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Town Clerk
Town of Evans

REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, JULY 10, 2019

MEMBERS PRESENT: A. Sellers, J. Pinter, J. McEvoy, B. Bergum, M. Connors, Andrew Lloyd

ALSO PRESENT: William Smith, Director of Planning & Community Development
Jeneen Hill, Code Enforcement Officer

Chair A. Sellers 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.

Chairwoman Sellers: I would like to welcome everyone to the July 10, 2019 Planning Board meeting.

Apologies were given for having to cancel the June 26th meeting due to the inability to secure a quorum.

Before we begin tonight's meeting we have some housekeeping we need to take care of; regarding minutes from the January 23rd and February 27th, 2019 public meetings; are there any additions, corrections or questions or may I please have a motion to accept them as submitted.

J. McEvoy: Motion to accept.
J. Pinter: Second.

Vote: *All in favor; motion carried.*

For the record, 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 floor is opened to the public. Each person is limited to one opportunity to speak and comments shall be limited to 3-minutes. If you wish to comment, and haven't done so already, we ask that you sign up on the sheet located on the table in front of us.

1. **First item on the agenda is:**

   Site/Parking Plan Review – Suncliff on the Lake – expansion of surface parking lot and construction of secondary driveway at 6892 Lake Shore Rd., Derby, NY 14047, SBL# 206.00-1-10. Petitioners: Brenda Shaw and Dr. David Johnson, 6892 Lake Shore Rd., Derby, NY 14047.

HISTORY: There is a bit of history on the property...

- The property once housed the St. Columban Retreat Center and was purchased by the Johnson and Shaw families on November 1, 2017 from the Catholic Diocese of Buffalo. The new owners have since opened a Lakeside Boutique Mansion hosting banquets, weddings, retreats, conferences, corporate events, garden parties, workshops, etc. The Mansion houses a bar/restaurant and offers overnight accommodations with 17 guest rooms in the Mansion as well as 58 one person single bedrooms in the Annex building.
- In early May 2019, the Town requested that a site plan application for expanded parking lot, vehicle egress and fire lane (including landscaping, drainage, lighting, and signage) be submitted to address some immediate parking, access and safety concerns.

- On May 17, 2019, an application was submitted with a complete site plan package to the Planning Department, a later version was filed on June 11, 2019 based on initial review.
- On June 12, 2019, the project was reviewed at the Planning Board Work Session.
- And on June 25, 2019, revisions were submitted based on feedback provided by the Planning Board during Work Session.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith:** I have no comment or objections at this time. I spoke to the owners about the need to remove some brush and a couple trees from the exit on Lake Shore Road to improve the line of sight at the new exit on Lake Shore Road, other than that there are no objections as the plan has been revised to meet the minimum parking requirements put forth in Section 200-27 of the Town Code; proper vehicle egress and access for emergency vehicles has been addressed through the creation of a secondary driveway; and all the Planning Board's comments have been addressed from Work Session. In addition, the overall landscaping plan is consistent with the design standards put forth in Section 200-20.1 for a Waterfront Mixed Use District in the Town of Evans.

Chair:

- **Town Engineer, Dave Johnson of CPL:** As requested, the applicant provided an updated Stormwater Pollution Prevention Plan (SWPPP) to include any parking spaces and impermeable pavement added to the new site plan. The updated SWPPP has since been approved by the Town Engineer.
- **Chair - Code Enforcement Officer, Jeneen Hill:** While there are no objections to the site plan approval, a question was raised regarding the condition of the on-site fire hydrant at the Fire Chief Council meeting. Any necessary repairs to keep the hydrant in good working order should be performed immediately by the owners or it should be covered or removed.

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on May 24, 2019 and returned on June 20, 2019; they offered no recommendation having determined the proposed action to be of local concern.

SEQR: The Planning Board has reviewed the short form of the SEQR and has found no significant environmental concerns.

Are there any questions or comments from the Board before I open the floor to the Applicant. (*No questions or comments provided.)*

There being no further questions or comments from the Board, at this time I will open the floor to the Applicant and/or his representative – please step up to the microphone, state your name and address, spelling your last name for the record. PLEASE REMEMBER, comments shall be held to the 3-minute time limit per person, and each person shall be limited to one time at the microphone to comment.

Kevin Connors, Architect, EcoLogic Studio: This project was initiated by the Town after the change of ownership and looking more closely at the parking needs of the facility as it was being used after the Diocese sold the property. This is the second generation of the plans as there was a little grey area about the number of parking spots that were required, but that got resolved within the last several weeks. We have made all the corrections and additions to the plans that were requested at the Work Session with the Planning Board.

Chair: Is there anyone else who wishes to speak on this project?

No response.

Chair: 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? (*No questions or comments provided)* There being no further questions from the Planning Board may I please have two motions – one regarding SEQRA and one regarding Site/Parking Plan Approval.

J. McEvoy: I will make 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.
J. Pinter: Second.

Vote: *All in favor. Motion carried.*

Chair: Having made this determination, I will need someone else to provide the next motion please.

M. Connors: I will do the next motion. Having made this determination, I would also like to move to approve the project based on the following reason(s):

1. The project appears to be consistent with the Town of Evans Comprehensive Plan.
2. The action will enable the applicant to provide improved services to their clientele, thereby benefiting the community and region.
3. The proposed action is consistent with the polices and standards of the Town of Evans Local Waterfront Revitalization Program as well as Waterfront Mixed Use District per Section 200-20.1 of the Town Code.

and with the following condition:

1. Compliance with the Town of Evans Code Enforcement and Planning Department review and comments.

B. Bergum: Second.

Vote: *All in favor. Motion carried.*

Chair: The Planning Office will send a letter on behalf of the Planning Board to the Code Enforcement Office advising of our action tonight. Please continue to work closely with the Planning and Code Enforcement Offices as you move forward with this project. Please thank Dr. Johnson and Ms. Shaw and their families for investing in our community and we wish them luck.

2. The Second item on the Agenda this evening is a:

Site Plan Review – Derby Warehousing, LLC – for the proposed demolition of an existing 2,800 sq. ft. metal building and construction of a 27,500 sq. ft. warehouse at 1393 Wisconsin Rd., Derby, NY 14047, SBL# 206.00-4-9.1. Petitioner: Derby Warehousing, LLC, PO Box 773, Derby, NY 14047.

HISTORY: There is a bit of history on the property...

- The property was previously owned by Wilbur & Doris Smith and the warehouse housed Lads Pet Supplies and was used for the storage and distribution of animal supplies. In April of 2002 the property was purchased by the Fierle's and the warehouse currently houses outdoor power equipment.
- In early May 2019, the owner of Derby Warehousing, LLC. presented a preliminary concept Site Plan to the Planning Department for the demolition of an existing 2,800 sf metal building and the construction of a 27,500 sf warehouse for the storage and distribution of outdoor power equipment.

- On June 7, 2019, an application was submitted with a complete site plan package to the Planning Department for review.
- On June 12, 2019, a side yard setback variance was requested and approved by the Zoning Board of Appeals, reducing the minimum 50 ft setback to 15 ft.
- Also on June 12, 2019, the project was reviewed at the Planning Board Work Session.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith:** I have no objections for the reason that the parcel is zoned for Light Industrial use and the required setback variance has been approved by the Zoning Board of Appeals. However, I would like to enter into the record the letters received by the Planning Department from Wisconsin Road residents regarding their concerns around truck traffic. These concerns were duly noted and have also been shared with the Highway Superintendent and Chief of Police for their comment, which Anne will read their responses.

Chair:

- **Town Engineer, Dave Johnson of CPL:** No comments, as the drainage plan shows no new negative impacts.
- **Code Enforcement Officer, Jeneen Hill:** Per comments made at the Fire Chief Council meeting, the parking area identified at the rear of the property must be large enough to allow for firetrucks to turnaround.
- **Highway Superintendent, Ed Michalski:** If there is minimal truck traffic increase, this should not disturb the integrity of Wisconsin Road which has already been established as a truck route. However, the turning radius for egress and ingress at the approach from Wisconsin Road should be addressed to avoid any trucks from encroaching on neighboring properties.
- **Chief of Police, Douglas Czora:** Supervisor Hosler requested in early June 2019 that the police department run radar on Wisconsin Road, several radar details have taken place and several traffic stops were conducted.

  Since January 1, 2019, the police department has received one complaint of a speeding concrete truck where a patrol car was dispatched. The responding officer was unable to locate said vehicle. We also believe it was not related to the project.

  Also since January 1, 2019, all the vehicles stopped on Wisconsin Road were passenger cars. None were tractor trailers.

  Typically, when a business exists in any neighborhood and complaints are brought to their attention, the business will take steps to address the issue in order to be good neighbors. A speed of 30 mph in any residential neighborhood is fast. The vehicles appear to be traveling fast even when traveling at the speed limit. We will include Wisconsin Road when considering where to place our electronic speed limit sign so vehicle operators can monitor their own speed, and homeowners can see how fast they are actually traveling. We will also continue to have patrols do speed enforcement checks.

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on May 24, 2019 and returned on June 17, 2019; they offered no recommendation having determined the proposed action to be of local concern.

SEQR: The Planning Board has reviewed the short form of the SEQR and has found no significant environmental concerns.

Are there any questions or comments from the Board before I open the floor to the Applicants?

Chair: I have a comment. I have been down the road frequently and we've all noted how carefully the residents have worked to make people aware of that 30mph speed limit with all of your signs, even one in front of the business. It is a difficult road because you have no shoulders; I bike on it. I live on Old Lake Shore Road and I'm saying it's the same as all these other roads, but it's only like Old Lake Shore Road if you're down in front of the old St. Vincent DePaul Camp, where there are no shoulders; there is no place to go but the ditch. So, we realize that's a problem for you. I've been visiting with neighbors and friends who live on that road and watching cars that to me appear to be going more than 30mph. I'm told that the police are putting out those monitors today, so by tomorrow you should be noticing them so you can see for yourself what people are actually doing on your road. It certainly does appear when you're on the road, especially on a bike, that some people are doing more than 30. But it is so narrow that you are very sensitive to it when you're biking on that road.

Are there any further questions or comments from the Board before I open the floor to the Applicant?

No questions or comments provided.

