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REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, JUNE 27, 2018

MEMBERS PRESENT:	A. Sellers, J. McEvoy, B. Bergum, M. Connors, L. Whittinghill
EXCUSED:	J. Pinter
ABSENT:	T. Catalano
ALSO PRESENT:	Roberta Rappoccio, Chairperson and Town of Evans Director of Planning & Community Development and David Johnson, Town Engineer, CPL

Planning Board Chairperson, Roberta Rappoccio opened the meeting at 7:00 P.M. The meeting took place in the Court Room of the Evans Municipal Center, 8787 Erie Road, Angola, NY 14006.

Chairperson Rappoccio: I would like to welcome everyone to the June 27, 2018 Planning Board meeting. Before we begin tonight's meeting we have some housekeeping we need to take care of; regarding minutes from the April 25, 2018 public meeting; are there any additions, corrections or questions or may I have a motion to accept them as submitted.

Mr. McEvoy: I make the motion to accept the minutes as submitted.
Ms. Sellers: Second.

Vote: *All in favor. Motion is carried*

Chair: For the record and as previously stated, a Planning Board Public Meeting is conducted solely for the pre-determined action items listed on the official Planning Board Agenda as advertised. No other unrelated items may be brought before the Planning Board at a Public Meeting. That being said, if any resident wishes to comment for or against an action item listed on the Agenda, it is their right to do so when the Chair opens the meeting to the public.

The First item on the Agenda this evening is a:

- **Site Plan Review** – for the **Erie Super Storage** facility, a proposed three -phased multi-building self storage facility on 12 acres of a 48.9 acres parcel to be located at 8712 Erie Road, Angola, NY 14006; SBL#235.00-2-3.11. **Petitioner: Hogg Builders, Inc.**

The application for this project was filed on March 23, 2018. The Planning Board has reviewed the site plan at two work sessions: on April 11, 2018 and June 13, 2018. The Planning Board will be tabling the project this evening, as we are awaiting comments from outside agencies as part of the coordinated review for the SEQR process, and comments from our consultants. Having said that, since the project has been duly advertised, we will be hearing from the Applicant's engineer regarding the proposed drainage plan submitted for the project and will be taking comment from the public later this evening. Again, may I remind you, we will not be taking any action on this project this evening.

HISTORY:

- The Town engineering consultant in a letter dated May 2, 2018 informed Mr. Dean Hogg, the owner of the property located at 8712 Erie Road that the New York State Department of Environmental Conservation was notified of ground disturbing activity that exceeded the allowable threshold without proper coverage under the State Pollutant Discharge Elimination System (SPDES) general permit. The Town directed the Applicant to immediately remediate the disturbance in accordance with New York State standards; and obtain a SPDES permit.
- The site has since been remediated to the satisfaction of the Town Engineer, and Mr. Hogg received the SPDES permit on May 17, 2018 and the project has now been able to resume the planning review process.

INTERDEPARTMENTAL REVIEW:

- **Planning Director, Ms. Rappoccio:** *"The current plan has been revised to include the Planning Board recommendations. I have no further comments at this time."*
- **Town Engineer, Mr. Johnson:** *"We submitted comments to the application via email and I believe they are going to present to us tonight to address some of those comments."*
- **Code Enforcement:** No Comment

OUTSIDE AGENCY REVIEW:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on June 12, 2018 and a 30-day response period will conclude on July 12, 2018.
- **SEQR Coordinated review was sent to the following interested agencies on June 13, 2018:**
  - NYS Department of Environmental Conservation
  - NYS Department of Transportation
  - Erie County Water Authority
  - US Army Corps of Engineers
  - Lake Shore Central School District

Chair: At this time we ask the consultant and/or owner to approach the microphone and address the Planning Board and Town Engineer with the proposed drainage plan. Please state your name and address for the record.

Andrew Marino, Tredo Engineers: I represent Hogg Builders and I have the applicant, Mr. Dean Hogg, with me. Are there any operational questions in regards to our development plans for a Super Storage Facility located at 8712 Erie Road, which is the property almost immediately across the street from Town Hall. The application is for approximately 10, 11, 12 buildings or so of self-storage facility, we are a little bit flexible in the number and quantities of units as he develops in 3-phases, which is what we've proposed. The first phase of development usually includes an office, which we've included, and an air-conditioned facility and some parking for visitors and then there will be a secured fence. The first development will include different varieties of storage buildings; some for standard overhead door storage that you would see, some for vehicles and some outdoor storage as well for vehicles, boats and so forth. The facility would take about 11 of the 49 acres of property, such that it's held back, locating it approximately 300-feet from the road is the set-back as required by the zoning ordinance. Also the closest building in the facility is more than 100-feet to the existing apartment that is there, that is fronting Erie Road as well. The frontage of the property, further to the north, is another residence, which is significantly further than 100-feet; closer to 300-feet. The facility driveway is located further to the north, pretty much as far north as we can, to get us to be on the north property line and still allow for reasonable setbacks from the north property line for drainage and access to the rear. The facility itself is about 10-feet to the eve with a pitched roof, which was a request to have a gable-end roof. We would then have a different color scheme which I believe was selected by the owner for review and his intent. These buildings are purchased and we don't actually have a representative plan at this point, there's just a sales brochure. Again, the tallest building is well below the 35-feet that are allowed by the zoning ordinance. The buildings themselves are of the minimum that's required by zoning for the first building being, I forgot the actual footage, 10,000 square feet maybe, we've got more than that. The acreage is greater than zoning requires. We understand this is a new zoning for everyone and the self-storage is different and will be written in and we are trying to be as compliant as possible, and in fact we provide some additional screening in the rear yard of the neighbors, at the request of the Planning Director. We know we have a wetland, I forgot to mention that, we want to avoid the wetland and we've also dimensioned and are clear that our buildings are far from the wetland so that we are not disturbing them in any way. We are draining into the wetland, which is a recommendation typically of the Army Corp. This brings me to the drainage where we've got a series of bio-retention beds starting with the roof drains, we have flash-to-grade, so there's retention between each building and then there's a series of bio-retention beds for the water treatment that's required by the NYS SPEDES Permit and they all

lead eventually through swales and other conveyances to a central detention basin, out letting to a drainage channel and the wetland that is on the property somewhat to the south portion of the 49 acre property. The adjacent property is also owned by the applicant and other drainage facilities do pass through all these properties before exiting to the west through a mapped wetland and also a mapped drainage conveyance, otherwise known as the blue line on the map, which leads off the site.

