREAS, the Evans Planning Board has before us a rezone application prepared by Scott Morrison ("the Applicant") for the proposed rezone of a 0.59-acre parcel of vacant land from Single Family Residential Lake (R-1-L) to Single Family Residential (R-1) for the purpose of constructing a new single-family home at 0 Larkin Rd., Derby, NY (SBL# 205.03-1-29.1); and

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

WHEREAS, the Planning Board has expressed no concerns regarding any potential adverse environmental impacts of the proposed rezone under the State Environmental Quality Review Act ("SEQR"), New York State Environmental Conservation Law, Article 8 and 6 NYCRR Part 617.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves recommendation to the Town Board of the proposed rezone of 0.59-acre parcel of vacant land from Single Family Residential Lake (R-1-L) to Single Family Residential (R-1) for the following reasons:

- The action is consistent with the Town of Evans Comprehensive Plan.
- The project will constitute the use of an underutilized property.

The action is not expected to result in any significant adverse impacts

Second- Don Schiedel

Roll Call Vote: Aye- Anne Sellers, Aye- Don Schiedel, Aye- Joe Pinter

Aye- Joe Mesi, Aye- Debi Wilson, Aye- Lori Szewczyk, Aye-Kevin Hassen

Bill Smith discussed some other ongoing projects that pertained to the Planning Board at the end of the Public Meeting.

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

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.

Motion: Anne Sellers Second: Joe Mesi

ROLL CALL VOTE: Chairwoman Sellers: Aye
D. Schiedel: Aye
J. Pinter: Aye
J. Mesi: Aye
D. Wilson: Aye
L. Szewcyzk: Aye
K. Hassen: Aye

Chair: Carried. Good night, everyone.