There being no further questions or comments from the Board, at this time I will open the floor to the Applicant and/or his representative – please step up to the microphone, state your name and address, spelling your last name for the record. Again, PLEASE REMEMBER, comments shall be held to the 3 minute time limit per person, and each person shall be limited to one time at the microphone to comment.

Andrew Marino, Tredo Engineers, 755 Seneca St., Buffalo, NY: Good evening. I am representing the Derby Warehousing and their tenant KPM, which is a tractor, snow blower, equipment supplier; they have loading docks and so forth for truck egress, as we know. It is spot zoned for the use and the proposal is for a 27,000 sq. ft., one-story warehouse. There are some improvements to the fire lane to get to the back by widening the driveway and creating a truck turnaround in response to the Highway Department, the apron has been widened, there was a tree removed and the apron itself is actually about 72-feet wide as measured, and should be sufficient for any semi-truck egressing that parcel. The fact is I was on that road as well and it is very narrow so I can understand how prior to the widening of this apron that the truck would have had difficulty getting out. There is no doubt that they have to pull into the opposing lane in order for that to happen, as this is an extremely narrow, roughly 21-feet wide, of paved roadway without a shoulder. In witnessing the local conditions just now though, it was very quiet, so unfortunately I was unable to witness any other vehicles, particularly any trucks. I would like to see myself if the trucks can make it in and out of there now, reportedly they are in much better shape than they were before. I am here with the owner of the company and the developer if there are any questions in regards to operations or the construction of the facility.

Chair: Rather there be back and forth, it might be better for Mr. Fierle to take the microphone right now and explain a few things about the hours of operation, when trucks would be coming, how a warehouse can be that much bigger than the one you're taking down and not have some change in truck traffic. So, I'm thinking that is preferable to having people go back and forth with questions.

Jeff Fierle, 1393 Wisconsin Road, Derby: Thank you. I started the business back in 1994 and I moved to Wisconsin Road from the city of Buffalo and purchased the building from Wilbur Smith in 2002. I put approximately $175,000 into the building the first year and remodeled it, resided it, reroofed it, and have been pretty much trying to keep the integrity of the neighborhood. I will say that I am quite proud that we have done that. The building is very difficult to see from the road and I am very happy about that. I go out of my way, we have lilac bushes along the driveway, and we have pine trees and different trees across the front. The reason why the driveway egress was kept to a minimum was because I wanted to keep that look of not being able to see it; I could make the driveway 100-feet

wide, and you're going to drive by and you're going to see it. We have increased the width of the driveway now. I sold Fierle Distribution in 2008; I sold it to a company by the name KPM, who are out of Landing, New Jersey. KPM is very similar to what I do; we do not sell retail, we sell strictly wholesale. We sale commercial power lawn and garden equipment to dealers that sell it to the contractors that come and cut your grass (very large equipment). KPM bought Fierle Distribution, I stayed on with KPM. Three years ago we constructed a brand new 100,000 square-foot facility; it is a state-of-the-art facility. KPM is extremely fussy about what their properties look like. Unfortunately, or fortunately, we have outgrown that facility. That facility has room for expansion but because of environmental situations, it would take several years to get a permit to put a building up. KPM came to me and my wife and asked what were the possibilities of expanding Derby. KPM operates out of this facility Monday thru Friday 8am to 5pm, there are no weekend hours. It is extremely quiet in there. I did a research survey over the past 6 weeks for the rezoning and we are averaging 2.7 trucks per day. Somedays we get one, somedays we get none, somedays unfortunately we get 3 to 5. But I will say there is no overnight parking, there is no truck allowed on premises before 8am. Occasionally somebody will sneak in there around 7:30-7:45, but everything is shutdown and done by 5pm at night. Now when there is a snowstorm or something like that, occasionally the trucks get in there a little late, 5:30/5:45pm. Regarding the truck traffic, someone questioned me, "how can you put up a new and larger facility and have the same amount of truck traffic." I'd like to explain a little bit about what's going on in the trucking industry. The trucking industry in the last five years has been a disaster. With the new regulations imposed on trucking and the hours that a trucker can actually drive, it took 38 percent of the trucks off the road in a 24-hour period. Currently a driver can only drive for 8-hours, he has to take a 2-hour break and then he can only drive for another 4-hours; long story short, the trucking industry right now is a mess. What is happening is we cover a territory from Maine to Virginia and right now we have limited inventory; there are 37 different models of Scag lawnmowers. When someone calls up and orders 4 mowers, 2 of them come out of New Jersey, two of them come out of Derby.

Chair: Mr. Fierle, I'm going to interrupt you to be brief and try to address the issue of how you can expand and not have considerably more truck traffic.

Mr. Fierle: I'm sorry. That is where I'm at right now. An LTL carrier (less than load), two lawn mowers have to go less than load, and if they go to Maine and another two go to Virginia, that's two different trucking companies, because LTL's only have specific routes. Where I can call, used to be New England but they just went out of business, right now Estes is coming into Western New York pretty heavily, I can go to Estes with all my orders and they will take that full-load, not an LTL load, and dispatch it within their hub. I would never make a guarantee that there is going to be less truck traffic, as I have no way of knowing that; not today, not next week, not a year from now. I anticipate no change with KPM. If KPM leaves, I do not know who might come in. Someone may come in and run 7-days a week, they may be coming in with 6 trucks; we need KPM to stay. KPM is agreeing if I can get this facility, they will sign a 10-year lease. I'm sorry for the length; I get carried away.

Chair: Thank you. I think we will open the floor to the public and if we need you to take the microphone again at the end to address any issues, we will call you back up. If there is anyone from the public who would like to comment, please step-up to the microphone, state your name, address, and spell your last name for the records.

Tom Tyler, 1436 Wisconsin Road, Derby:

- Concerns with the number of trucks on Wisconsin.
- Questioning Mr. Fierle's request for $57,000 in tax breaks through ECIDA; only 1.5 jobs created.
- Suggested an alternate location that is for sale in the Town for Mr. Fierle to purchase versus expanding on Wisconsin.

Chair: Now I have to tell you that I am sure this is the report from the Erie County Industrial Development Agency, so he makes his case there. That agency will determine what the payment in lieu of taxes (PILOT) is to the Town. While it's true that 1.5 jobs or 2 jobs as we had previously discussed,

these are only things that we read in the paper; it may not be a lot, though it may be a lot for the man that lost his job at the hat factory. So, I don't think we are against business prospering. Thank you Mr. Tyler.

Marguerite Vail, 7306 Derby Road, Derby:

- Concerns about the size of the building increasing thus adding to truck traffic.
- Building should not be expanded due to a rural setting.

Linda Affronte, 1380 Wisconsin Road, Derby:

- Three or four trucks going up Wisconsin Road is eight trucks going past her house in an 8 hour period; that is not acceptable.
- Concerns with both a truck and another vehicle sharing road; there is no room for walkers.

Chair: Is there anyone else who wishes to speak? Being no further comments, lets close the floor to the public. I think our Board may have some comments based on what they have heard.
J. Pinter: We have no way to regulate truck traffic in the future.
Chair: I don't believe so. Ed Michalski stated in his report that the road is established as a truck route and it is built to hold those trucks; Derby Road is not.
A. Lloyd: Are there any weight restraints on Wisconsin Road at this time?
Chair: Wisconsin Road, no. Derby Road does have them. Mr. Fierle has stated that he would be happy to have trucks come from Routes 20 or 5; they could come off the Thruway at Eden Evans Center and you could bring them up 5 or 20, but we never like to choose one side over the other as it puts all that traffic in one way. Actually, with the weight restrictions on Derby Road, coming up Route 5 to Wisconsin, is the way he probably going to have to keep it. Is that the way your trucks come now?
Mr. Fierle: I would say about 65-70% come Route 5. The same truck that comes into L. A. Hazard many times is making a second stop.
Chair: Well, they no longer have a problem with the Overhead Bridge since it has been rebuilt, but Derby Road does have weight restrictions on it. I don't see any way to improve the width of Wisconsin Road at the time being. I guess if we are thinking of approving this, we are going to be trusting Mr. Fierle that there will not be considerably more truck traffic. Instead the trailers will be more apt to be full than the partial loads they are now carrying. The Town will receive additional tax money because the PILOT, payment in lieu of taxes, will be set by the Erie County Industrial Development Agency, if he gets it. Have you received word on that yet?
Mr. Fierle: *Nodded 'no.'*
Chair: It's an existing business, it's an existing site, it's zoned correctly, he had no problem with the Zoning Board of Appeals' meeting with the neighbor on reducing the setback. Do we have any further comments or should we move for a resolution and see how the vote goes?
B. Bergum: I'd like to make a comment. I understand about the traffic and that it's a small road with truck coming down. The problem is, if we keep restricting everything we are not going to have business and your taxes are going to keep increasing. Somewhere there is a give and take, I don't know what it is, but you said possibly on Delamater Road, but then you're just pushing it over to Delamater and you're making it their problem; you know what I'm saying. Is it a problem or isn't it a problem? Maybe he's making a state-of-the-art building and the place on Delamater isn't what he needs. I don't know, I'm not an engineer, but if we keep restricting...I know we want to be rural, but the first thing everybody says is taxes, taxes, taxes, taxes. The Town of Evans is one of the highest and if we keep restricting everything, we are going to have high taxes one way or the other.
Chair: I actually have less problems restricting things if it's going to make a difference with safety in a neighborhood. I think Mr. Fierle has a huge burden to let this neighborhood say. He has the zoning and the right to do a business where he is doing it. We wish every business in Town to be prosperous. I wish there were some way that we could restrict and say this is the number of trucks you will be limited to, but we don't have that ability. So the burden is on Mr. Fierle; we cannot give him a temporary use permit to expand. Once he builds that building and sinking all this money into it, it is a

business investment. Derby Road should be an enforcement issue; the Evans Police should be notified if you see commercial traffic that is exceeding the weight limits on that road. The Chief thinks that Wisconsin Road is no different than a lot of our small rural roads that people tend to speed on them. The FedEx truck looked like it was speeding on it when I was on it. It's generally a quiet road; I've been taking it literally on weekdays so that I would be maybe finding a truck, it's so hit and miss. I haven't found any of those tractor-trailers, but I don't live there, so I'm not seeing what you see living there. So I think if we have no further comments we should ask for a motion. But Mr. Fierle you know what this neighborhood is, you have a huge burden here to keep this rural, quiet residential road safe. May I have a motion please.