Chair: Andrew if you could please speak up a bit as we need to be sure we get this on the record.

Mr. Marion moved to the easel to display and speak on the project plans.

Mr. Marino: What we have created is a watershed map of the area starting at Erie Road and the piped conveyances that come, basically from the Village, going downgrade and crossing Erie Road onto between 8712, the subject parcel is located in the north and east, and what we know as Melody Meadows Estates 8930, is that stretch of Erie Road. So, in-between those we have what we call the old family properties and they are all owned by currently the same land owner. There is a strip of retail and other general business in the front that is not shown, as well as the apartment; I didn't get into the detail here but what we are talking about is this drainage channel which crosses through the subject parcel onto adjacent landowner properties and eventually makes it through an existing detention basin, a 30" pipe restriction and then the mapped waterway, which used to be an open channel and is slightly south actually; when you see any of the mapping online, you'll see it as a blue line. That blue line is, and has been historically, a drainage channel that comes through wetlands, conveyances, private property, private ponds and then eventually again onto private property; a mapped wetland and waterway that leads west to Lake Shore Road. The other conveyance that Tredo Engineers was involved in with Mr. Hogg was the Melody Meadows conveyance through what used to be an existing cow pond that we made into a new dry pond with 12" restriction on the lake. What you're seeing in the heavy lines is what we know to be the conveyance channels. The overland flow (the arrows) are unmanaged flows; again historically what's happened is it leaves the subject parcel almost exclusively to Cradle Avenue. There are portions of open meadow in between them, a significant portion of property, some 50+ acres, so you would have some of that overland flow taken away as part of our proposal and sent in *this* direction down the known drainage channel and the conveyance that Mr. Hogg was required to provide, and the restriction he was required to provide, on his property to help manage stormwater onto Lake Shore Road. To take advantage of what had been done here and the oversized nature of that basin and the fact that water is constantly flowing through it, so it is difficult to maintain however, Mr. Hogg agreed to do that so we'd like to take advantage of that and we believe in our proposal we are taking approximately 13 to 18 percent of the total 49 acres and we are putting it in the direction of major flow path and we are doing such that we would be relieving Cradle Avenue of any post-develop flow at all. That post-developed outflow is somewhat conservatively out flowing it into the central basin in the central location and because we don't really have conveyance beyond the west property line of the subject parcel and Cradle Avenue, which is a series of ditches that lead to conveyances across Lake Shore Road again. We simply propose to have a single element at the discretion point with Mr. Johnson we simply feel we meet the intent of the regulations and although we are not discouraged at all to have to do something different, we would have to say that we believe this to be an improvement, at least to the Cradle Avenue/Hickory Road area and without imposing really any further post-develop flow in this system anyway. The applicant is simply looking for relief from that suggestion to send stormwater in this direction so that he may leave the rest of the parcel available for future development. I understand there is going to be another review to complete the project and we were looking for a general feeling based on the fact that this was all just rezoned before we proceeded with such suggestions we need to be sure you are looking at a complete to see if we can be eligible for relief. We do understand the timing of the SEQR review comments and we will be curious to see NYSDEC comments at this point as well, along with SHPO; we understand that to be important as well. So, can we answer any questions at all regarding the development itself and our approach to the placement? The fact that we are taking advantage of the area that we have without disturbing proposed wetlands, we haven't yet received Army Corp review either; we actually meet the application and the zoning so we're good on that, I really don't know the schedule for the Army Corp to respond in regards to the wetlands delineation. So again, if there is any questions.

