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REGULAR MEETING OF THE TOWN OF EVANS PLANNING BOARD WEDNESDAY, JULY 1, 2020

MEMBERS PRESENT: A. Sellers, J. Pinter, M. Connors, B. Bergum, A. Lloyd, L. Szewczyk, D. Schiedel

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

Director: All letters were mailed to the involved and interested agencies and responses were basically boiler plate type comments; making sure that the applicant is working with and we are coordinating with, Jim Vogel on anything regarding the coastal erosion hazard area, that the MS4 district, SPEDES and SWPPP will be required, which we knew and we already have a draft submission from the applicant, as well as that Army Corp should be coordinated with, which they are one of our involved agencies. A water quality permit might be required by the Army Corp, which we were already aware of. So nothing in that regard, so now it is just the formality of Declaring Lead Agency and then we can move on with Coordinated Review.

Chair, A. Sellers opened the meeting at 6:00 P.M. The meeting was an online conference meeting through the GoTo Meeting platform.

Chairwoman Sellers: I would like to welcome everyone to the July 1, 2020 Planning Board meeting. Due to the current COVID-19 crisis and the NYS Governor's Emergency changes to the open meetings law and per the Town of Evans Supervisor's Executive Order 2020.2 we are holding this meeting via conference call while giving the public the ability to listen in and comment when given the opportunity. For the record, a Planning Board public meeting is conducted solely for the predetermined action item listed on the official Planning Board agenda as advertised. The action before us this evening is to Declare Lead Agency regarding the SEQR process for the Grandview Bay, LLC parcel located at 8934 Lake Shore Road, no other unrelated items may be discussed or brought before the Planning Board at this public meeting. That being said, if any resident wishes to comment on this action it is their right to do so when the floor is opened to the public. We also ask that all please be considerate of any background noise so that the Board members can communicate effectively. If it is not your turn to speak, we ask that you please mute your phones or the microphone on your computer. Due to the unique circumstances of this meeting Board members are reminded to state their name before speaking as well. Please also note that large scale paper copies of the proposed Site Plan are currently available for public viewing by appointment at the Town Hall in the Planning Department. You are welcome to schedule an appointment to view the most recent plans and to provide written comment via email to planning@townofevans.org or by mail to the Town of Evans Planning Department, 8787 Erie Road, Angola. Comments will be submitted into the record at the appropriate meeting and provided to the Planning Board for review and consideration. At this time the Town Hall is currently open to the public, however all visitors are required to wear a mask when entering the building and at all times while in the building.

1. The First and only item on the agenda tonight is:

- **SEQR Resolution** – Declaring Lead Agency. Project: Waterfront Mixed Use Development. Applicant: Grandview Bay, LLC, (Ellicott Development). Address/Parcel: 8934 Lake Shore Road, Angola, SBL# 234.16-2-25.1.

HISTORY:

- Grandview Bay, LLC with representatives from Ellicott Development met via Planning Board GoTo Work Session on April 2, 2020 and again on May 13, 2020 at which time the preliminary Draft Concept Plans were presented and discussed.
- On Tuesday, May 26, 2020 a complete Site Plan application including SEQR Full Environmental Assessment Form, Part 1 was officially submitted by Ellicott Development/Grandview Bay, LLC.
- On Wednesday, May 27, 2020 the Evans Planning Board held a public meeting to Declare Intent to be Lead Agency on the project and thereby initiating a 30-day Coordinated Review period with all involved and interested agencies.
- Following the public meeting on May 27, 2020 notifications of Planning Boards Intent to be Lead Agency were sent by the Evans Planning Department to all interested and involved agencies and departments, including:
    - Erie County Department of Environment and Planning
    - Erie County Department of Health
    - NYS Department of Health
    - NYS Department of Environmental Conservation
    - NYS Office of Parks, Recreation and Historic Preservation
    - NYS Department of State, Division of Coastal Resources
    - NYS Department of Transportation
    - US Army Corp of Engineers
    - Evans Town Board
    - Evans Highway Department
    - Evans Code Enforcement
    - Evans Zoning Board of Appeals
- On June 10, 2020, Evans Planning Board held a Work Session at which time the applicant presented the full Site Plan and Application and received additional feedback from members of the Board.
- On June 29, 2020, the deadline for response to the notification of the Planning Board's Intent to be Lead Agency passed with no objections received from any of the involved and/or interested agencies and departments, which brings us to today's public meeting to Declare Lead Agency for the SEQR review on this project.

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

No questions or comments from the Planning Board.