B. Bergum: 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.

J. McEvoy: Second.

Vote: *All in favor. Motion carried.*

J. Pinter: I would also like to make an approval motion. Having made this determination, I would also like to move to approve the project based on the following reason(s):

1. The project appears to be consistent with the current zoning of the property.
2. The action is not expected to result in any significant adverse impacts.
3. The project will not result in any changes to the character of the surrounding community.

and with the following condition(s):

1. Compliance with the Town of Evans Code Enforcement, Planning, Highway and Police Departments' review and comments.

B. Bergum: Second.

Vote: *All in favor. Motion carried.*

Chair: The Planning Office will send a letter on behalf of the Planning Board to the Code Enforcement Office advising of our action tonight. Please continue to work closely with the Code Enforcement Office as you continue through the building process which is under their jurisdiction. The Planning Office will continue to assist you if needed. Thank you for continuing to invest in the Town of Evans. Good luck and best wishes to you as you continue with the construction process.

Mr. Marino: Thank you very much.

3. The Third item on the Agenda this evening is a:

Rezone – Alliance Homes/Schunk Enterprises, LLC – for a proposed rezone from General Business (GB) to Multi-family (MFR-4) of a 5.14± acre vacant parcel for the purpose of building 4 single-story townhouse buildings and 2 two-story apartment buildings located on Erie Road near the corner of Minuteman Trail, Derby, NY 14047, SBL# 206.07-1-26.1. Petitioners: Alliance Homes/Schunk Enterprises, LLC, 4727 Camp Rd., Hamburg, NY 14075.

HISTORY: There is a bit of history on the property...

- The vacant parcel was originally owned by the Pious Society of St. Paul and was purchased by Schunk Enterprises, LLC in February of 2017.
- On May 8, 2019, Alliance Homes and Schunk Enterprises, LLC. filed an application with the Planning Department for the Rezone of 5.2 acres on Erie Road in Derby from General Business (GB) to Multi-Family Residential-4 (MFR-4).

- The concept plan calls for 40 market-rate housing units geared towards seniors and young professionals, ranging in size from 850 to 1,100 sf, including off-street parking and two 5-car garages.
- On May 15, 2019, the proposed Rezone and concept Site Plan was reviewed at the Planning Board Work Session.
- On June 20, 2019, the applicants presented the concept plan to neighboring property owners at the Highland Hose Fire Hall.
- As a side note, the property owner has also requested that the parcel be zoned back to General Business if the future Site Plan application is not approved.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith:** I currently have no objections as the parcel for the proposed rezone is currently abutting both Residential Two Family (R-2) and Multi-Family Residential 4 (MFR-4) districts and therefore would not be considered as spot zoning. In addition, the proposed project addresses the need directly called out in the Town's Comprehensive Plan, which is market rate housing for seniors and supporting the creation of a more walkable environment, in our commercial corridors. I would have no objections based on our Comprehensive Plan.

Chair:

- **Town Engineer, Dave Johnson of CPL** offers no comments.
- **Code Enforcement Officer, Jeneen Hill:** No comment

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on May 24, 2019 and returned on June 17, 2019; they offered no recommendation having determined the proposed action to be of local concern. However, the following comments were made:
  - Division of Sewer Management (DSM) – The existing public sewer will need to be extended to service the parcel and a sanitary sewer downstream capacity analysis will be required. The design engineer is encouraged to discuss preliminary sanitary sewer plans with DSM.
  - Department of Health (ECDH) – ECDH has a moratorium on water line extensions in the Town of Evans due to inadequate water for fighting fires and maintaining minimal pressures during high demands. This applies to residential and commercial service connections.
    - Note: The ongoing water tower project will effectively lift the moratorium well before the start of construction on this proposed project (within a few weeks when design drawings for the new water tower are submitted).

Are there any questions or comments from the Board before I open the floor to the Applicants? With no further comments from the Board would the applicant's representative step-up to the microphone, state your name, spelling your last name, and address.

Andrew Romanowski, Alliance Homes: Good evening, Bill Buerk is with me here tonight, however, our partner Wesley Schunk, who is the property owner was not able to attend this evening as he is out-of-town. I think this project is pretty familiar to most of the people in the room. As previously

mentioned we appeared before the Board in May and again at a meeting that we held in which we were able to present this to the neighbors, so I recognize most of the faces here. I think you summarized a lot of what we intend to do in your opening comments. We are looking for the rezone from General Business to Multi-Family 4 for the purpose of building 40 upscale market-rate apartments. The mix is to build four single-story townhouse style units which have an attached garage and sixteen two-story more traditional apartment buildings with plenty of parking on the side with proposed 68 parking spaces including 34 garage spaces. It's interesting to note one of our most important target markets here is the senior community. We are hoping to provide housing for people that wish to stay inside the community, maybe downsize or move-in to a more maintenance free situation from their existing homes; that demographic has the lowest traffic count so we think that our traffic impacts will be minimal and parking will be more than adequate for the facility.

Chair: Thank you very much Mr. Ronanowski. I would like to open the floor to the public, but I would like the public to understand what we are doing here tonight. We do have his plan in front of us, but we are not addressing the plan, we are addressing the concept for rezoning. We know what his plan looks like, but we are going to take comments and then pass it on to the Town Board; a recommendation for rezoning or a recommendation against rezoning. After which, the Town Board will hold a public hearing and they will make the final determination whether he gets rezoned. Many of you were at that fire hall meeting and saw that plan so I'm asking you to come to the microphone, state your name and address and spell your last name for the record. Any comments you have will go to the Town Board. You are welcome to go to the Public Hearing. You can come again to the Planning Board if the rezone passes at the Town Board level, that is when we will be addressing the site plan. So that is the time to come if you need some adjustment to the plan, something is going to protect your property more and that's what you would like, you need to come to our site plan meeting. The date of that meeting will be publicized.

Christine Majewski, 6886 Chaffee Court, Derby:

- Most affected property owner, affecting both her backyard and side yard.
- Twenty-five feet egress of space concerns her.
- She has no preference if it's Residential or General Business, she just wants to make sure the surrounding property owners are taken care of.
- Requesting a huge fence, berms with trees, etc. because they are in her backyard.

J. Pinter: Just to be sure I understand you clearly; you are not against the rezone, you just want make sure that your needs are met whether it is GB or MFR-4, correct?
C. Majewski: Correct.
B. Bergum: Maybe use some plantings or something.
Chair: No, it's more than that actually because the property line is tight and when I've been up there and walking it the other apartments that come back, there they are very visible. I think there could be much better screening even though it's tight, there could be planted screening that might be bigger and better than a fence. Is there anyone else? Even if you just agree with Ms. Majewski, if you'd like to come up and just have your name put on the record and you don't need to restate everything.

Nicole Alfieri, 6883 Chafee Court, Derby:

- She agrees with Ms. Majewski concerning what happens in her backyard.
- Doesn't want a fence, wants trees.
- Doesn't like the cut-through.
- Major water issues; that property is a huge water issue; all their water comes into my yard.

Richard Graf, 6874 Chaffee Court, Derby:

- Traffic concerns on the state highway; would like to see a signal light installed.
- Water problem now due to subsurface water; once built-up, less ground area to absorb water.

Chair: Is there anyone else who wishes to speak? *(no response)* There being no further questions or comments from the public, I will close the floor to the public. Bill, I would like you to speak about the requirements for drainage on this project and why if he's owned it for a few years the drainage hasn't improved. When the land is unapproved and the owner owns it, why the drainage doesn't change and what the changes would have to be with this project.

B. Smith, Planning Director: They entire Town is an MS4 District, so that means any new development would require a Storm Water Pollution Prevention Plan (SWPPP) and for the implementation of that plan. Some of the drainage issues you're seeing today, this is just a concept plan, but when they go through a full Site Plan application and review, that will require a full drainage study, a full drainage plan. The policy would be that any stormwater on that site needs to kept onsite. With a development like this, there should be an improvement with any drainage issues that are being caused by the current site. Water that's running off this property today, into your yards, with this project, that can't happen.

Chair: Thank you. We cannot tell you that other unimproved lands that are attached to that are going to change. If you are getting water off of those properties that will continue, but this property, once approved, will not be allowed to have any water leave the site.

A. Lloyd: That would be surface water. If it is a subsurface water issue they are required to collect run-off water from a rain event, not necessarily a subsurface water.

Chair: There being no further comments, I will close the floor and ask for a motion. This motion will be to send it to the Town Board for a public hearing.

J. McEvoy: I would like to make a motion to recommend approval of this rezoning to the Town Board based on the following reasons:

1. The action is consistent with the Town of Evans Comprehensive Plan.
2. The project will constitute the use of an underutilized property and provide the opportunity for market-rate housing in the Town.
3. This development will provide an additional alternative source of housing for the senior population
4. The action is not expected to result in any significant adverse impacts.

I would also like to recommend that the following conditions be placed on the approval of this action:

1. Any future development of this parcel to be rezoned is subject to a full site plan application submittal, review and approval by the Planning Board.
2. Any landscaping, drainage, parking, lighting, setbacks, building heights, and any other design elements shall follow the requirements of Evans Town Code.
3. If the applicant determines during the site plan approval process that the project is no longer feasible, the parcel will be returned to a General Business zoning district.

B. Bergum: Second.

Vote: *All in favor. Motion carried.*

Chair: The Planning Office will send a letter to the Town Board notifying them of our recommendation for the rezoning of the property located on Erie Road near the corner of Minuteman Trail, SBL# 206.07-1-26.1. Good luck to you as you as you continue through the Rezone process.

4. The Fourth item on the Agenda this evening is a:

Zoning Amendment – to recommend for approval to the Evans Town Board additions and/or amendments to the following Sections of Town Code: Section 200-21B(1) General Business District; Section 200-8.1 Agricultural and Open Space District and Section 200-17(L) Zoning to add Town of Evans Solar Energy Systems Law.