Chair: Are there any questions from the Board? No? I have a quick question...so you're saying that the 11 acres that is going to be disturbed at full build out, that there will be drainage leaving the site, or no? Will there be flows leaving the site?
Mr. Marino: Technically we want to say that the subject parcel is its own parcel, which it is, and it would be owned by the same adjacent landowner. This drainage does cross other properties to reach its ultimate goal, which is the beach.
Ms. Sellers: So it does leave the site?
Mr. Marino: Yes it does.
Ms. Sellers: And it does end up crossing Old Lake Shore Road?
Mr. Marino: Yes it does, as it does before. And in two drainage paths, the defined channel and the overland flow.
Ms. Sellers: And we know the neighbors in this area are particularly sensitive to any increased runoff because they have flooding situations now.
Mr. Marino: Yes, I'm very familiar...
Mr. McEvoy: I'm sorry I can't hear you.
Mr. Marino: I'm very familiar with the facilities both on Mr. Hogg's properties and on Lake Shore Road and the conditions as such. But in defense of any developer these days, we are required to comply with the pre-developed outflow of any particular land mass. In this case it's a significant watershed, there's no denying that, and to maintain that watershed by the landowner which we are doing.
Ms. Sellers: But the clearing of that property just increased the flow.
Mr. Marino: It cannot, that's the point that I'm making, is that by the law of stormwater management and your own code, we are required to not release more than what's previous.
Ms. Sellers: But from the clearing that has occurred before the development started, the neighbors tell us that it has increased the flow.
Mr. Marino: I can't speak to that, but the clearing that had incurred was in an area that had traditionally been cleared for open meadow and hay baling. So it was a fairly easy brush hogging effort from what I understand. There were a few trees, most of them being dead. His intent was if this project were to be denied, or not rezoned, the time that he did this clearing he was going to maintain it as an open meadow for hay baling as he does for the other acreage of his farm.
Chair: And that's why he had to go for a SPDES permit and mitigate.
Mr. Marino: Under the SPDES permit he is required to re-stabilize the property, which he's done, and then allow for this development; in the meantime, this property had been rezoned allowing for this development.
Dave Johnson, Town Engineer, Clark Patterson Lee: Based upon what you had submitted to me, in the pre-development state there is approximately a ridge going down, I'd say maybe 2/3rds of the property, part of it going down to the Cradle Avenue watershed we'll call it, and part of it going down to the Lakeview watershed.
Mr. Marino: Going to the south.
Mr. Johnson: Right. So our concern, which I expressed to you, was yes, I see that you have one discharge point from your site, however you haven't proven to me that you've removed the increase flow from the Cradle Avenue watershed to the other watershed. Obviously you have to get down to below pre-development rates, but I need you to get down below pre-development rates per analysis point. So we have two analysis points essentially; you've got the Cradle Avenue and the other. So you've got two, let's call them, discharge areas for your site, but you've given me one post-development state. We need to be real careful that not only is the site coming to at or below pre-development rates, which we require you to take it from 25 to 10 pre also on top of that, that we also mitigate the Cradle Avenue watershed as well.
Mr. Marino: Okay, I understand. What we had proposed was a drainage channel flowing along the north property line along the driveway, so north of the entire paved area and some of that would take some run-off production. But the channel then does flow south; we are proposing it to curve around and come around the south of the very western portion of the limits of phase three of our development, so that will be constructed now, therefore cutting off again approximately 13 or 18% of the total property up here...all

going to that basin. Future development in the front all going into that basin, it's all accounted for now so that the second point of study would start behind, which is undeveloped. So to post-develop any improvements between the furthest westerly point of our pavement, this ditch I should say, to Cradle Avenue there is none; we're not proposing any improvements such that if we applied these storm events to an unimproved condition it should remain equal. That is my point, the intent is we know it is a defined channel, wetland where it's possible and that really was it and then the wish for just to free up issues down there and certainly not to make a mess. We feel the point of discharge would have to be maintained and then someone could point the finger and say "well, if we didn't have a pipe down there before and now we do." It's just something that I had considered as well. I'll help clarify all the drainage questions with Mr. Johnson prior to our next meeting for sure so that you get an agreement so that we can move forward for a general permit as well as so we don't not have any further implications to down grade where we know we are being compliant up here. We really do feel that what was performed down grade previously for the entire project that commenced in 2012 and I think finished 2-years later or 2015 actually, I don't know that there have been complaints directed to the owner, as there have been previously, so we feel we have at least mitigated that. Whether the neighbors have come to you directly or to the drainage committee, I don't feel that it has anything to do with the improvements that we've made here certainly. And because of the clearing here it really didn't have any impact on this at all and I would say that now that it's mitigated there shouldn't be any complaints again. We will be cutting all that water off, so again we feel that there is an improvement to at least the Cradle Avenue neighborhood.

Mr. Johnson: So when we re-work this, I think you've done this, but I want to make sure you're not taking any treatment credit for any of the improvements done off of this development site. I realize that the big pond is in and all that, but it's not in this equation.

Mr. Marino: It's not. I just want to point out the fact that the improvements that are there are significant to what was there. Simply you had an unmanaged system and now you have a 30" pipe that takes literally 100 acres of watershed; it's a significant improvement.

Ms. Sellers: It would be interesting to hear from the neighbors if they see an improvement.

Mr. McEvoy: Since when though?

Mr. Johnson: 2015.

Mr. Marino: Since 2015.

Mr. Johnson: One thing I did notice, on the plans is that it does appear that you have a wetlands impact, I don't know if that was on purpose or not; coming into the basin.

Mr. Marino: We tried not to do that but at the time I was going to cut through there.

Mr. Johnson: Are you still going to do that?

Mr. Marino: We may.

Mr. Johnson: Are you waiting for Army Corps comments on that?

Mr. Marino: We want to see what their comments are first. I'm also proposing trenching of the forced main/sanitary sewer up to Erie Road and cut through a portion of wetland; we don't know yet whether it's jurisdictional. We're going to find that out and be sure that we are compliant with their regulations, as well as potentially cutting through with a drainage channel through the woods there as well. Again I would be compliant in every way and do what the Army Corp directs us to do or not to do; I may have to wind that around.

Mr. Johnson: I'm curious to see what they say on that.

Chair: Any other questions or comments? Thank you Andrew, we appreciate it. Are there any questions or comments from the Board before I open the floor to the public? 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. PLEASE REMEMBER - Comments shall be kept to the 3 minute time limit per person, and each person shall be limited to one time at the microphone to comment. Thank you.

