REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, JUNE 28, 2017

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TOWN OF EVANS

MEMBERS PRESENT:	T. Catalano, A. Sellers, J. McEvoy, B. Bergum, M. Connors
ALSO PRESENT:	Roberta Rappoccio, Director of Planning & Community Development
EXCUSED:	J. Pinter
ABSENT:	C. Castiglia

Chairman Catalano opened the meeting at 7:00 P.M. The meeting took place in the Court Room of the Evans Municipal Center, Erie Road, Angola, NY 14006.

Chairman Catalano: I would like to welcome everyone to the June 28, 2017 Planning Board meeting. Before we begin our agenda items this evening we have some housekeeping to take care of. Regarding the minutes of the April 26 and May 10, 2017 public meetings are there any additions, corrections or questions or may I have a motion to accept them as submitted. Motion please.

Mr. Bergum: I will make the Motion to accept as submitted.
Ms. Sellers: Second.

Vote: *All in favor. Carried.*

Chairman Catalano: The first item on the agenda this evening is a:

Tower Special Permit and Site Plan Review – for two (2) 140'± lattice towers, plus a 14' ± wind turbine, for a total height of 154 feet each, to be located at 1445 and 1457 Eden Evans Center Road, Angola, NY (Richard and Kelly Curtin property), SBL# 236.00-1-7.1 and SBL# 236.00-1-7.2. Petitioner: United Wind, Inc., 20 Jay Street, Suite 928, Brooklyn, NY 11201

As of this meeting, the application for this project is not complete. Therefore, may I have a motion to table the discussion of this matter for a future Planning Board meeting.

Ms. Sellers: I will move it; therefore I would like to make a motion to table the approval of this Site Plan Review until the necessary documentation and fees are submitted.
Mr. Bergum: I second that.

Vote: *All in favor. Carried.*

Chairman Catalano: The second item on our agenda this evening:

- **Site Plan Review** – for a 9,100± sq. ft. single tenant retail store to be located at 6889 Erie Road (a.k.a. NYS Route 5), Derby, NY 14047, SBL# 206.07-2-15. Petitioner: The Broadway Group, LLC, P.O. Box 18968, Huntsville, AL 35804

History – We have some current history on the property:

- The property currently houses a gas station and repair shop. Gas has not been sold in this location for several years and the garage is currently being used by an individual for storage and repair of his own personal vehicles.
- At the April 26, 2017 Planning Board meeting the Planning Board recommended the rezoning of the property to the Town Board from Motor Service (MS) to General Business (GB). The Town Board held a public hearing and approved the Rezone at their June 7, 2017 public meeting.

- The applicant appeared before the Zoning Board of Appeals on June 14, 2017 requesting the necessary variances to move the project forward; all were granted by unanimous vote.

Interdepartmental Reviews – At this time, Roberta as Planning Director do you have any questions or comments?

- **Director Rappoccio:** No comments.
- **Chairman Catalano: Town Engineer** – On June 15th, the Town Engineer, David Johnson submitted a comment letter and on June 26th, Molly Vendura of Clark Patterson Lee submitted a comment memo to CEI Engineering outlining necessary revisions to the site plans. All comments have been addressed to their satisfaction as outlined in their letter dated June 26, 2017.
- **Code Enforcement Office and Fire Review** – the Supervising Code Enforcement Officer, Paul Ryerse has reviewed this action together with Fire Council and have no objections at this time.
- **Highway Superintendent** – the Highway Superintendent, Ed Michalski has no objections at this time.

Outside agency reviews –

- **Erie County Depart. of Environment & Planning** – the proposed action was sent to the ECDEP under the 239-M Review; it was determined to be of local concern and they offered no recommendation.
- **Erie County Sewer District #2, NYS Depart of Transportation, Erie County Water Authority** – copies of correspondence between the applicant and those agencies have been provided to the Planning Office confirming they have begun the process to secure necessary permits from each agency.
- **NYS Department of Environmental Conservation** – the applicant has provided copies of correspondence between them and the DEC confirming for the remediation of the site and the DEC's permit to be issued.

Are there any questions or comments from the Board or Planning Consultant before I open the floor to the public?

Ms. Sellers: I was just looking at the conditions that we tentatively added to the resolution and I'm thinking items 2-5 we really don't need after seeing the revised Site Plan we saw earlier this evening. They have been handled in that revised plan; the lighting, the dumpsters, the signage according to Town Code, snow storage – they are all included in the Site Plan which we are approving. So, I'm thinking the only condition we need is the DEC contingency. Do we have to add a DOT one or do they have their DOT permit?
Director Rappoccio: Not yet.
Ms. Sellers: Not yet, so we have to add the DOT and the DEC. That's my only comment.
Director Rappoccio: Actually yes they do need to get their DOT permit so we can add that and remove the others.
Chairman Catalano: At this time I will open the floor to the public – please step up to the microphone, state your name and address, spelling your last name for the record.
Chairman Catalano: Is there anyone who wishes to speak? There being no comments from the public, I will close floor and bring it back to the Planning Board for further questions/comments. Are there any further questions or comments from the Planning Board?
Mr. McEvoy: No.
Chairman Catalano: So the issue Anne raised is…
Director Rappoccio: On the motion. We need to add the DOT permit.
Chairman Catalano: There being no further comments from the Planning Board, may I please have two motions – (1) regarding SEQR and (1) regarding approval of the project with conditions.

Mr. Bergum: I will do the SEQR motion. Based on the Town's review of the information submitted and the guidelines of the New York State Environmental Quality Review Act, the Planning Board has determined that the project is not anticipated to result in any significant effects on the environment and that a negative declaration is hereby issued.
Mr. McEvoy: Second.