The First Zoning Amendment for consideration is:

PROPOSED LAW NO. 4 OF 2019 – SOLAR ENERGY SYSTEMS LAW

The proposed law will add Article XIII. Solar Energy Systems Law to Section §200: Zoning of the Town of Evans Code, outlining standards and regulations for the location, design, installation and operation of Solar Energy Systems within the Town.

As stated in the Comprehensive Plan adopted January 9, 2019, the Town of Evans recognizes that solar energy is a clean, readily available source of renewable energy and intends to accommodate the use of Solar Energy Systems in the Town in a responsible manner. Understanding that there is growing need to properly site Solar Energy Systems within the boundaries of the Town, this law is designed to protect land uses in the community and protect the health, safety and general welfare of citizens; preserve the overall beauty, nature and character of the Town; and promote effective and efficient use of solar energy resources. Prior to the adoption of this law, the Town had no specific procedures to address the use and citing of Solar Energy Systems.

In recent months, the Planning Department has worked closely with the Town's various boards and advisory committees to develop a final draft of the Solar Energy Law, including the Climate Smart, Agricultural, and Conservation Committees.

Drafts of the Solar Energy Law were also reviewed at Planning Board Work Sessions held on May 15th and subsequently on June 12th of 2019, as well as at Town Board Work Sessions held on May 1st and subsequently on June 19th of 2019.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, William Smith:** No further comments; however, I would like to enter into the record three letters of support for the current draft of the Solar ordinance provided by the Agricultural, Conservation and Climate Smart Committees.

Chair:

- **Town Engineer, Dave Johnson of CPL:** No further comment
- **Code Enforcement Officer, Jeneen Hill:** No further comment

OUTSIDE AGENCY REVIEWS:

- **Erie County Department of Environment and Planning:** The 239M Review was sent to the County on June 21, 2019 and returned on July 1, 2019; they offered no recommendation having determined the proposed action to be of local concern. However, the following comments for consideration were provided by the Erie County Department of Environment and Planning:
  - The Town may wish to amend its zoning map, possibly by way of an overlay or floating zone, to further preclude the corridors of Routs 5, Lake Shore Rd, and Eden-Evans Center Rd. between Routes 5 & 20 from utility scale Solar Energy
  - systems (Type 1 SPS).
  - The Town may wish to add language prohibiting the removal of prime soils from any parcel on which a Type 1 SPS is proposed.
  - The Town may wish to add language addressing solar on historic structures.

Are there any questions or comments from the Board before I open the floor to the Public?

No questions or comments provided.

There being no further questions or comments from the Board, at this time I will open the floor to the Applicant and/or his representative – please step up to the microphone, state your name and address, spelling your last name for the record. PLEASE REMEMBER, comments shall be held to the 3-minute time limit per person, and each person shall be limited to one time at the microphone to comment.

William Henry, 1456 Pontiac Road, Angola: I actually have the first solar powered house in the Town of Evans, as well as it is the fourth in all of Erie County; it was installed in 2007. Our taxes are very high and one way for us to alleviate those high taxes is to reduce our utility costs in order to stay here. My electric bill was $18 per month, that's helping considerably.
Mr. Henry submitted letters to the Planning Board.

As many of you know, I have been active in trying to support solar. I have worked with the Erie County Legislature in which we removed the sales tax on solar on both commercial and residential systems and we were one of the first counties in the state to do so.
First off in 2005 I took a solar installer course in order to help my community; at the time I lived in the Town of Brant and was the Town of Brant Energy Chairman and I helped install their system on their highway department, which they got for free. I also was very instrumental in working when our Town was broke in 2015 to get the five systems that we have here on our municipal buildings. In fact, I have a question for any one of you; could you tell me what five installations there are, I don't think you...
Director Smith: Highway Department, Senior Center, Town Hall, South Creek Park and...you got me on the fifth one.
Mr. Henry: The Water Department. The reason I say that is that solar is so quiet and so unnoticeable. In this law that you got before you, you got terms like glare and glint; #1 there is no....
Director: May I stop you for a moment. Do you have the most recent...
Mr. Henry: Yes I do, the one that was downloaded today.
Director: Today online?
Mr. Henry: Yep. Okay it has glare and glint.
Director: Is that in the definitions?
Mr. Henry: Yes it is.
Director: Okay, that needs to be removed from definitions because it was removed from the rest of the draft.
Mr. Henry: Okay, the reason I say because the FAA even agrees that there is no glare or glint from solar panels.
Director: That was removed in the latest draft. There has been quite a bit of changes from the original draft.
Mr. Henry: Actually Bill, I got to commend you; since you took over you have made a lot of changes to it for the better. Also, could you tell me what size is considered a small scale solar system?
Director: The type 2 is not necessarily a size, it's the power generation equal to the utility billed the previous annual year plus 10% you can go...
Mr. Henry: Yes, under the present minimum guidelines. The reason I bring that up is because we actually had a company that may have moved out because of the solar moratorium we had here and it is one of the reasons New Era wasn't able to put a system on their building, where Goya could; Goya is still here. I mean that could have been a contributing factor. I'm not saying that's the only...
Chair: We actually have never been informed that that was a factor in their moving.
Mr. Henry: Well if you look here at the moratorium, it clearly states that you couldn't put anything on a commercial building.
Chair: And you know that we have no moratorium right now.
Mr. Henry: No, it ended in June of last year and nobody informed the commercial businesses in our Town that it did end. Okay, what else I would like to bring up is net metering is still in effect until 2020, so under that type 2, residential systems should be made aware of that. Another thing, why do we have to have 15-acres? The reason I ask you this is me and my wife just took a 7000 mile trip around

the country and one of the things that we noticed (we stopped at many solar farms) was farmers using solar energy to run their equipment, to run their pumps, I mean we saw whole orchards instead of tractors running the irrigation pumps there was actually a solar farm doing that. They also co-exist with the farming community as far as cows and that. We actually have pictures where cows are grazing underneath these solar farms.

Director: The 15-acres for a type 1 would be solely for the purpose of...

Mr. Henry: Yes, we found that in parts of the country our farmers are struggling. They are losing the opportunity to have 5 or 10 acres that they choose to have for a solar farm where they could lease it and have a second source of income, much like these cell towers and everything else.

Director: Also Bill, as know, the Planning Board does not make the final decision on this, it goes to a public hearing on July 17th.

Mr. Henry: I was the Chairman for one year of the Climate Smart Committee and the person that replaced me was in favor of solar opt-out. That means the residents in this Town can collect property taxes on something that is going to be helping our community; you can't tax solar, it's been on the books since 1977; our Supervisor wanted to do so. Also, the orientation of any SPC's shall not be directed to or adjacent to an adjoining residential dwelling. Why is that?

Director: So, I can speak to that a little bit. When I first looked at the Code there was no ground-mounted or freestanding solar installations allowed in any R-1 or R-2 District. I found that to be restrictive and for anyone who couldn't have a roof-mounted, whereas they didn't have a roof that would work well for solar. The concerns that I had heard was if we allow ground-mounted in somebody's backyard in R-1 or R-2 District they may just point it at the neighbor's house. So, what I did was I changed that so now a ground-mounted or freestanding solar installation is allowed in an R-1 or R-2 District and it is treated as an accessory structure within the same design criteria, setback criteria, height restrictions and things like that as is any accessory structure; a shed for example. So that is a big change to the previous code and it opens it up considerably for folks where a roof-mounted installation wouldn't work. One of the things, and as you know with Code and things like this is compromise, and knowing that there are folks, like yourself who are very pro-solar and those that have hesitations, that sort of balance then, when you open it up to something like that says "listen, you can do that, but you can't point it right at the neighbor's window."

Mr. Henry: Well, a simple fact of the matter is the person across the street could be putting it on their roof and it's pointed at my house. What a lot of people don't realize is, I've been part of a study in regards to ground-mounted versus roof-mounted and you actually get 25% more power out of the ground-mounted system because you can change the angle of the solar cells, not track so much, just change the angle themselves and you'll get 25% more power which will reduce the size of the system that you need for the house.

Director: The intent of that is just to avoid any potential nuisances. I understand your point about glint and glare, but the idea was that there was a concern there and the Code addresses that. All of these then would be reviewed, permit required, reviewed by Code Enforcement as well too. If it's partially pointed slightly at a neighbor's yard that isn't so much the issue as if it's pointing directly at a neighbor's house. Again, that was a big change that was not in there before.

Mr. Henry: Now we are on to energy generation restrictions in which you are talking about the size of the systems we can have as far as farms. We are a growing community, we want to grow, we want to bring businesses here. For us to restrict watt is a big issue, but powers another great big issue because in 2015 we were considered a low community which means we are so far away from the power we were actually paying higher rates than the rest of Erie County because of our distance from Niagara Falls and the other. Because of the moratorium this changed slightly, because now we are buying renewable energy from Chautauqua County, we're buying it from Hamburg, we're buying it from Lackawanna, I mean that is sad, our landowners lost out because of this moratorium, they lost out on hundreds of thousands of dollars. We lost out on payment in lieu of taxes revenue because of that moratorium. We need to allow a solar farm to come here, that will increase...it says here "capacity of

the current infrastructure". What if we increase the infrastructure, that means we can bring more businesses here. What is the harm in doing that? You'd just have a plan where you could bring in buildings here. We need to bring more power to our Town and that is the way we can do it. We can do it by allowing a solar farm. Let's talk about the environmental impact; the system right out here has the equivalent of, since it's been installed, 18 to 19,000 trees as far as a CO_2 offset. That means over 50,000 trees have been planted in our Town since 2015 in the equivalent. I don't mean to...I know we all want to go home and enjoy the rest of our night.

Chair: We were asking for 3-minutes. All of your comments are going to the Town Board and you can come to the Town Board Public Hearing on the 17th...

Mr. Henry: Yes, I will be there.

Chair: They will get our minutes with your comments as well.

Mr. Henry: Agricultural resources; you can't put a solar farm in agricultural district, why? Why shouldn't we let our farmers...

B. Bergum: Can I just...I just literally sat through two hours of an online thing that we are required to take and I chose this one. The population is growing and farmland is decreasing. Prime farmland is decreasing very well and from what they are saying, if you take this prime property, you'll never get it back and food is more important than energy to live. From what I saw in this two-hours of training, there is a way that it works, but you have to be smart about it, right, just like anything else. So if you just let anybody come in and do what they want to farmland and don't put any restrictions on it, it's gone. The way they are saying the population is growing in an exponential amount and food is going to be limited, growing sites are very limited, and we are one of the best agriculture areas in the state.