Ed Conboy, 8168 Hillside, Angola: (*Mr. Conboy approached the displayed plans)* as is shown 'here', the drainage goes towards Cradle Avenue and Hickory Road across land *(they call it sheet-flow).* Thank you Dave for your comments already. On the original, over 'here' there is a pipe proposed; a pipe is not a natural drainage way and this natural drainage way up 'here' according to the contour map is very minimal

and it mainly goes towards the aforementioned wetlands. So instead of allowing the pre-development drainage, as he mentioned goes to Cradle Avenue/Hickory Road, it does not go into this retention pond as he mentioned. They are proposing to pipe it down 'here'. If this flow now is like it is and the post-development is, you said 25 to 10 less, so the existing flow to Cradle and Hickory will be reduced if the flow is contained and directed 'this' way and not piped over to the big retention pond that was approved for Melody Meadows. So, I don't see how an approved pond can be added water to it and still be beneficial to LaDuca, the property owner down 'here' which it flows through before it gets to Lake Shore. So I would comment that any piping off the site, even though it's the same property owner, if you're piping stuff off the site 130 some feet that's obviously not a natural drainage, and if the existing drains go as shown on the map the post-development should go the same way and the outlet could be more than one pipe, it could be a series of pipes to replicate a sheet-flow type thing; maybe five or six or how many out of the proposed retention pond down 'here' and not one pipe over the Melody Meadows, the LaDuca, the Lake Shore. So that is my comment. It just seems that if the pre-development goes 'this' way, the post-development should go 'that' way, not down to Melody Meadows. Thank you.

Chair: Thank you very much. Anyone else wish to speak?

Chris Tucker, 8818 Lake Shore, Angola: Good evening. A couple of things; I heard what Mr. Marino had indicated about that natural drainage way; which it wasn't because it was manmade in the first place. Doc LaDuca's property, which is just to the west of where 'this' line is; first of all there is a line, there's a blue line going through as Mr. Marino said and at one time that water was maybe a foot-wide. If the Planning Board hasn't looked at it, perhaps you need to get some boots on and take a look; I say that respectfully just so you know.

Ms. Sellers: This is Dr. John LaDuca's property?

Mr. Tucker: Yes, Dr. LaDuca's property. Because where it leaves the Melody Meadows site, which the drainage there was in question for a long period of time; it goes through John's property. Dr. LaDuca's property has been affected by this. There are alleged wetlands, because there are wetlands mapped on it. There were alleged wetlands on my property which is just to the left of John LaDuca. I went to the Army Corp, I had the soil tested and there were no wetlands on my property. So, although the wetland mapping can be shown, until it's actually tested to see if it is truly wetlands, that needs to be looked at. So, whether it is or whether it isn't, I'm sure there's a portion of it that is. I can just tell you on my less than an acre, right on Lake Shore to the west of Dr. LaDuca's, it's not. It's been proven that it's not and the Town has the records here in the Building Department. With that said, John LaDuca is at the point where he doesn't know what he should do with his property now because it's been impacted and we had a creek run through there (a little drainage ditch if you will) and now at places it's 20-feet wide. So far so that if you don't have yellow construction boots you can't walk through it, it runs over. So, the value of his property, because of what's been allowed to happen, has been affected. That said, all water goes downhill, that said, I'm a builder, I'm pro-building but smart building. So we need to get that water down there somehow, not by affecting the people on Cradle, not by affecting the people on Delaware subdivision or down on the creek where it actually comes through Delaware Creek and goes out to the lake and washes the Lake Shore out every time there's a rain. Right now today, after the brief rain we had today, the water is rushing through there. I don't know that, and Dave Johnson is checking on the calculations I believe and will be able to tell us if in fact the Melody Meadows property and drainage at retention/detention ponds are able to handle any more and that's pretty much in question in my knowledge.

Ms. Sellers: So, Mr. Tucker did your drainage improve after the 2015 improvements to the pond in Melody Meadows?

Mr. Tucker: No, I haven't seen any improvements as I've indicated onto the west of Dr. LaDuca's; Dr. LaDuca's has gotten worse. That's it. Thank you.

Chair: Thank you. Is there anyone else who wishes to speak? There being no further 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?

Ms. Sellers: I do think the drainage is the issue that's going to hold this up; we have to study it further. I am concerned with what is happening on LaDuca's property and I think we should make a visit. Have you seen that property?
Mr. Johnson: I've seen it, but I didn't see it 20 years ago so it doesn't do me much good.
Ms. Sellers: So the house is fairly new. Is it just an open creek splashing onto the beach?
Mr. Johnson: He's talking about going through the wood; right? That's what you're talking about, going down through the woods at the downhill side of that big detention pond where the 30 inch pipe comes out of it through the woods there, it meanders; it's substantial.
Chair: It's absolutely something the Planning Board will be reviewing.
Ms. Sellers: So if the neighbors think that the water has not improved since the 2015 pond improvements, what would make us think that it could hold even more water?
Mr. Johnson: That was the comment that I had made. He's not proposing any more water into that.
Ms. Sellers: But isn't he proposing the water from up on Cradle coming down?
Mr. Johnson: After it gets treated in a new detention pond. So the new detention pond gets the water, not the other one; it gets it, but it doesn't get an increase. You guys are missing the point on that. He's required by law to reduce it to below what it's at now.
Mr. McEvoy: So if the detention pond fills up to a certain level, then it flows out.
Mr. Johnson: That would be over a hundred-year storm.
Mr. McEvoy: Okay. So suppose next week you get another one-hundred year storm and all that rain, the ponds already full...it's not going to hold any more.
Mr. Johnson: That's right.
Mr. McEvoy: All that excess water that's coming off the paved parking lot is going to just flow right downstream.
Mr. Johnson: That's right, and it's like that everywhere, it's not just here. Everyone is in trouble in a hundred-year storm.
Mr. McEvoy: But if it filled up with a hundred-year storm, you wouldn't need another one-hundred year storm to cause an overflow.
Mr. Johnson: That's right.
Mr. McEvoy: It could be a five-year storm is going to overflow it.
Mr. Johnson: That's right, but it's not going to overflow at a hundred-year rate.
Mr. McEvoy: But it's still going to overflow at a rate that's going to be hazardous to the people downstream.
Mr. Johnson: Yes.
Chair: Anyone else?
Ms. Sellers: And what is the alternative? Having a second drain instead of curving down to meet the one that it is now, having one as the other gentleman suggested, that would go straight down Cradle?
Mr. Johnson: Well there's another misconception. He's not piping anything off his site; he's discharging it to an existing drainage that's up there that does connect to the other pond. So, what Ed was saying and I was eluding to as well, is that part of this site goes to Cradle Avenue and part goes the other way. So, he's proposing that all of it go one way. I'm not saying that's good or bad, I'm just saying it's different.
Mr. Connors: Alright, so the jury's still out is the bottom line.
Mr. Johnson: That's right.
Mr. Connors: I would just note that Dr. LaDuca is not here tonight to discuss his property.
Chair: Is there any more questions? There being no further questions from the Planning Board I would like a motion to declare lead agency for the Erie Super Storage Facility.
Mr. McEvoy: This would be the SEQR Lead Agency motion:

