REGULAR MEETING OF THE
TOWN OF EVANS PLANNING BOARD
WEDNESDAY, SEPTEMBER 24, 2025

MEMBERS PRESENT: A. Sellers, L. Szewczyk, J. Pinter, J. Messi, Kevin Hassan
ALSO PRESENT: William Smith, Director of Planning & Community Development
Brittany Penberthy, Deputy Town Counsel
John Flading, Code Enforcement Officer

Chair: I would like to welcome everyone to the September 24th Planning Board meeting.

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.

The first item on the agenda this evening is:

1. **Site Plan Review** – Proposed landscaping services business located at 9336 Erie Road and 9268 Erie Road, Angola, NY 14006, SBL#. Petitioner: McMillan's Landscaping, LLC, 9336 Erie Road, Angola NY 14006

PROJECT BACKGROUND:

- The applicant has been before the Planning Board for Sketch Plan Review at Work Session in February and September of 2025.
- A final submission was filed with the Planning Office on September 10, 2025 and the applicant is before us this evening seeking Site Plan Review.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, Bill Smith**
    - This project is 2 separate actions. 9268 Erie Rd, the Capstone engineering report requested at last work session shared that the existing building is suitable for storage and should be reassessed in one year's time.

- Landscaping, screening, and parking plans meet minimum requirements. During the second phase, no work should be done within the right-of-way without highway permission from New York State Department of Transportation.
- Signage must be shown to the Planning Office/Board before on-site placement. No objections to this site.
- 9336 Erie Rd, landscaping plan meets minimum requirements and should not need highway work permit if work remains out of the right-of-way.
- NYSDOT noted in their review if future work included right-of-way, Erie Rd access would be shut off and Herr Rd would be the alternate access point.
- There is an existing drainage issue on site. As a condition of approval, the responsible party must be identified and issue remedied at the satisfaction of the Code Enforcement Officer.

- **Code Enforcement Officer, John Flading –** *Complaints have been made of burning on site*.
- **Deputy Attorney, Brittany Penberthy –** *Brittany commented in favor of the projects*.

<u>Chair</u>:

- Are there any comments or questions from the Board before I open the floor to the public?
  - *Lori Szewczyk voted in favor of the projects; commented that the aesthetic of the area is important and must be done to the expectation of the landscape plan*.
- There being no further questions or comments from the Board, I will open the floor for any public comment.
  - Matt Fitzgerald, attorney for Applicant Brittany McMillan, and the applicant, commented about ability to burn on site.
  - Conditions applied to the ability to burn: No burning should be allowed on site unless requested in advance and permitted by the Code Enforcement office.
- 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?

<u>RESOLUTION (read by Lori Szewczyk)</u>

WHEREAS completed the site planning application for a proposed landscaping business located at 9268 Erie Road in Golden and 14006 SPL, 235 .00-3-19. And

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

WHEREAS the location is presently operating and for existing a state outside of applicable zoning codes, necessitating immediate corrective action to best ensure public safety. And

NOW, **THEREFORE**, **BE IT RESOLVED**, the Planning Board approves the project based in part on the following reasons. The action constitutes the use of at lies commercial property. The incident is not expected to result in any undue traffic and impacts adverse impacts to natural resources or adverse changes to the.

BE IT FURTHER RESOLVED, 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 Office. The existing building on the site shall be used only as storage until September 1st, 2026, at which time it shall be reassessed to ensure its structural soundness. Any future phases of the development beyond what is illustrated on the approved Site Plan, shall require further review and approval by the Town of Evans Planning Board. Any work conducted within the New York State and vibrant way must first receive a highway work permit from the New York State Department of Transportation. Final design of the sign insert shall be submitted to the Planning Board for approval prior to completion. The approved site plan shall be fully implemented within one year. If the Planning Board approves it. No burning of debris shall occur on the site unless requested with advance notice to the town and permitted by the Code Enforcement Officer, subject to any conditions as deemed appropriate.

Second – Anne Sellers

Roll Call Vote: *Aye – Anne Sellers, Aye- Joe Pinter, Aye - Lori Szewczyk**,***

Aye - Joe Mesi, Aye - Kevin Hassen

RESOLUTION (read by Kevin Hassen)

SEQR

WHEREAS the planning board of the town of Evans has been declared lead agency for the secret process for his proposed landscaping business to be located at 9336 Erie Road, SBL number 251.05-1-58 Angola, New York, 14006.

WHEREAS in compliance with part 617 of the implementing regulations pertaining to article eight, the State Environmental Quality Review Act of the Environmental

Conservation Law, the Evans Planning Board has reviewed the proposed project and considered all comments received from interested and involved agencies, and

WHEREAS the Planning Board considered all of the criteria for determination of significance listed in the SEQR regulations 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 is not anticipated to adversely affect the natural resources of the state and or the health, safety and welfare of the public, and is consistent with social and economic considerations.

Second – Joe Pinter

Roll Call Vote: *Aye – Anne Sellers, Aye- Joe Pinter, Aye - Lori Szewczyk**,***

Aye - Joe Mesi, Aye - Kevin Hassen

SITE PLAN APPROVVAL

WHEREAS the Evans Planning Board has carefully reviewed the site plan application for a proposed landscaping business to be located at 9336 Erie Road, SBL number 251.05-1-58 Angola New York, 14006. And Whereas the Planning Board has issued a seeker negative declaration and determined that the applicant has met all requirements for site approval,

WHEREAS the location is presently operating and or existing in the state outside of applicable zoning codes, necessitating immediate corrective action to best ensure public safety. And

NOW, THEREFORE BE IT RESOLVED, the Planning Board approves the project based in part on the following reasons. The action constitutes the use of an underutilized commercial property. The action is not expected to result in any undue traffic impacts. Adverse impacts to natural resources, or adverse changes to the surrounding community.

BE IT FURTHER RESOLVED, the site plan approval is conditioned on the following. Completion of the project should be consistent with all elements of the approved site plan and subject to the review and approval of the Code Enforcement Officer, and the existing drainage issues on the site will need to be remedied to the satisfaction of the Code Enforcement Officer. Any signage to be displayed on the site will require a same permit application to be submitted to, and approved by the town in the future phases of development, beyond what is illustrated on the approved site plan shall require further review and approval by the Town of Evans Planning Board and the work conducted within the New York State Route by right of way, must first receive a highway work permit from the New York State Department of Transportation. The approved site plan shall be fully implemented within one year of the Planning Board approval date. No burning of debris

shall occur on the site unless requested with advance notice to the town and permitted by the Code Enforcement Officer, subject to any conditions as deemed appropriate.

Second – Lori Szewcyk

Roll Call Vote: *Aye – Anne Sellers, Aye- Joe Pinter, Aye - Lori Szewczyk**,***

Aye - Joe Mesi, Aye - Kevin Hassen

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*:* ***Second:***

ROLL CALL VOTE:

Chairwoman Sellers:	Aye
J. Pinter	Aye
L. Szewczyk	Aye
J. Mesi	Aye
K. Hassen	Aye

Chair: Carried. Good night, everyone.