Mr. Henry: Yes, we are, but you have a farmer that can't afford to keep his property because he has no revenue that's a problem.

B. Bergum: The farmers we've dealt with, they don't want the solar. I hate to say it, but we tried to give them a way out but they wanted to keep it agricultural. I'm just saying the agricultural people we talked to wanted agriculture. We tried to make it Light Industrial and they argued with us, so I'm just giving you that point of view.

Mr. Henry: Okay, the final thing is, as far as the fees for solar farm, we've already negotiated as a resolution at the Town Board, nowhere in these fees is the payment in lieu of taxes even mentioned. Was that part of the...

Director: Yes, that was actually added, it does call out the payment in lieu of taxes will be required.

Mr. Henry: Where?

Director: Let me pull it up, I don't quite have it memorized yet, but I can point you to it. Here it is, page 15, section I, Fees, #4; pursuant to subdivision 9 of the real property tax...

Mr. Henry: Section I?

Director: Section I, under Fees on page 15; pursuant to subdivision 9 of the real property tax law a Solar Voltaic System owner shall be required to enter into a payment in lieu of taxes agreement with the Town.

Mr. Henry: There is nothing here and this was printed out today, a couple of hours ago.

Director: How many pages do you have there?

Mr. Henry: I've got sixteen.

Director: Interesting, this is the same one that I posted online...here, take my copy. There is also some more copies down in front here if you want to take some.

Mr. Henry: What I'm trying to say is as a community we need to, for future generations, we need to bring renewable energy here and we need to do it without a bunch of restrictions. When I put my system in, there was no hundred dollar permit and the fees also for a homeowner, they have to pay an electrical fee for an inspection which could cost them a couple hundred dollars. Tonawanda and Amherst and everywhere else, have waived their fees. I think it's time that we do stuff like that.

Chair: Thank you. We will send all your comments to the Town Board. Is there anyone else from the public that would like to speak on the Solar Law? Please make sure you give us your name, address and spell your last name.
Mike Dolinar, 1424 Eden-Evans Center Rd.: Yes, I want solar. First question, I don't have the new draft.
Director: You can take a copy from the table and also it is online.
Mr. Dolinar: I didn't see it. Any further change on Eden-Evans Center Road? The old draft said not on Route 5, not on Route 20, Eden-Evans Center; is that still there?
Director: I can only speak for the two-months that I've been here, but the draft that was put before me does say Eden-Evans Center Road between Routes 5 & 20 and that comes directly from the Comprehensive Plan.
Mr. Dolinar: So that is still there?
Director: Yes, I believe it is on page 49 of the Comprehensive Plan, but I would have to double-check that. It is a section on Solar Energy Systems and that area is called out specifically because of some of the concerns of the property owners wanting to maintain the agricultural character of the area and maintain the Light Industrial zoned land on the southern portion of the street for Light Industrial uses. And for future land use in the Comprehensive Plan those current parcels zoned Light Industrial are called out as Agri-Industrial. So things like food processing plants and things like that, the idea is to maintain the farmland and open space through there and then go with a combination of agricultural/industrial related uses.
Mr. Dolinar: Well, bottom line is I want to put a solar farm in, you may have heard. Omni Navitas is the company that wants to do it and then we run into this roadblock where you can't build on this street. I've got Industrial behind me, Industrial across the street, cell tower next door. I'm not a farm, Kwilos does hay it and he's recommended with you that would be a good spot to put a solar farm.
Director: Joe Kwilos, Jr.?
Mr. Dolinar: Yes, and senior.
Director: Both are on the Agriculture Committee, which have provided a letter of support.
Mr. Dolinar: Yes, and he's recommending, not that he has any pull, but I've talked to him and he's said they'd like to see it. We are not prime farmland, I am not a farm, it's my own personal property, it cannot be seen by anybody as it's over the ridge. So my question is, they put this can't build on Eden-Evans Center Road, what am I going to do?
Director: Jeneen, is that in an Erie County Agricultural District?
Jeneen Hill, Code Enforcement Officer: He is in the dark green, which is the Agriculture & Open Space District, so he could be. He does have an agricultural exemption on the property at the moment, but I'm not sure if it is in the Erie County Agricultural District.
Chair: Are you taking the Ag District tax break on your property?
Mr. Dolinar: I believe we do.
Director: So you are currently zoned Ag and Open Space and in the County Ag District.
Mr. Dolinar: I believe so.
Chair: So his issues are beyond the Town.
Director: So it's beyond just the road that you are on.
Mr. Henry: So if he removes the Ag exemption...*(called out from the audience...in audible).*
Chair: Let's hear Mr. Dolinar.
Mr. Dolinar: I have no problem removing it, the Ag Industrial or whatever thats called. That's not my issue; I mean it is but.
Chair: We will further your comments onto the Town Board and you are more than welcome to come to the Public Hearing on the 17th at the Town Board and voice your comments on the law as well.
Mr. Dolinar: But this draft is not going to change?
Director: Well it is still a draft, but it still has to go before the Town Board.
J. Pinter: We will either recommend or not recommend this to the Town Board, as they have final say.

Chair: Yes, we do not have the final say on passing laws.
Mr. Dolinar: I understand that, but what do I do to proceed?
J. McEvoy: Go to the Town Board meeting.
Director: Yes, that is the next step. They will conduct the Public Hearing.
Mr. Dolinar: Is there going to be a Public Hearing after that or is that the final?
Director: That will be the Public Hearing.
Mr. Dolinar: So it would be a little late to recommend anything.
Chair: The Town Board can make changes to the proposed law.
Mr. Dolinar: They can make changes?
J. McEvoy: The Town Board most always makes changes to everything.
Chair: They sometimes don't take our recommendations.
J. McEvoy: It's not 100%.
Mr. Dolinar: Like I said, I have a guy that hays my field, he doesn't rent it, I just give it to him; Kwilos is the name, everybody knows who that is.
B. Bergum: He's my brother-in-law.
Mr. Dolinar: And he has recommended it and said why not. All I can say is, you're saying farmlands, and here is a farmer, and it's not a good farm, it's not good soil.
Chair: Thank you for your comments and we will forward them onto the Town Board. I hate to say you're over your 3-minutes, but I think that we don't exactly have a crowd here to enforce it, but we will send it on.
Mr. Dolinar: Can I just say one more thing? I have been fighting with the Town Board in the past. They wanted to put a garbage transfer station down the road where the airport was and we fought that, yes we did. Yes, we didn't want Industrial there for those reasons and they kept explaining to us that this is the entrance to our Town from the Thruway and Eden-Evans Center Road; they wanted business, they want it to look good because that's our main entrance. If you put solar, it puts the Town on the map, just like Grand Island. People from all over the Country know where Grand Island is because of solar. Why can't the Town of Evans get on the map; here's the opportunity, that's all I can say, consider that. They wanted to industrialize this street anyway and we're giving them the opportunity. Yes, this company is paying in lieu of taxes; it's not free taxes, so the Town is making money. Everybody benefits, I benefit too and so do all you people benefit also. I think that's what this Town needs. Solar doesn't tax your sewer system, it doesn't tax your water system, we wouldn't need a water tower if we didn't have the sewer problems. Solar does none of that, it's green energy, it gives you stuff and that's what I think everybody has got to think about.
Chair: Thank you Mr. Dolinar, we will pass your comments on.
Mr. Dolinar: Thank you.
Chair: Is there anyone else who would like to speak on the Solar draft? *No response.* There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
J. Pinter: I would just like to say that I think (a) especially, and the Board has done a good job putting together this new zoning that we are proposing. Although it may not be perfect, I think we need it as a Town now. The moratorium is over and as we've discussed in our meetings, I do think it is limiting to some farmers, and I think it should be a priority moving forward that we address solar and see if there is any way we can make improvements, especially for the runoffs. From the studies we've done and the meetings we've had, the farmers were against it for the most part. We had tonight a farmer, and somebody who is working with him
Chair: Well, he's not a farmer, but a land owner in that area.
J. Pinter: And similar people in that area who have expressed their concerns that I was worried about initially as well. So I guess what I'm saying is we need to get this on the books. We need to move forward with Solar, but I think in the future we need to encourage more Solar in this Town in my

estimation. However we do it, we need to address more Solar in this Town and I think it should be a high priority moving forward.
Chair: Anyone else? There being no further questions from the Board may I please have a motion.
M. Connors: I will make the motion. I would like to make a motion to recommend to the Evans Town Board the approval of the following zoning amendment:

- The addition of Article XIII. Solar Energy Systems Law to Section §200: Zoning of the Town of Evans Code

For the following reasons:

1. The action is consistent with the Town of Evans Comprehensive Plan.
2. The development and utilization of solar energy systems in the Town will provide a benefit to the local community and surrounding area.
3. The action is not expected to result in any significant adverse impacts.

I would also like to recommend that additional consideration be given to the comments provided by the Erie County Department of Environment and Planning in their 239M review.
J. McEvoy: Second.

Vote: *All in favor. Motion carried.*

Chair: Next Steps: This recommendation will now be passed on to the Town Board.

The Second Zoning Amendment for consideration is:

PROPOSED LAW NO. 6 OF 2019 – AOS ACCESSORY STRUCTURES AND NO UNREASONABLE REGULATIONS

The proposed law will amend Subsection §200-8.1. of the Town of Evans Code to allow for an increase in size of accessory structures, and to ensure that no unreasonable regulations are imposed on the farming community.

The purpose of AOS proposed changes are to maintain the rural tradition and character of the Town and stabilize land values through the preservation of rural and agricultural uses and to provide protection from uses adverse to the continuation of agricultural uses. In accordance with the Town of Evans Comprehensive Plan, to preserve agricultural uses, by allowing for less restriction and larger agricultural buildings to be built to suit the needs of existing and start up farms in the area. The intent is to maintain the integrity of agricultural uses, promote agriculture as a component of the local economy, help farmers continue viable business activities under current economic conditions, and preserve open space and the rural character of the Town.