- The Town of Evans Planning Board hereby declares lead agency in accordance with the SEQR process for the Erie Super Storage facility project to be located at 8712 Erie Road in Angola, New York.

Ms. Sellers: I will second the motion to declare Lead Agency.

Vote: *All in favor. Motion carried; so moved.*

Chair: I would like to make a motion to table the project at 8712 Erie Road.
Mr. McEvoy: Second.

Vote: *All in favor. Motion carried; so moved.*

Chairperson Rappoccio: <u>The Second item on the Agenda this evening is an:</u>

- **Approval of Site/Parking Plan Review**– for a 23,925± sq. ft. multi-use building on a 7.72± acre parcel located at 8656 Delamater Road, Angola, NY 14006. Property Owners: MPC Inc., SBL# 235.00-1-17. Petitioner: **APEX Health & Wellness**, 8656 Delamater Rd., Angola NY 14006.

Chair: The Site Plan that is before the Planning Board tonight has seen many iterations prior the final version we see here tonight. There have been many delays in the Planning process for this project which have contributed to the length of the process thus far. Some include:

1) The project parking plan was challenging to design from the start, primarily due to the existing lot needing to accommodate two very different uses. Several site plan iterations were submitted to the Planning Office prior to the final plan before us tonight.
2) Lack of knowledge of the Process. The typical site plan review planning process can take anywhere from three to six months or longer to complete dependent on the project. From the time the Planning Office became involved in the project, it was clear that this would be a longer process than the Applicant had anticipated. The Use variance was the first and most critical approval needed to bring the project into compliance with Town Code. The Parking/Site Plan approval is a separate process. Only after all required plans and/or documents are submitted by the applicant in their entirety to the Planning Office, can the Planning process begin. The project may be brought forth for public meeting and proposed Site Plan approval, only after review by the Planning Board and recommendation/comment by all required Town departments, such as Code Enforcement Office, Engineering, Highway, etc and any involved outside agencies are received. Once approved the stamped parking/site plan is it then forwarded to the Code Enforcement Office. Complete implementation, inspection and approval by the Code Enforcement Office of the parking/site plan is condition precedent to the issuance of a Certificate of Operations along with any other items required for the issuance of the Certification of Operations by the Code Enforcement Office. The Certificate of Operations is the final approval needed in order to open the doors legally in the Town of Evans.
3) Communication. Parking/site plan approval submissions are handled through the Planning Office. All communication regarding the plan is with the Planning Director who then forwards all plans onto the Planning Board members, the Town Engineer, Code Enforcement Officer and any other department heads deemed necessary for review and independent approval.

HISTORY:

- On April 11, 2018 the Town of Evans Zoning Board of Appeals approved a Use Variance for the APEX Health & Wellness facility to operate at 8656 Delamater Road; the property is zoned Light Industrial and already operating a commercial property maintenance business. This decision by the ZBA triggered a Site/Parking Plan review by the Planning Board as a new business that would require additional parking
- The Site Plan application was officially submitted to the Planning Office on April 19, 2018 for a Site/Parking Plan as required
- Between the April 19th submission to the June 21st final site plan submission, the Planning Director reviewed several revised versions of the plan which directly impacted the length of the Planning Review process.
- Two Planning Board work sessions were conducted for the project – May 9, 2018 and June 13, 2018; in addition a site visit was conducted on May 14, 2018

- On June 4, 2018 the Town of Evans was served with an Article 78 against the Town of Evans Zoning Board of Appeals and MDC, Inc.

INTERDEPARTMENTAL REVIEW:

- **Planning Director, Roberta Rappoccio:** I am pleased that the final plan before us encompasses all the required elements and addresses the Board's concern for safe and efficient circulation for all vehicles and pedestrians. That being said, as mentioned in our June 13th Work Session a review of the site during evening hours was conducted and after viewing the photographs and video of the property after dark, the site will need additional lighting. It is recommended a second light pole be installed at the corner of the existing mason building and the Industrial Parkway roadway; as well as a third light pole to replace the proposed wall-pack at the south end of the covered staging area; for a total of three (3) light poles on the site.
- **Town Engineer:** The Town Engineer sent a letter to the Planning Office which reads: "Our office has reviewed the submitted documents for the referenced site and concluded our engineering concerns have been addressed."
- **Code Enforcement:** No Comment

OUTSIDE AGENCY REVIEW:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on April 20, 2018 and comments were received back by the Town on May 7, 2018. The project was determined to be of local concern.