There being no further questions or comments from the Board, at this time I will open the floor for any public comment. As always, we ask that anyone who wishes to speak please clearly state your name and address, spelling your last name for the record. Each person is limited to one opportunity to speak and comments shall be limited to 3 minutes. Again, comments must be related solely to the action before the Planning Board tonight, which is the intent to Declare Lead Agency. Are there any comments from the public?

No questions or comments from the Public.

There being no further questions or comments from the public, I will close the floor to the public and bring it back to the Planning Board for further questions or comments. Do any of you have any additional questions or comments? If not, I will ask that the resolution be read.

D. Wilson, Planning Board Secretary: I would just like to add into the record that Joe Pinter is trying to logon and he did appear at one point and he text me and advised that he was trying to join us, but he was having difficulties.
J. Pinter: I am here now.
Director: Any questions or comments Joe on Declaring Lead Agency?
J. Pinter: No.
Director: Okay great. As I mentioned to the rest of the Board, we did send out the letters and no objections were received from any interested or involved agencies so now we can declare Lead Agency and resume coordinated review of the project.
Chair: Don, would you like to read that SEQR resolution please.
D. Schiedel: SEQR Resolution Declaring Lead Agency
Whereas, the Town of Evans Planning Board has reviewed the SEQR Full Environmental Assessment Form (EAF Part 1) prepared by Ellicott Development, the applicant, for the 8934 Lake Shore Road Waterfront Mixed Use Development project, and
Whereas, the Planning Board determines that the project is classified as an Unlisted action under the State Environmental Quality Review SEQR regulations, and
Whereas, the Planning Board also determines that the project is subject to review and approval by other involved and interested agencies under SEQR, and
Whereas, the Planning Board determines that it is the most appropriate agency to oversee the coordinated review of the project for the purpose of making a determination of the significance under SEQR regulations, and
Whereas, the Town of Evans Planning Department provided notice hereof to the involved and interested agencies seeking their agreement or objection thereto, in writing, on or before noon on Monday, June 29, 2020, and
Whereas, no objection to the Planning Board serving as Lead Agency was received from interested and involved agencies,
Now therefore be resolved, that the Town of Evans Planning Board does hereby declare its designation of Lead Agency for this project, and
Be it further resolved, that the Town of Evans Planning Board with the assistance of the Evans Planning Department is directed to continue the Environmental Review process for this project, including completion of Sections 2 and 3 of the Full Environmental Assessment Form and identification of any potential conditions or mitigation measures.
B. Bergum: Second.

VOTE RESULT: Approved by unanimous roll call vote.

Chair: <u>NEXT STEPS</u>
Motion carried. As Lead Agency the Planning Board will work with the Planning Department on continuing to review this project including completion of the sections 2 and 3 of the Full Environmental Assessment Form identification of any required conditions and/or mitigations. We will continue to review and discuss these items at our next meeting. Thank you everyone for joining our conference meeting this evening. We ask that you continue to watch the Town's website for updates during this time of inconvenience. Please remember, you are welcome to submit your comments or questions to the Planning Department at planning@townofevans.org or you mail them to the attention of the Planning Office at the Town of Evans Municipal Center, 8787 Erie Road, Angola. Thank you for your patience and understanding during this difficult time. It is our hope to keep government moving as efficiently as possible while keeping the public and our staff safe. May I please have a motion to adjourn.
Director: If I could just add a comment before we adjourn. We did receive 2 or three via emails from members of the public and they will be entered into the record at the appropriate meeting which will

be when we do our Site Plan review. I will ensure that those comments are included in your packets for our Work Session. Regarding Work Session, we do have that scheduled for, Debi is it next Wednesday, July 8th?

D. Wilson: Yes it is.

Director: Ok, Debi will reach out to everybody and see about availability for either next Wednesday or the following week. I know with the holiday weekend here, we may want to consider moving it a week out. I don't want to cramp everybody's vacation plans too much. Debi will be in touch on that and then we will do further review of this project and we will likely have a drainage code to review as well for some updates to our drainage code. So, with that said, Anne if you want to take us to adjournment or if there's any more questions.

Chair: Do we have a motion to adjourn?

A. Lloyd: Motion to adjourn.

B. Bergum: Second.

Director: Take care and everybody have a great holiday weekend and a great Independence Day.

VOTE RESULT: **Approved by unanimous roll call vote.**

Chair: Motion carried. Thank you everyone, good night.

Respectfully submitted by:

Debra L. Wilson

Debra L. Wilson
Secretary

Approved: 1/27/21