A draft of the amendment was also reviewed at Planning Board Work Sessions held on June 12th of 2019.

INTERDEPARTMENTAL REVIEWS:

Planning Director, William Smith: No further comment

Code Enforcement Officer, Jeneen Hill: No further comment

OUTSIDE AGENCY REVIEWS:

Erie County Department of Environment and Planning: The 239M Review was sent to the County on June 21, 2019 and returned on June 28, 2019; they offered no recommendation having determined the proposed action to be of local concern.

Are there any questions or comments from the Board before I open the floor to the Public? *No questions or comments provided.*

Are there any interested parties? *No questions or comments provided.*
Chair: Then I will close the floor and request a motion.

B. Bergum: I will make the motion. I would like to make a motion to recommend to the Evans Town Board the approval of the following zoning amendment:

- Amend Subsection §200-8.1 of the Town of Evans Code to allow for an increase in size of accessory structures, and to ensure that no unreasonable regulations are imposed on the farming community.

For the following reasons:

1. The action is consistent with the Town of Evans Comprehensive Plan.
2. We believe the retention and continuation of farming in the Town will provide a valued benefit to the local community and surrounding region.
3. The action is not expected to result in any significant adverse impacts.

J. McEvoy: Second.

Vote: *All in favor. Motion carried.*

Chair: Next Steps: We will pass on that motion to the Town Board.

The Third Zoning Amendment for consideration is:

PROPOSED LAW NO. 7 OF 2019 – DOG DAYCARE SERVICES

The proposed law will amend Subsection §200-21B of the Town of Evans Code to define permitted uses and provide design criteria for Dog Day Care Services within the General Business Zoning District (special use permit required).

The purpose of the proposed amendment is to accommodate the advent of new business models related to dog daycare services within the Town's commercial corridors while also protecting neighboring properties from any potential nuisances and ensuring the humane treatment of animals.

Drafts of the amendment were also reviewed at Planning Board Work Sessions held on May 15th and subsequently on June 12th of 2019.

INTERDEPARTMENTAL REVIEWS:

Planning Director, William Smith: No further comment

Code Enforcement Officer, Jeneen Hill: No further comment

OUTSIDE AGENCY REVIEWS:

Erie County Department of Environment and Planning: The 239M Review was sent to the County on June 21, 2019 and returned on July 1, 2019; they offered no recommendation having determined the proposed action to be of local concern.

Are there any question or comments from the Board before I open the floor to the interested parties? *No questions or comments provided.*

Are there any interested parties who would like to speak on the proposed law for Dog Day Care Services? Could you please come to the microphone, state your name and spell your last name for the record.

Michael Argentieri: So, this is about the updated Code?
Chair: This is about the proposed law to go to the Town Board to allow for Dog Day Care Services in the General Business District.
Mr. Argentieri: Okay.
Chair: You were at our meetings so you have the proposed law.
Mr. Argentieri: Is this regarding the...
Director: There is a copy there on the table.
Chair: There is a copy here and you can read it online.
Director: It is the same one we provided you before.
Chair: If you want to review it and take some time with it, we will not be passing the law tonight, we will be making a recommendation to the Town Board and they have the Public Hearing set for July 17th and they will take your comments; you can also comment tonight and we will pass your comments on.
Mr. Argentieri: I wish I would have known, I could have had this read and I would have been prepared. I do have one comment though. I talked with the Code Enforcement Officers in West Seneca and Hamburg and neither the Town of Hamburg or Town of West Seneca have any issues with boarding or with the amount of dogs you have. They said as long as it's commercial you're good to go. So, I'm not sure if it's here or not, but the issues about how many dogs you can have and whether or not you can do overnight boarding I think should be added or allowed or I'm not even sure.
Director: One dog per 100-square feet of the socialization, exercising; any of the indoor areas. You may have one dog per 100-square feet.
Chair: And because this is in the business district, it is not a kennel. A kennel boards overnight a dog day care provides day care.
Mr. Argentieri: Can I ask you where you are getting that from? With all do respect.
Director: I can tell you that the NYS Department of State recommended a model code to us from the Town of Amherst. That is the one that they are saying is a model code that other municipalities should follow. So, that is what we used as our starting point for this. It's not exact, but it's a starting point.
Mr. Argentieri: Okay, so that comes from Albany? So they are looking at Brooklyn and they are looking at Derby as they are the same.
J. McEvoy: Actually they recommended the Amherst ordinance, they are not taking it out of Brooklyn.
Director: Our meeting with them was in Orchard Park.
Mr. Argentieri: I'm just not understanding. I mean....
Chair: Because you are not a kennel.
Mr. Argentieri: Yeah, okay. That word kennel I've been hearing that for 6-months. I'm not a kennel but kennels also do all sorts of things. Doggy Day Cares do all sorts of services.
Chair: Day Care.
Mr. Argentieri: Not just Day Care.
Chair: I think it's the same if you look at child Day Care; people drop off their child and they pick-up their child the same day. The child does not board, it's not a boarding facility. We have boarding facilities in Town and they are not on Route 5 in the commercial district. You were in our meetings, we had discussed how many hours. You never mentioned you wanted 24-hour Doggy Day Care and you wanted boarding; boarding is 24-hours. Day Care is different from boarding, I don't know why it is hard for you to understand.
Mr. Argentieri: It's not hard for me to understand Day Care and boarding are two different things, but why can't one business do Day Care and boarding? It's not a kennel. I don't own the dogs, I'm not selling the dogs, I'm not breeding dogs, that's the definition of a kennel. Day Cares, as I just said in West Seneca and Hamburg, are allowed to do boarding, they are allowed to do grooming, they are allowed to do whatever they want to do.
Chair: Well you won't be allowed to do whatever you want to do under this draft law, but if you want to go to the Town Board and express those opinions, you are very welcome to and our minutes will be

going onto the Town Board from tonight. You can see from the vote if you have any support on the Board to do what kennels do and have 24-hour boarding.
Mr. Argentieri: I'm not asking to do what kennels do. I never proposed to be a kennel. I never proposed that.
Chair: The definitions are different for Boarding and for Day Care. And the definitions are in that law. So, I don't want to put down your comments, I think your comments should go to the Town Board and they can review them. You are welcome to go to the Town Board meeting on July 17th and...
Mr. Argentieri: My question would be then if once this goes to the Town Board and let's say the Town Board decides, "yeah, he's right and we should expand this", does this have to come back to the Planning Board?
Chair: No.
Mr. Argentieri: Okay.
J. McEvoy: They can make the changes at the Town Board level, if they so choose.
Mr. Argentieri: Okay, I'm not trying to be argumentative, but I'm trying to operate a business profitably and with the limitations and the amount of dogs boarding...if you go online and look up Doggy Day Care, not all of them, but I'd say 70% have boarding as well. Day Care, boarding, grooming, it's like all-inclusive services. I'm actually looking at other buildings too because I'm thinking maybe my buildings too small. But, I want to look down the road and that's why I'm asking to allow the boarding as well.
Director: If you're going to look at another building that wasn't zoned General Business where you're not in a dense commercial corridor, you could do that. It's just your in a dense commercial corridor with General Business; that's where the Day Care versus kenneling overnight really starts to come in play.
Mr. Argentieri: The hours of operation are from 6am to midnight, from what I was told, so midnight to six, I'm not understanding.
Director: Because people have to pick-up their dogs on their way home if they are working second shift. We are doing that to help accommodate the business.
J. Pinter: May I just add that unfortunately when you wanted to open up this business there was nothing on our Town Code for or against it, you just couldn't put it where you wanted to put it. So, we as a Planning Board and as a Town, decided that we needed legislation on the books and unfortunately we couldn't just do it for your situation, we had to do it for everybody; for you and for the next person who wants to come in. So what we have done for our term Doggy Day Care is for Doggy Day Care on a Town-wide basis for whomever wants to come in, unfortunately we couldn't just shape it for your exact needs; we had to do it as a bigger spectrum to get it on the books to see what's allowed in this Town. So, there is definitely a bit of difference working from the get-go right from the beginning with kennels and boarding which are allowed in some parts of the Town but not on Route 5 in General Business. All that went into consideration with this and we worked a couple months now at least, and we did take other Day Care regulations from other Town's other than just Amherst.
Jeneen Hill, Code Enforcement Officer: Most of them are only allowed in Ag & Open Space, even in Hamburg; they are not allowed in General Business.
J. Pinter: So we did reach out to other Towns.
Mr. Argentieri: I talked to Hamburg. The Town or the Village?
J. Hill: The Town.
Mr. Argentieri: I went to the Town of Hamburg.
J. Hill: The Village Veterinarian is a secondary use, it's not a primary use. You have to look at that too.
Mr. Argentieri: I wasn't speaking of the Village Veterinarian, but I went to the talk to the Code people in Hamburg and they had two different business listings and one said you can open Doggy Day Care, I think it was C-1, where you can't have dogs outside.
J. Hill: Who did you speak to in Hamburg? What was the Inspector's name?
Mr. Argentieri: I don't remember the name and don't have that with me.

Chair: I don't want to call the 3-minute, but I have let you go for a long time. I think that I will close the floor to the public and if any other Planning Board members have anything they would like to add, if not, I will ask for a motion.
Director: I would just like to encourage Mike to attend the July 17th Town Board meeting where you can plead your case on that. Right now, we are going to be voting on this draft.
J. McEvoy: If you know any other people in Town who have aspirations of opening up a Dog Day Care, or they already have one, and they want to come, invite them to the meeting on the 17th.
Mr. Argentieri: I do appreciate the effort everybody is putting in on this, I mean I started this in December.
Chair: Thank you very much. If there is no other business to come before the Board I will ask for a motion.
J. McEvoy: I would like to make a motion to recommend to the Evans Town Board the approval of the following zoning amendment:

- Amend Subsection §200-21B of the Town of Evans Code to define permitted uses and provide design criteria for Dog Day Care Services within the General Business Zoning District (special use permit required).

For the following reasons:

1. The action is consistent with the Town of Evans Comprehensive Plan.
2. We believe this service will provide a benefit to the community.
3. The action is not expected to result in any significant adverse impacts.