Chair: Are there any questions or comments from the Board before I open the floor to the public?
Ms. Sellers: The new plan does show a light over the entry door?
Chair: This entry...no. There is a wall-pack just down from the site.
Ms. Sellers: Is that close enough to the door to light that entry? It's dark in the photographs.
Chair: Yes, it is dark in the photographs.
Mr. McEvoy: Is that an existing one that's there now?
Chair: No, these are proposed lights. There are some lights there right now, but these are the proposed locations for the new lights; 'these' three and there is a fourth. That's why we proposed, 'here' in this sort of location 'here', this would be where the new pole light we'd asked for so it lights the entry and the parking spaces.
Ms. Sellers: It would give enough light for the entry?
Chair: Yes and then also light the corner 'here'. Because right now as you drive down according to the video it's really dark, there's nothing here until you get around and there's some lights from the front. So that's proposed there and then we had asked them to add a wall-pack on the covered staging area, which they did, and they complied to that, however there is a big circle area at the front in one of the entrances, there are three entrances to the lot, where there is zero light and you're going into pretty much a dark entrance. So there needs to be extra lighting to bring down and according to their photometrics, on the existing light pole that they do have, that same light would reach all of the areas in three different spots. Any comments?
Ms. Sellers: Clark Patterson has reviewed that and agrees that is suitable lighting for that site?
Mr. Johnson: I didn't review the new lighting.
Chair: No, we haven't reviewed the new lighting, these are just recommendations based on the photometrics of the existing light pole that I have.
Mr. McEvoy: Would another light on the corner of the building be sufficient for lighting rather than a pole?
Chair: I was thinking that possibly like a mounted light, but it would have to be able to project out light to cover the corner, all the parking and the entrance. So, I don't think that would be sufficient, unless you did a goose light 'here' and a light above the entrance.
Ms. Sellers: The entrance is in the corner, so it seems like the entrance should have a light over it.

Chair: Yes, maybe that's something that needs to be installed.
Ms. Sellers: When I was there today, I'm impressed with all of the investment inside. What we need of course to approve it, is the investment on the outside.
Chair: I agree; so light over entrance.
Ms. Sellers: It's just such a corner entrance and we don't know if that pole out 'here' is actually going to hit that, because of the 'L' shape of that building.
Chair: That's the issue. Because the building is 'L' shaped, when you come in 'here' it's really dark.
Ms. Sellers: We would normally require a light over an entrance anyway.
Chair: Yes, and that may even be required by Code; I don't even know. Alright; so light over the entrance.
Ms. Sellers: So you have two additional poles and a light over the entrance.
Chair: So you have an existing light pole at the north corner next to the staging area, but that light doesn't reach the central entrance on the plan and this is where there is a 'zero'. So this would be this light 'here' off of the end of the covered staging area which we asked for a wall light, but when I looked at the photometrics it doesn't reach the part where we wanted it; it's just overlapping what's currently there.
Ms. Sellers: So the only way you can do that is with a pole up there?
Chair: Unless they can prove otherwise with a different light than what is on the plan, this is what I would propose based on what they currently gave us without having to table the project and not pass the project.
Ms. Sellers: What if we passed it with the contingency that the Town Engineer approves the lighting plan?
Chair: It would have to be the Planning Board that approves the lighting plan.
Mr. Johnson: I can advise you on it, sure.
Chair: Yes, the Town Engineer advises the Planning Board.
Ms. Sellers: On the contingency that he finds the lighting plan favorable.
Chair: Which the question in the sense of the photometrics? We just need a light and the only reason why I said 'this' light is because we actually have the data on this light that shows that it will reach to the edge of the parkway.
Ms. Sellers: So you're presuming that 'this' one would reach it.
Chair: But that doesn't mean that it's the most ideal, it just means that I know that we know as the Planning Board with the data we have, it would work; it would cover these dark areas.
Ms. Sellers: Then I'm fine with it; does anyone else have a problem with that?
Mr. McEvoy: If a pole light out by the road would cover all the way back, would a same size light on the side of the building (the corner of the building) broadcast both directions?
Chair: You mean 'here'? Like here's the building 'here' and have it 'here?'
Mr. McEvoy: No, put it on the corner of the building.
Chair: Right 'here' in the front, facing this way; a wall mount?
Mr. McEvoy: Yes, but up higher; but the same height it would be if it were on a pole.
Chair: So not projecting from the building.
Mr. McEvoy: Mount it on the corner of the building so it's broadcasting out into the parking lot.
Chair: I see, so you get the parking lot and the light, but that still doesn't cover the spot 'here'; this is from the photometric map and this part is 'zero' light.
Mr. McEvoy: Well you said you were going to put another pole.
Chair: Yes, the pole is 'here' but this light you're saying you don't think you need a pole, you could just do a wall mount. Alright, what does the rest of the Board think of that? Would that be okay?
Mr. Connors: That works.
Ms. Sellers: One on the building?
Chair: Yes, one on the building. We put a light at the corner 'here' that would shine all over here.
Ms. Sellers: So those are not directed down? They are not like wall packs?
Chair: This would not be a wall pack.
Ms. Sellers: What about down 'here?'
Chair: This would have to be a pole because this has to reach all the way to the roadway. This could possibly be substituted for a building mounted, but they would have to prove to us and have to submit the photometrics and we could condition that. Is that what you'd like to do?

Ms. Sellers: So, the two additional light poles to be installed at the following locations for a total of three poles?
Chair: Right, there would be the one that's existing and then two, three. But what they are saying now is that they'd just have the two poles and then we would have one wall mounted.
Mr. Bergum: One additional pole and a light pack, right? That is what we are saying.
Ms. Sellers: One additional pole, but not a wall pack, a wall pack doesn't project out.
Chair: Correct, it can't be a wall pack.
Mr. Bergum: Well whatever.
Ms. Sellers: A gooseneck.
Chair: Yes, a gooseneck maybe.
Mr. McEvoy: Just put it on them to fill in what works.
Chair: Yea, just fill in the blank.
Mr. Bergum: Whatever it takes.
Chair: Whatever photometric will work over the entrances and the parking that's at the corner; that's what we require. Okay, so that's the lighting plan and that was my only concern after getting the evidence from the photographs and after the videos, you all agree that it was pretty dark, so we need actual light. Is there anything else on the plan that you see before you?
Mr. Bergum: You want to change that for me so I can read it.
Ms. Sellers: Crossing out the three and putting two.
Mr. McEvoy: Crossing out the two and putting one.
Chair: Put one additional light pole to be installed at the following location for a total of two poles at the site and...
Mr. Bergum: An additional light to cover...
Chair: An additional mounted light at the corner of the existing mason building. I think that's it. Are there any further comments from the Board? There being no further comments from the Board, 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. Please remember, comments shall be kept to the 3 minute time limit per person, and each person shall be limited to one time at the microphone. Thank you.
Dyan Scritchfield, Owner of the project: I just wanted to state in terms of some of the things that went on the record, that no I didn't have knowledge of the process, but the minute that I got word with what the process was I tried to stay in-step because I was getting information too late and then trying to submit things in a very quick, not in the manner that I would typically submit them. In terms of the lighting; if you just took video, Anne I know that you were there today and you saw the investment on the inside, I wouldn't make an investment on the outside until this was approved. So we did the photometrics and you guys at the last meeting said that there were some 'zeros' in the middle so I thought that wall pack was going to take care of that because that's what we did the photometrics for. So you added another wall pack and we already have a light at the end. So what you're proposing, I mean we'll do because I just need this project, obviously it's been months and months, but you're also talking far more extensive. And you're taking a video of me not doing anything on the outside yet because I don't know what's been approved to do on the outside; if you see my dilemma here.
Ms. Sellers: You know, a wall pack light goes down, so what we're proposing for the other one is alright there, that shines out to cover the 'zero' area closer to the entrance.
Ms. Scritchfield: Yea, we added, after we spoke at that meeting, Roberta and I went back and forth with the engineer and we added in another wall pack that was on the temporary and then the light in the corner. I know that Bird isn't supposed to spill-over, but I did talk about that, so it does spill over into our lot and the light in the corner we were waiting for Steve's inspection, which we did. As a matter of fact, we have an electrician working there right now that is putting a light in that corner because it had to be wired into the exit sign because it had to be one of the lights that go on when the power goes out. So, it's not just wall packs, but special wall packs. So I have two electricians on site, as we speak, wiring stuff for that which is going to take care of the few 'zeros' that you saw from the photometrics. We have even added light after the photometrics that you guys saw, we added another light pack. I think that's going to take

care of the 'zeros'. I worry about – one, I worry about more expense obviously as the project owner, but secondly you talked about light pollution and there's a lot of light that comes off of Bird. So you took the video, but you took the video...
Chair: We couldn't see any light when it was pitch dark.
Ms. Sellers: Not last night when some of the Planning Board members went down, which was a cloudy night when there was none, but rather the video was a clear night.
Chair: We didn't see any, it was pitch dark. We have video and photographs and the photographs and videos were on different nights. And the...
Ms. Scritchfield: You're talking about the very tail end of the parking lot.
Chair: No, we went down the entire road and then came back around.
Ms. Scritchfield: Right, so you know there are two more wall packs on top and then the one...
Chair: We're talking about the area that we need the light though. It doesn't matter if it's down 'here', we need the light 'here' and it can't come off of another person's property...what if Bird closed down next week? I'm not saying they would, but this is for your site. So in terms of that wall pack we want you to replace that wall pack because it wasn't enough and put in the light post instead at the corner of the covered staging area. That will get the 'zeros' we saw. And then we can do a mounted light where you're working with the exit and stuff like that, which is great, that's great that will help. So you're already doing electrical there, now you just have to be sure the light will get where it needs to go. So it can't be just a traditional wall pack, it has to go out and not down.
Ms. Scritchfield: Okay.
Chair: After getting the pictures and after reviewing it again, this is how it came out. That's why you weren't aware of it, because I haven't had a conversation with you since then and I pretty much had to get ready for tonight so I just figured we could condition it based on the lighting.
Ms. Scritchfield: Okay.
Chair: We know you don't have it right now; it's just what you will need.
Ms. Scritchfield: Yeah.
Ms. Sellers: And I was very impressed with the improvements you made in the building. I mean it's going to be a very, very impressive gym.
Ms. Scritchfield: Thank you.
Ms. Sellers: And this MMA I think is probably a big thing for the future.
Ms. Scritchfield: Absolutely.
Ms. Sellers: The floor surfaces, I mean everything, there's things that I don't see in gyms that I'm in.
Chair: And just for your comment about the process, that's what I meant. The reason why the process took a long time is first of all you didn't know the process and the process does take a long time and when you're dealing with many different iterations of one plan it just keeps the process stalling again and again and again and that's just typical of a site plan review; they can last 3 – 6 months just in general. So this is actually still in the typical range, so unfortunately that's just how it is.
Ms. Scritchfield: I just...when I started the project and I mean this is with all due respect to everyone on the Board, it was over a year and again I was working with different people and getting different information from. So I'm disappointed...
Chair: I didn't have a conversation with you until April.
Ms. Scritchfield: No, I'm not talking about you, not the Planning Board, I'm talking if I would have been given the advice I probably would have started this process and gotten the information a lot sooner than I did.
Chair: Okay, great.
Ms. Scritchfield: Thank you.
Chair: Would anyone else like to speak to the Planning Board on this project. Are there any further questions or comments; any further questions or comments from the Board? There being no further questions from the Public or the Planning Board I will close the floor to the public and bring it back to the Planning Board. We will need two motions, one for the SEQR and one for the approval with conditions.

Ms. Whittinghill: The Town of Evans Planning Board hereby declares lead agency in accordance with the SEQR process for the approval of the Parking/Site Plan to be located at 8656 Delamater Road; and 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. Bergum: I second it.

Vote: *All in favor. Motion carried; so moved.*

Chair: May I have a second motion please
Mr. Bergum: I would also like to move to approve the project based on the following reasons:

- The action will not result in any significant adverse impacts to the environment.
- The operation of this business will provide a valued benefit to the community.

And with the following conditions:

1. The approval of this Parking/Site Plan shall be null and void if the variance granted to MPC, Inc. by the Town of Evans Zoning Board of Appeals regarding this matter is annulled/vacated upon final determination of the action pending in New York State Supreme Court against the Town of Evans Zoning Board of Appeals and MPC, Inc. (Index #807801/2018).
2. This Town of Evans Planning Board approval is valid for one year, at which time the parking spaces, lighting, signage and circulation shall be reviewed to determine whether they meet the needs of the site; and approval shall be conditioned upon resolution of any outstanding property maintenance violations.
3. One additional light pole to be installed at the south end of the "covered staging area" as seen on the final parking/site plan and to be submitted as a revised site plan indicating an additional mounted light at the corner of the existing mason building to replace the proposed wall pack. All light fixtures must be dark sky compliant per Town Code.
4. Complete implementation, inspection and approval by the Code Enforcement Office of the landscaping, lighting, pavement striping, signage and construction of the new commercial access drive as condition precedent to the issuance of a Certificate of Operations along with any other items required for the issuance of the Certification of Operations by the Code Enforcement Office.

Mr. McEvoy: I second the motion.

Vote: *All in favor. Motion carried; so moved.*

Chair: Thank you everyone for attending our meeting this evening. May I please have a motion to adjourn.

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

Vote: *All in favor. Motion carried; so moved.*

Chair: Thank you everyone and good-night.

Respectfully submitted by:

Debra L. Wilson
Secretary

Approved: 8/29/18

Short Environmental Assessment Form
Part 1 - Project Information

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:
APEX Health and Wellness Facility

Project Location (describe, and attach a location map):
8656 Delamater Road, Angola, NY 14006

Brief Description of Proposed Action:
New use as a gym and wellness facility consisting of roughly 9,000 square feet of inter space of the existing structure. New parking plan to accommodate the clients of the facility. The site is shared with a commercial property maintenance business.

Name of Applicant or Sponsor:	Telephone: 716-549-6800
APEX Health and Wellness	E-Mail:

Address:
8656 Delamater Road

City/PO:	State:	Zip Code:
Angola	NY	14006

	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.	☑	☐
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:	☑	☐

3.a. Total acreage of the site of the proposed action? 0.6 acres
b. Total acreage to be physically disturbed? 0.6 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 7.8 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?	☐	☑	☐
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?	NO	YES	
If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☑	
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?	NO	YES	
	☑	☐	
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			

	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: _____	X	
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: _____	X	
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: _____	X	

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

Applicant/sponsor name: Wayne J. Giambrone Date: Apr. 20, 2018

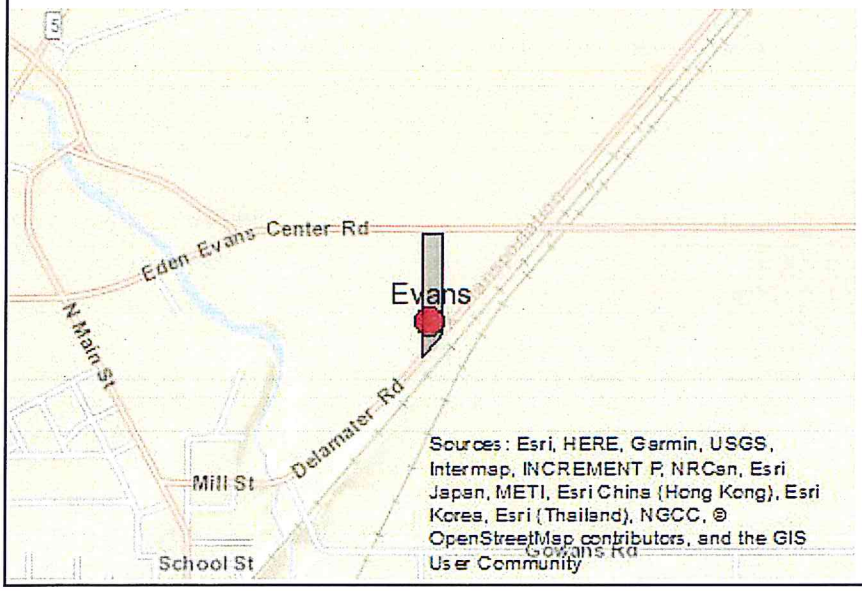
Signature: Wayne J. Giambrone

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?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?	X	
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?	X	
7. Will the proposed action impact existing: a. public / private water supplies?	X	
b. public / private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

EAF Mapper Summary Report

Wednesday, April 18, 2018 3:23 PM



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]	No
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

Agency Use Only [If applicable]

Project: APEX Health & Wellness Parking Plan

Date: June 25, 2018

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
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)?	☑	☐
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?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

Project: APEX Health & Wellnes

Date: June 25, 2018

Short Environmental Assessment Form
Part 3 Determination of Significance

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. Question 1.
The proposed business received a Use Variance approval from the Evans Zoning Board of Appeals on April 11, 2018 because a commercial business use open to the public is in conflict with a commercial property maintenance use that exists on the site by right per the Town Code Light Industrial zoning district.

Part 2. Question 2.
The proposed business received a Use Variance approval from the Evans Zoning Board of Appeals on April 11, 2018 because the use of a gym is not allowed in the L-I zoning district.

☐ 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 Planning Board	6/25/18
Name of Lead Agency	Date
Roberta Rappoccio	Planning Board Chair
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 FORM