Vote: *All in favor. Carried.*

Chairman Catalano: May I have an approval motion with conditions please.
Ms. Sellers: Having made this determination, I would also like to move to approve the project based on the following reason(s):

- The action is consistent with the town of Evans Comprehensive Plan.
- The nature of the business is well suited for the area and is consistent with surrounding uses.
- The project will constitute the use of an underutilized property and provide the opportunity for a viable business.

and with the following conditions and contingencies:

1. The applicant shall address any comments from the NYSDEC to the satisfaction of that agency. The Planning and Code Enforcement Office shall be copied on all communications between the Broadway Group, LLC and the NYSDEC and advised as to how these comments are resolved.
2. The applicant shall address any comments from the NYSDOT to the satisfaction of that agency and the Planning and Code Enforcement Offices shall be copied on all communications between the Broadway Group, LLC and the NYSDOT. Once the NYSDOT permit is issued, a copy must be provided to the Planning and Code Enforcement Offices.

Mr. Bergum: I second it.

Vote: *All in favor. Carried.*

Chairman Catalano: Next steps:

On behalf of the Planning Board, the Planning Director will send a letter to the Code Enforcement Office advising of our action tonight. Please continue to work with the Planning Office, providing copies of all communications and permits from outside agencies. Once all comments from the NYSDEC are addressed and all necessary permits are secured from all agencies, you may continue through the building process under the jurisdiction of the Code Enforcement Office. We wish to formally thank you Ms. Ballard, as well as the Broadway Group and CEI Engineering, for all your cooperation throughout this and the rezone process; you made our job much easier. Thank you for bringing your business to Evans. Best wishes to you as you move forward with this project. May I please have a motion to adjourn.

Mr. Bergum: Motion to adjourn.
Mr. Connors: Second.

Vote: *All in favor. Carried.*

Chairman Catalano: Thank you everyone for attending our meeting this evening. Good night.

Respectfully submitted by:

Debra L. Wilson
Secretary

Approved: 7/26/17

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Site Plan approval of New Retail Development

Project Location (describe, and attach a location map):
6889 Erie Road, Derby, NY

Brief Description of Proposed Action:
Request approval to construct a 9,100 square foot single tenant retail building for use on the property.

Name of Applicant or Sponsor:	Telephone: (256) 533-7287
The Broadway Group LLC	E-Mail: melissa.ballard@broadwaygroup.net

Address:
216 Westside Square

City/PO:	State:	Zip Code:
Huntsville	AL	35801

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. Rezone	☐	☑
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NYSDOT, NYSDOH	☐	☑

3.a. Total acreage of the site of the proposed action? 0.96 acres
b. Total acreage to be physically disturbed? 0.96 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.96 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? Under GB Zoning	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☑
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☑	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO ☐	YES ☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☑	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? PSS1E Forested/Shrub Wetland approx. 300' south of the property.	☐	☑	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☑ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☑	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☑	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	NO ☐	YES ☑	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☑ YES Runoff is proposed to be collected with on-site inlet structures and outlet to existing public storm sewer by connecting to an existing curb inlet in Erie Rd. (Hwy 5).			

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: The Broadway Group, LLC Date: 5/30/17

Signature: _____

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☑
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Part 2. #5: The proposed development will be a retail/commercial business that will require an increase in parking spaces over a typical MS property. In addition, traffic will increase as trips increase to the new business on and off of Erie Road/Route 5. However, this should not result in an adverse increase in the level of traffic along Route 5/Erie Road.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

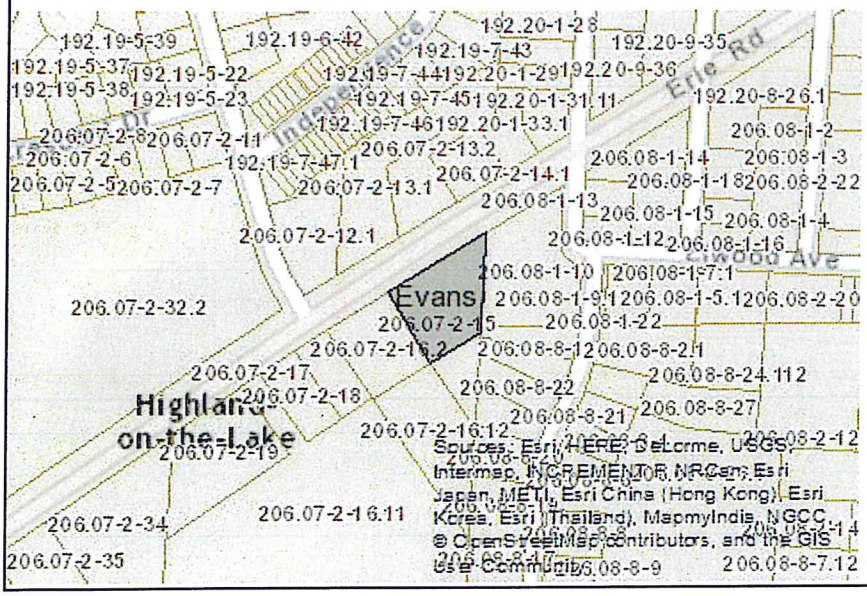
☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Evans ~~Town Board~~ Planning Board	~~April 3, 2017~~ June 28, 2017
Name of Lead Agency	Date
~~Mary K. Hosler~~ Roberta Rapoccio	~~Town Supervisor and Town Board Chair~~ Director of Planning
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

EAF Mapper Summary Report

Monday, May 08, 2017 9:21 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No