A. Sellers: Second.

Vote: *All in favor. Motion carried.*

Chair: Next Steps: We will pass on that motion to the Town Board. If there is no other business, I will ask for a motion to adjourn.

J. McEvoy: Motion to adjourn.
J. Pinter: Second

Chair: Thank you everyone for attending. Good night.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 08/28/19

Town of Evans Planning Dept.
8787 Erie Road
Angola, New York 14006

Re: Expansion of warehouse on Wisconsin Rd

I am not in favor of the proposed addition to the existing structure on 1393 Wisconsin Rd. The town is supposed to protect property values of the residents not undervalue property. The town made a grave error by spot zoning this property to light industrial. Zoning is designed to protect property values by keeping incompatible or unsuitable uses away from your property. To further perpetuate this by allowing KPM's to triple the size of the warehouse is wrong and a burden to the residents in the Town of Evans and will destroy the quality of life for the families living on Wisconsin Road.

The fact that this company is asking for sales and property tax reduction demonstrates the taxpayers will be on the losing end. If the ten year lease is not renewed and no other tenants will rent the building, the warehouse will just be another vacant building. The owner is claiming no additional operating hours or truck traffic will impact Wisconsin Rd. If so, he should sign a legal document attesting to this. The only benefit I see is to KPM LLC. Just another New Era Cap taking advantage of the tax payers with false promises.

If the town proceeds in approval of this project, an engineering study should be done on the integrity of the road, drainage and utilities underneath the road. A second study should be done by a certified appraiser to determine how much the property values will decrease by allowing an incompatible expansion in a residential area.

The town needs to be accountable for any potential issues by allowing this expansion and provide reasonable assurance their residents that property values and quality of life will not be impacted by this addition.

Also note, signs were placed on Derby road regarding truck traffic. Does this indicate all truck traffic will be routed on Wisconsin Rd. If so this definitely will have a greater impact on Wisconsin Rd.

I am hoping the town will favor the residents in this matter.

Mary Weller
348 Lakeside
Angola, Ny 14006

RECEIVED
JUN 25 2019
PLANNING DIVISION

Town of Evans Planning Board
8787 Erie Road
Angola, New York 14006

Re: Expansion of warehouse on Wisconsin Rd

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Linda Affronte

RECEIVED
JUN 21 2019
PLANNING DIVISION

To the Planning board of Town of Evans: July 3, 2019

My name is Emily Newell, 1219 Wisconsin Speedway AKA Wisconsin Road. I call it that because even though the speed limit is 30 mph, VERY, very few go that slow. Years ago, My neighbors and I petitioned for a GO SLOW – children at play sign. All we could get was a BE A GOOD NEIGHBOR SIGN—although it never did any good. It's very difficult to walk a dog, or even just take a walk.

So now we are faced with the possibility of MORE traffic, especially those large semi trucks that well be delivering to the greatly enlarged KPM business on Wisconsin. Why there is a large business on an otherwise residential road is beyond the other folks living peacefully on Wisconsin Rd. Every day as many as 3+ large trucks go by my house to the business...and then drive by on their way to Rt.5. I guess that's because large trucks are NOT allowed on any of the roads that could deliver to KPM business. Only Wisconsin allows those large trucks.

Even though KPM owner said there wouldn't be addition to the amount of trucks, we have no reassurance that would be the case.and what we don't need now is more truck traffic –large or small. (Too many cars, trucks, and motorcycles already fly by, ignoring the speed limit.)

I'm not anti-business. I owned and operated a large business for 35 years. And we did encounter complaints and required changes to comply with zoning, as well as our neighbor's concerns. We always strove to be good neighbors.

Please consider these concerns when you're contemplating the increase in this business. Surely there are plenty of other properties in this area that would be better for KPM's desire to enlarge their business 10 fold.

Thank you, and sincerely, Emily D. Newell

RECEIVED
JUL - 5 2019
PLANNING DIVISION

June 20, 20

Town of Evans Planning Board
8787 Erie Road
Angola, New York 14006

Re: Expansion of warehouse on Wisconsin Rd

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I am hoping the town will favor the residents in this matter.

Erhard V. Krause
Marilyn Krause
1383 Wisconsin Rd, Derby
474-0490
713-5595

RECEIVED
JUN 24 2019
PLANNING DIVISION

35 yr residents on Wisconsin Rd

6-20-2019

Town of Evans Planning Board
8787 Erie Road
Angola, New York 14006

Re: Expansion of warehouse on Wisconsin Rd

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I am hoping the town will favor the residents in this matter.

Grace Artz
1400 Wisconsin Rd
Derby NY, 14047
947-5939

RECEIVED
JUN 24 2019
PLANNING DIVISION

Hi everybody, I have lived on Wisonsin rd for over 50 yrs. I tried years ago to stop the business from across the road from getting too big. I gave my letter to Joe Pinter. The town went right over the top of me. I'd never do a letter again. If the town would have just taken a ride out here, they would have seen that I would be the only one really affected by changing the zoning and letting the current owners at the time build a large building.

+

+

I understand what Jeff wants to do, He's taking down an older bldg of 2800 sq ft and constructing a new bldg of 27,500 sq ft. That's just about 10x larger than what is there now. Can Wisconsin rd handle all the future semi's on our little road.

We have many new homes on our road. People moved here to be in the country, Not to be run over by semi's. My property has suffered from this business already, I had to get a p o box at the derby post ofc. Mail box got knocked down too often. I made the mistake of filling in my front ditch too. The semis ruined that already. They swing on my side of the road to make the turn into 1393 Wisconsin rd. If a fire broke out in this the bldg, could the volunteer fire co. put it out with the low pressure we have. Don't know if its considered wetlands over there either. Dog walkers will have to find a new road to walk their dogs too. I also feel bad for the young families with children. Wisconsin rd should be residential, not for business. The town laid out our fate years ago and its not fair. The Smiths moved on and the good ol boys of this town left us in a mess.

These are the notes I used when I spoke at the June 12th mtg.

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:
Suncliff On The Lake - Parking Lot Addtion

Project Location (describe, and attach a location map):
6892 Lake Shore Road, Evans, NY 14047

Brief Description of Proposed Action:
New parking lot expansion for 17 additional vehicles with a new entrance driveway, site re-grading, drainage, lighting, landscaping.

Name of Applicant or Sponsor:	Telephone: (716) 803-6400
Studio T3 Engineering, PLLC	E-Mail: andrew@studiot3engineering.com

Address:
2495 Main Street, Suite 301

City/PO:	State:	Zip Code:
Buffalo	New York	14214

	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: Erie County Department of Public Works - Highway Division	☐	☑

3.a. Total acreage of the site of the proposed action? 15.60 acres
b. Total acreage to be physically disturbed? 0.83 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 15.60 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

	NO	YES
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?	☑	☐
16. Is the project site located in the 100 year flood plain?	☐	☑
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		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☑ YES		

All rainwater runoff shall be directed to 2 new bioswales as directed by the Town Code for WFU Zoning. The new bioswales shall discharge to the existing ditch along the northern side of Lake Shore Road.

	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: Andrew Terragnoli, P.E. Date: 9/14/18

Signature: Andrew Terragnoli

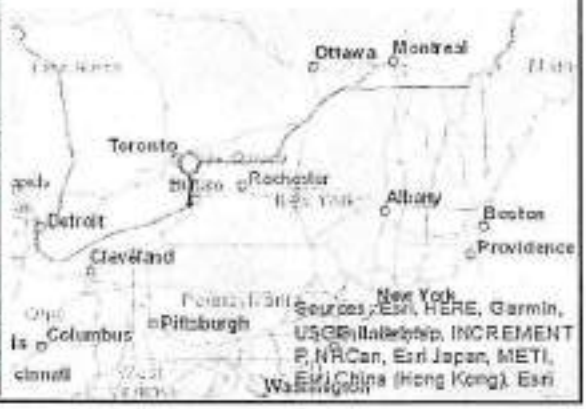
PRINT FORM

EAF Mapper Summary Report

Thursday, September 13, 2018 6:28 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]	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]	Yes
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only [If applicable]

Project: Suncliff Parking Plan

Date: 7-10-19

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: Suncliff Parking Plan

Date: 7-10-19

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.

The project appears to be consistent with the Town of Evans Comprehensive Plan.

The action will enable the applicant to provide improved services to their clientele, thereby benefiting the community and region.

The proposed action is consistent with the polices and standards of the Town of Evans Local Waterfront Revitalization Program as well as Waterfront Mixed Use District per Section 200-20.1 of the Town Code.

☐ 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	7-10-19
Name of Lead Agency	Date
William Smith	Director of Planning and Community Development
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
William Smith	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Short Environmental Assessment Form
Part 1 - Project Information

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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:
ADDITION TO KPM EXCEPTIONAL

Project Location (describe, and attach a location map):
1393 WISCONSIN ROAD, TOWN OF EVANS

Brief Description of Proposed Action:
27500SF ONE-STORY ADDITION TO AN EXISTING ASSEMBLY AND WAREHOUSE FACILITY

Name of Applicant or Sponsor:	Telephone: 9736845400
KPM EXCEPTIONAL LLC	E-Mail: Jeff@kpmedi.com

Address:
ONE EXCEPTIONAL WAY

City/PO:	State:	Zip Code:
LANDING	NJ	07850

	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 government Agency? If Yes, list agency(s) name and permit or approval: TOWN OF EVANS ZONING BOARD, PLANNING BOARD & BUILDING DEPT.	☐	☑

3. a. Total acreage of the site of the proposed action? 8.2 acres
   b. Total acreage to be physically disturbed? 0.8 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 8.2 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ 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?	☐	☐	☑

	NO	YES
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?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐

	NO	YES
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 project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
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?	☐	☑
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

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
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?	☐	☑
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☑
If Yes, briefly describe: OVERLAND THRU ADJACENT PROPERTY TO PIKE CREEK		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
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?	NO	YES
If Yes, describe:	☑	☐

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

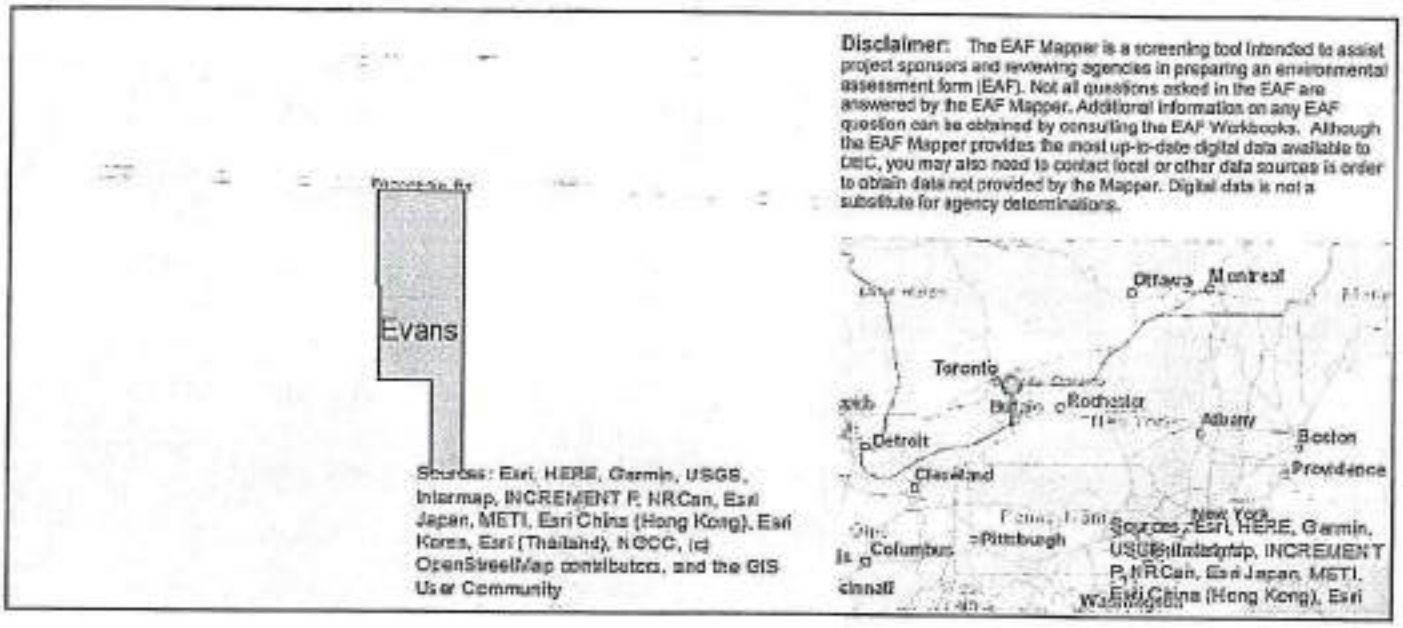
Applicant/sponsor/name: KPM EXCEPTIONAL LLC/Jeff Fierle Date:

Signature: Title: New Products Manager

PRINT FORM

EAF Mapper Summary Report

Sunday, May 12, 2019 2:26 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	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

Agency Use Only [If applicable]

Project: KPM/Derby Warehousing

Date: 7-10-19

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:

Date:

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.

If there is minimal truck traffic increase, this should not disturb the integrity of Wisconsin Road which has already been established as a truck route. However, the turning radius for egress and ingress at the approach from Wisconsin Road should be addressed to avoid any trucks from encroaching on neighboring properties.

☐ 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	7-24-19
Name of Lead Agency	Date
William Smith	Director Planning and Community Development
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

Rezone/Schunk Ent./Alliance Homes

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Rezoning Application		
Project Location (describe, and attach a general location map): Located along Erie Road, proximate to Minuteman Trail in Town of Evans, NY		
Brief Description of Proposed Action (include purpose or need): Proposal for rezoning of subject parcel from General Business (GB) to Multi-Family (MFR-4). Sponsor proposal includes the construction of a 40-unit apartment and townhome community.		
Name of Applicant/Sponsor: Alliance Homes on behalf/ in conjunction with Schunk Enterprises LLC	Telephone: 716-648-6555 E-Mail bill@alliancehomes.com	
Address: 4727 Camp Road		
City/PO: Hamburg	State: NY	Zip Code: 14075
Project Contact (if not same as sponsor; give name and title/role): Bill Burke, Development	Telephone: 716-225-6117 E-Mail bill@alliancehomes.com	
Address: 4727 Camp Road		
City/PO: Hamburg	State: NY	Zip Code: 14075
Property Owner (if not same as sponsor): Schunk Enterprises LLC	Telephone: 716-445-8117 E-Mail weesal@aol.com	
Address: 9203 Sauer Road		
City/PO: Eden	State: NY	Zip Code: 14057

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, or Village Board of Trustees ☑Yes☐No	Rezoning	May 8, 2019
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Rezoning, Site Plan Approval	August 2019
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	ECWA, ECDSM, ECHD Permit Approvals	TBD 2020
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	SHPO, NYSDEC, NYSDOT	February 2020
h. Federal agencies ☑Yes☐No	USACE	February 2020

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No
iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☑No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan, or other?) ☐Yes☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
General Business (GB)

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Multi-family Residential (MFR-4)

C.4. Existing community services.

a. In what school district is the project site located? Evans - Brant Central School District

b. What police or other public protection forces serve the project site?
Town of Evans Police Department

c. Which fire protection and emergency medical services serve the project site?
Highland Hose Volunteer Fire Department

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 5.14 acres
b. Total acreage to be physically disturbed? ~4.5 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.14 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 18 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				40
At completion of all phases				40

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: 6400 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑ Yes ☐ No
If Yes:

- Name of district or service area: Erie County Water Authority
- Does the existing public water supply have capacity to serve the proposal? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No
- Do existing lines serve the project site? ☑ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☑ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute

d. Will the proposed action generate liquid wastes? ☑ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: 4000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Erie County Division of Sewerage Management
- Name of district: District 3
- Does the existing wastewater treatment plant have capacity to serve the project? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No

- Do existing sewer lines serve the project site? ☑ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☑ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☑ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or ~22 acres (impervious surface)

_____ Square feet or 45 acres (parcel size)

ii. Describe types of new point sources. Project will have roof drains, swales, curbs consistent with typical residential development

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Storm sewers and retention/detention basins

- If to surface waters, identify receiving water bodies or wetlands: N/A
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☑ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☑ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____ Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☑Yes☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☑Morning ☑Evening ☐Weekend
☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing 0 Proposed 88 Net increase/decrease 88

iv. Does the proposed action include any shared use parking? ☐Yes☑No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☑Yes☐No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes☑No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☑Yes☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
~ 1,000,000 KWH

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Local Utility - New York State Electric & Gas

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:
- Monday - Friday: 7:00am - 6:00pm
- Saturday: 7:00am - 12:00pm
- Sunday: -
- Holidays: -

ii. During Operations:
- Monday - Friday: 9:00am - 5:00pm
- Saturday: -
- Sunday: -
- Holidays -

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Noise consistent with typical construction from Monday through Friday during 7:00am - 5:00pm time frame. No excessive noise will be produced during the typical operation of the property upon completion of construction.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: The project will act to preserve as much natural barrier as feasible

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Project will feature typical residential lighting on buildings (coach lights). The project will also feature approximately 6 site lights with visors to shield light from neighboring properties.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: The project will act to preserve as much natural barrier as feasible.

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☑ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 6 tons per month (unit of time)
- Operation: 1.5 tons per month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Recycling containers will be used for on-site cardboard & recyclable disposal
- Operation: Recycling dumpsters will be used for all recyclable material

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Trash containers will be utilized for solid waste
- Operation: Trash containers will be used for solid waste

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

No hazardous waste is anticipated to be present on the site

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

The general area features some suburban general office and retail uses in addition to suburban residential developments immediately adjacent. The subject property and neighboring property to the north are undeveloped suburban lots with commercial use designations.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	2.14	+2.14
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	5.14	3	-2.14
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes:

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history: Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

e. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Expected > 4 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:
Unknown _____ %
Unknown _____ %
Unknown _____ %

d. What is the average depth to the water table on the project site? Average: 4 feet

e. Drainage status of project site soils: ☑ Well Drained: 60 % of site
☑ Moderately Well Drained: 40 % of site
☐ Poorly Drained: % of site

f. Approximate proportion of proposed action site with slopes: ☑ 0-10%: 100 % of site
☐ 10-15%: % of site
☐ 15% or greater: % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No

If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
Typical Insects

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Bill Burke, Agent Date 5/8/2019

Signature Bill Burke Title Development

PRINT FORM

Agency Use Only [If applicable]

Project: Rizzone/Schunk Enterprises/Erie Rd

Date: 8-6-19

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes**" to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No**" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D,2,h, D.2.g) ☑NO ☐YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑NO ☐YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑NO ☐YES
If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources
The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
If "Yes", answer questions a - g. If "No", go to Section 10.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
If "Yes", answer questions a - e. If "No", go to Section 11.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☐ NO ☑ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☑	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☑	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☑
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☑	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☑	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☑	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☑	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Agency Use Only [If Applicable]

Project: Rauzna/Schunk Enterprises/Erie Rd

Date: 8-6-19

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The proposed action will not result in a significant adverse environmental impact for the following reasons:

1) The proposed action is a rezone of a vacant 5.14 acres parcel from General Business to Multi-Family Residential.

2) The intensity of potential land use will not increase as a result of the rezone, as large-scale commercial development is currently permitted on the site under the current General Business zoning.

3) This would not be considered a "spot zone" as the site is currently abutted by both Multi-Family and Two Family Residential districts.

4) The proposed action will help meet a need for quality senior housing, per the Town's Comprehensive Plan

5) Any subsequent site plan review and approval processes as a result of the rezone will be subject to environmental review per SEQRA.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town Board of the Town of Evans as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Rezone of 5.14 acre parcel on Erie Road in Derby from GB to MFR-4 (owner Schunk Enterprises, LLC.)

Name of Lead Agency: Town Board of the Town of Evans

Name of Responsible Officer in Lead Agency: Mary Hosler

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: Mary K Hosler Date: 8-7-19

Signature of Preparer (if different from Responsible Officer) William Smith Date: 8-7-19

For Further Information:

Contact Person: William Smith, Director of Planning and Community Development

Address: 8787 Erie Rd., Angola, NY 14006

Telephone Number: 716-549-0945

E-mail: wsmith@townofevans.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM