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April 11, 2018

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS



Members Present:	A. Yusick, N. Manges, T. Spada J. Kennedy
Members Absent:	D. Maglich, V. Gugliuzza
Also Present:	J. Hill, Building Inspector

Mr. Yusick opened the meeting with a quorum at 6:30pm. The meeting was held in the Municipal Building Court room, 8787 Erie Road, Angola, New York 14006.

Mr. Yusick explained the procedure in which the meeting will be conducted. The procedures are that old business matters are heard first and then appeals are heard according to the order of publication in The Dunkirk Observer. The staff report prepared by the building inspector is read. The board has had your file for approximately three days. We have had an opportunity to review your appeal. The appellant is then given the opportunity to speak, and then those in favor or in opposition are allowed to speak. After hearing the respective matters, the Board will either vote or reserve the right pursuant to our local statue to adjourn to executive session to deliberate. Motions granting and rejecting appeals are voted upon in the public portion of the meeting.

Mr. Yusick asked for a motion to approve the minutes from December 13, 2017 and March 14, 2018.

Ms. Spada made a motion to approve the December 13, 2017 and the March 14, 2018 minutes, Mr. Kennedy seconded. All in favor, motion carried.

NEW BUSINESS:

James Donovan, 7786 Erie Road, Angola, NY 14006, requesting to reduce the front yard setback for an accessory structure at the above address, in violation of the Town of Evans Zoning Law, 200-17 A (4).

Applicant is requesting to reduce the front yard setback for two accessory structures, in violation of the Town of Evans Zoning Law section 200-17 A (4) from 50 feet to 17 feet.

The applicant has installed two new sheds in the front yard of his property without obtaining a building permit. A stop work order was issued. The 12' x 24' shed is located 38 feet from the front yard property line of Erie Road. The 8' x 10' shed is located 17 feet from the front yard property.

Present for the appeal was James Donovan.

Mr. Yusick asked how the sheds got there. Mr. Donovan stated that they were dropped off. Mr. Yusick asked if he obtained a building permit. Mr. Donovan stated that it was prebuilt. Mr. Yusick stated that a building permit was still required. Mr. Donovan stated that he did not know that. Mr. Yusick asked what the sheds are used for. Mr. Donovan stated that clothes are stored in the shed. Mr. Yusick asked why the sheds are in the front yard. Mr. Donovan stated that he can't get them in the back yard because there is no room. Mr. Yusick stated that the applicant has 2.17 acres. Mr. Donovan stated that he can't get the trees down to put the sheds in the backyard. Mr. Yusick stated that there is a pool and gazebo in the back. Mr. Donovan stated that they are existing buildings. Mr. Yusick stated that variances requested are substantial.

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Mr. Yusick made a motion to deny, seconded by Mr. Kennedy.

All in favor:

Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, absent
Mr. Gugliuzza, absent
Mr. Kennedy, aye

Richard Prizel, 1483 Wisconsin Road, Derby, NY 14047, is requesting to increase the allowable square footage of an auxiliary housing unit at the above address, in violation of the Town of Evans Zoning Law, 200-16 C .

Applicant is requesting to increase the required size of an auxiliary housing unit from 500 square feet to 884 square feet, in violation of the Town of Evans Zoning Law section 200-16 C.

The applicant would like to construct an 884 square feet auxiliary housing unit to the east side of their home to accommodate his mother-in-law.

Present for the appeal was Kimberly Prizel.

Mr. Yusick asked why so big. Mrs. Prizel stated that it is only 800 square feet. Mr. Yusick explained the intent of the law for auxiliary housing units is to accommodate people with aging or handicap members of the family to have a separate living unit. Mr. Yusick also stated that it is the intent of the law that once the need is no longer in effect, the unit is converted back to a single family. Mr. Yusick stated that the 500 square feet is meant to accommodate that need but it is not large enough that in the future it is sold and the new owner, not checking the zoning law, finds out that it wasn't a two family home but a single family home. Under this law, a permit is required every two years to give the town the ability to make sure there is still a need for the unit. Mr. Yusick stated that a 500 square foot unit is easier to return to a single family home when the need is no longer there. Mr. Yusick stated that in his opinion, the request for a 76% increase over the allowable size is too large. Mrs. Prizel stated that is will be connected to the house. Mr. Yusick stated that he is aware of that and it can still be considered a two family. Mrs. Prizel asked if they can do an addition and eliminate the kitchen would it be approved. Mr. Yusick stated that if it doesn't have a kitchen facility, then it is not considered a separate unit. Mr. Yusick suggested she get in contact with her architect and the building department.

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Mr. Yusick made a motion to deny, seconded by Mr. Kennedy.

All in favor:

Vote: Mr. Yusick, aye	**Mr. Maglich, absent**
Ms. Spada, aye	**Mr. Gugliuzza, absent**
Ms. Manges, aye	**Mr. Kennedy, aye**

Joseph Bonitati, 9402 South Main St., Angola, NY 14006, requesting to reduce the front yard setback at the above address, in violation of the Town of Evans Zoning Law, 200-8.2 C (1) (C).

Applicant is requesting to decrease the front yard setback from 60 feet to 40 feet, in violation of the Town of Evans Zoning Law section 200-8.2 C (1) (c).

The applicant would like to construct a two story addition consisting of 1,560 square feet on the north side of his property.

Present for the appeal was Joseph Bonitati.

Mr. Yusick asked if there was anyone in the audience for or against this appeal.

Mary Sawicki, 9432 South Main St, was in favor of the appeal

Mr. Yusick asked if the board has any questions.

Ms. Manges made a motion to approve, seconded by Ms. Spada.

All in favor:

Vote: Mr. Yusick, aye	**Mr. Maglich, absent**
Ms. Spada, aye	**Mr. Gugliuzza, absent**
Ms. Manges, aye	**Mr. Kennedy, aye**

MPC Inc., 8656 Delamater Road, Angola, NY 14006, requesting a use variance for fitness center located at the above address, in violation of the Town of Evans Zoning Law 200-24(B), principal uses.

Applicant is requesting a use variance in order to use a portion of the building as a fitness center, in violation of the Town of Evans Zoning Law section 200-24 (b), permitted uses.

The applicant would like to open a fitness/wellness center in portion of a light industrial zoned building, which is not an allowable use; therefore they are asking for a use variance.

Present for the appeal was Dyan Scritchfield and Attorney Sean Hopkins from Hopkins, Sorgi & Romanowski.

Mr. Yusick stated that a use variance is not an easy variance to obtain under the law because it is basically changing the zoning. There are four requirements that the applicant cannot realize a reasonable return and it has to substantial and demonstrated by competent financial evidence that the hardship relating to the property is unique, does not apply to a substantial portion of the district or neighborhood and that the requested use variance grant will not alter the essential character of the neighborhood and it is not self created. Mr. Yusick stated that he wants to put on the record the number of letters, emails and other correspondence which have been marked into evidence.
Exhibit A-Jennifer Michalec in favor of the appeal
Exhibit B-Candace Densmore in favor of the appeal
Exhibit C-Laurie Markowski in favor of the appeal
Exhibit D-Carla Thompson in favor of the appeal
Exhibit E-JoAnn Sterner in favor of the appeal
Exhibit F-Robert Densmore in favor of the appeal
Exhibit G-Joseph and Mary Bivin in favor of the appeal
Exhibit H-Richard Vogan in favor of the appeal
Exhibit I-Susan Serena in favor of the appeal
Exhibit J-Stephanie Radomski in favor of the appeal
Exhibit K-Tara Dragowski in favor of the appeal
Exhibit L-Lynn Bienko in favor of the appeal
Exhibit M-Mariah Ceppaglia in favor of the appeal
Exhibit N-Robert Biondi, President, Evans Brant Chamber of Commerce in favor of the appeal
Exhibit O-Jonica DiMartino in favor of the appeal
Exhibit P-Thomas Klinczar, Bird Technologies, in favor of the appeal
Exhibit Q-Kevin Schamberger in favor of the appeal
Exhibit R-Paul Pinto in opposition of the appeal

Mr. Yusick read Mr. Pinto's letter. Mr. Pinto's letter states that the applicant had a business at the Napa center and outside trucks caused environmental concerns. Mr. Yusick asked if the are proposing a child daycare facility. Ms. Scritchfield stated

that it will be a child drop off similar to Wegmans. Mr. Pinto stated that the facility lacks adequate parking. Mr. Yusick stated that the parking issue will be taken care of if the variance is granted because the applicant will have to have a parking plan approved. Mr. Yusick stated that if the variance is granted, the applicant will have to comply with all building codes and zoning requirements. Granting the variance is simply for the use and the applicant will have to comply with all the requirements for that use. Mr. Pinto's letter also stated that it adjoins a diesel repair center with various tools and equipment that creates fire hazards. Mr. Yusick stated that the building code requires fire protection. Mr. Pinto's stated in his letter that tools and chemicals pose a danger to customers and lacks adequate emergency exits and parking. Mr. Yusick stated that that is something that is addressed with the building department if the variance is granted.

Exhibit S-Hope Thompson in favor of the appeal
Exhibit T-Paul Hornberger in favor of the appeal
Exhibit U-Dawn Hornberger in favor of the appeal
Exhibit V-Todd Danni
Exhibit W-Auctions International letter states that the applicant is selling some vehicles
Exhibit X-Cynthia Latimore
Exhibit Y-Juliet Meade, a tenant, in favor of the appeal
Exhibit Z-Phillip and Kelly Zygmunt in favor of the appeal

Mr. Yusick asked the how many in the audience was for or against the appeal. Approximately 40 people raised their hands in favor of the appeal. There was no one in the audience against the appeal.

Attorney Sean Hopkins stated his case. He submitted additional paperwork to the board. The sole reason for the appeal is for the use only. He stated that his clients want to make sure they are in compliance and their future customers/tenants have safe premises. The site itself is around 7.6 acres in size and purchased a couple of years ago. The property was vacant for around two years and was listed for about 300 days before it was sold. It is a large outdated building. The building is 25,845 square feet, multi story, concrete building. The business located next door is Bird Technologies which is a manufacturing business. The primary use of this property is the applicants' paving and general contracting business. The portion of the fitness facility is about 9,000 square feet, a portion of the first floor and a portion of the second floor. The applicants have already invested $250,000 in connection with the fitness facility. The equipment is already there and substantial renovations have been made both on the first and second floor. Changes have been made in terms of code compliance, as well. Some of the existing tenants are there because of the fitness facility. Without the fitness facility, some of those jobs are in jeopardy. Pursuant to Town Law section 267 B, there is a specific test that applies to use variances. The test is whether or not strict application of the zoning classification, Light Industrial, has resulted in a necessary hardship to the applicants. There are four criteria for the board to consider. The first one is the inability to realize a reasonable rate of return. The applicant paid $450,000 for the building and invested

$250,000 and was done in good faith. Section 200-24 B (1) of the town zoning code has expressly permitted principal uses and include: any structure or use permitted in the motor service district, administration and general offices, research and development facilities, manufacturing, airport, warehouses, storage or distribution centers, utilities, fire stations, farms and agricultural businesses, contracting or construction services or motels/hotels. He went through each use and eliminated them based on if any of the uses allowed the applicants to recap and then realize the reasonable rate of return on the tremendous invested that has already been made to date. He stated the reason the applicants have invested money into the facility and on the cusp of opening is in front of the zoning board making sure it is a permitted use is that before the property was purchased, the applicant had conversations with the building department and she was told that this was a permitted use. The applicant also attended at least one of the town board meetings and it was generally well received. The applicant realizes that the advice of the previous building inspector may have been wrong. If the applicant knew this was an issue, she would have been in front of this board before she even purchased the property. She would not have spent $450,000 on the building and another $250,000 on the renovations and then take the chance to go in front of the zoning board of appeals. He stated that the cost to renovate the space to accommodate any of the allowed uses would be around $40.20 per square foot. That would be additional money on top of the money already spent. There is also the option to lease space. With the cost to renovate the building to suit the tenant, there would still be a loss. The cost to demolish and rebuild for any of the uses would be extraordinary. The second criteria are whether or not the hardship is unique. Does that hardship apply to a substantial portion of the district or neighborhood? He stated that he is not aware of anyone else that has 9,000 square feet of vacant space that can be converted to a fitness facility and now they face this issue on whether or not the property is properly zoned. The third criteria are whether or not the granting of the requested relief will alter the essential character of the neighborhood. He stated that the chairman indicated that there are approximately 30 support letters that demonstrate there is a clear consensus. It is also important to note that it is indoors and no one would know it is a fitness facility. The fourth criteria are whether or not the hardship is self created. He stated that there were open discussions with the previous building inspector.

Mr. Yusick stated that he didn't see any history of trying to either lease or sell it for one of the purposes that are allowed for under the zoning. Mr. Hopkins stated that the applicant cannot sell a portion of the building. In terms of leasing, take the renovation cost and applies them to that space, it is clear that no one could make the numbers work. Ms. Scritchfield stated that she approached local realtors about leasing the space, but the two that were interested had the same issues with the layout of the building. Mr. Hopkins stated that it would be catastrophic to not only the applicants but also the tenants that have already leased space. Mr. Yusick asked when the property was purchased. Mr. Hopkins stated November 2016. Mr. Yusick asked when the applicant came up with the concept of the fitness facility. Ms. Scritchfield stated before purchase, she asked the realtor if she could use the space for administration offices, health and wellness center, karate studio. The realtor told her that she would need to talk to the building inspector to see if it is zoned for that

but if not, she would be able to get a variance to rezone. She stated that she spoke to Paul and he read the codebook and said that she was ok. Mr. Yusick stated that there was a letter in the file from the attorney that represented the seller asking for a zoning compliance letter. He wanted to confirm that the existing use of the property as a warehouse is in compliance with all regulations. Mr. Yusick stated that Paul Ryerse responded that the current use of a warehouse is in compliance with the zoning laws. Mr. Hopkins stated that it was not the intent of the applicant to buy the property for a warehouse. Mr. Yusick asked that if the contract was the reason for the letter and you came up with the idea prior to entering into the contract... Mr. Hopkins stated that he thought that the attorney was representing the bank. Mr. Yusick stated that according to the letter it was the seller. Mr. Yusick stated that having practiced commercial real estate for 40 years, when we ask for that letter, I ask for that letter based on what the contract says and if it isn't zoned for that, then you can walk away from the contract. Mr. Yusick stated that his concern is that if the applicant entered into a contract with the intent of putting in a health facility, it should have been in the contract. Mr. Hopkins stated that the applicant realized with the size of the building and knowing they would not be using the entire building for their construction business, what were the uses that can be used and one of them was for a health and wellness facility. Mr. Yusick stated that this is the problem with oral inquires when someone calls or even comes into the office and there is no record of what was said. Mr. Hopkins stated that this was not one phone call but many meetings.

Mr. Yusick asked if anyone in the audience would like to speak in favor of the appeal.

Michael Kuster, 1450 Cardinal Court, stated that he doesn't have to travel far for physical therapy and is in favor of the appeal.

Phil Zygmunt, 783 Bennett Rd, stated that he is involved with the volunteer fire company that serves this building and has taken a tour of the facility and have no immediate concerns with the building.

Linda Scritchfield spoke in favor of the appeal. She stated that there is a dire need for businesses in the town and also tax revenue. She doesn't understand why there is a restriction for a health and wellness facility and the town needs one.

Mr. Yusick stated that the issue isn't whether or not the town needs one but whether it needs it in this location which it isn't zoned for.

Kevin Schamberger, 6901 Kimberly Ln, spoke in favor of the appeal.

Paul Michalec, 1224 Church Rd, stated that it is on a county road that is meant for heavy traffic. Driving to the facility will not have an impact.

Mr. Yusick asked if the board has any questions.

Ms. Spada made a motion to approve, seconded by Mr. Kennedy.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, absent
Mr. Gugliuzza, absent
Mr. Kennedy, aye

After the vote, Mr. Yusick told Mr. Hopkins to have the applicant contact the planning director and the building department.

Mr. Yusick asked if there was anything further for the board.

Mr. Yusick made a motion to adjourn to the next scheduled meeting.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, absent
Mr. Gugliuzza, absent
Mr. Kennedy, aye

Respectfully Submitted,

Jennifer Renaldo
Secretary

Mr. Yusick asked if the board has any questions.

Ms. Spada made a motion to approve, seconded by Mr. Kennedy.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, absent
Mr. Gugliuzza, absent
Mr. Kennedy, aye

After the vote, Mr. Yusick told Mr. Hopkins to have the applicant contact the planning director and the building department.

Mr. Yusick asked if there was anything further for the board.

Mr. Yusick made a motion to adjourn to the next scheduled meeting.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, absent
Mr. Gugliuzza, absent
Mr. Kennedy, aye

Respectfully Submitted,

Jen Renaldo

Jennifer Renaldo
Secretary

Town of Evans
Zoning Board of Appeals
8787 Erie Road
Angola, NY 14006

March 31, 2018

RE: Apex Health and Wellness
8656 Delameter Road
Angola, NY 14006

Dear Members of the Board,

The purpose of this correspondence is to provide support for the pending application for a use variance for the property and business listed above. I strongly encourage the Zoning Board of Appeals to consider the approval of this application. First and foremost the addition of this type of facility within the town of Evans would be an incredible asset to our community. Apex Health and Wellness will provide a facility that will combine many aspects of health and wellness that members will be able to access all under one roof. A facility, such as this, is groundbreaking. There is no other facility quite like this in Western New York and could potentially change, for the better, how some health services are delivered to our community. This facility has the potential to serve people from all areas of Western New York which will benefit the town as a whole. Not only will it provide services to our community but it will create jobs as well. Mike and Dyan Scritchfield have been successful business owners in the Town of Evans for many years and have employed many town residents throughout that time. They and their daughters have always been community minded and have served their community well. It was important to them that they continue to do business in Evans when they could have easily moved elsewhere. I am confident that this facility will provide high quality services with a supportive community environment that will benefit many members of our community. There is a need and a desire for this type of facility within our town and I believe it will be very successful.

In addition, as a member of the Lake Shore Board of Education for the past twelve years, I am well aware that our residents pay a much greater portion of the school and town budget through residential real property taxes than neighboring towns simply because of the lack of businesses within the town. Increasing the commercial base is essential in bringing any relief to residential taxes. I cannot stress enough how critical this need is. The Town of Evans is attempting to rebuild, restructure, and recover from financial devastation and one of the only ways the town can realize additional revenue is through new business. It is imperative that the Town of Evans do everything within its power to attract and support new local businesses.

As a school representative on the Town of Evans Comprehensive Master Plan Steering Committee, it was clear once again that the town needs to rebuild financially. It is evident through this process that the town is going to need to focus on appropriate zoning in order to move the town forward. Health and Wellness facilities such as this were not contemplated when our current zoning laws were established. Given the changing nature of demographics, employment opportunities, and technology, business opportunities are going to present themselves that will not align with the existing zoning laws. With the adoption of a new Comprehensive Master Plan the town will be reviewing existing zoning laws. However, this will take up to 5 years to complete. If we want to encourage new businesses to come to the Town of Evans, it is possible, in the short term, that variances will have to be approved.

In closing, I once again ask for your support on this project as it will be of significant benefit to not only individual members of our community but the town as a whole. Thank you for your consideration in matter.

Best regards,

Jennifer Michalec

Jennifer Michalec
1224 Church Road
Angola, NY 14006

Exhibit A

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

Candace Densmore's Zoning Board Letter

Robert Densmore <robertdensmore06@yahoo.com> Thu, Mar 29, 2018 at 9:52 AM
Reply-To: Robert Densmore <robertdensmore06@yahoo.com>
To: "dyan@apexexercise.com" <dyan@apexexercise.com>

To whom it may concern,

I am a resident in the Town of Evans and I am very excited about the potential opening of APEX Health and Wellness. It is going to be great for those of us that live in town and need access to a unique health and wellness center of quality, especially those of us with families. Previously, many of us have had to take our business out of town because there was simply a lack of options. I'd be ecstatic to be able to keep our monetary business in town, with regards to health and exercise. I am also very happy that by being a future patron of APEX, I will be able to help the local economy and a local entrepreneurial family within our town. I am a big believer in business development, especially in our town, as it is greatly needed. Hopefully more business ventures like this will develop in our town and get Evans back to being a place where people want to be. I don't see any legitimate reasoning behind denying their ability to commence business, so I am writing this letter to show my strong support for the approval of APEX Health and Wellness.

Sincerely,
Candace Densmore

Exhibit B

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

Letter to the board

lmarkowski72 <lmarkowski72@gmail.com> Sun, Mar 25, 2018 at 8:27 PM
To: dyan@apexexercise.com

Nicole Manges
Andrew Yusick
Don Maglich
Vincent Gugliuzza
Tracy Spada

Please accept this letter to review and let it be a weight on your decision concerning the variance for the wellness center Apex. I am a massage therapist that has aquired an client/ therapy base with several local residents that reside within the town of Evans. Many have expressed how they feel that I am serving their needs to be in the town they reside in and have expressed the interest of utilizing the wellness center as a whole to obtain their health goals. To have all the services under one roof is a necessity to many who have busy schedules. Health is the wealth of a individual...without good health you are the deprived. Honestly, if this variance does not get approved myself as a business owner will need to close doors to locals in need. I ask that you evaluate your own health and seek your wealth..wouldnt you want that wealth for you?

Many blessings of Health,
Laurie Markowski LMT

Sent from my T-Mobile 4G LTE Device

Exhibit C

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

APEX letter

Dyan Scritchfield <dyan@apexexercise.com> Mon, Mar 26, 2018 at 8:10 AM
To: Dyan Scritchfield <dyan@apexexercise.com>

To Whom It May Concern:
I truly believe that the Wellness Center/Fitness Facility owned by the Scritchfield's is a not only a great help to our community but a necessity for the Town of Evans.
We in this town have always had to travel to find quality health resources, especially specific activities that compliment physical training. A full complement of wellness care is sadly lacking in our town. This facility offers a wide variety of activities under the care of professionals to enhance the physical, mental, and emotional wellbeing of the individual-all in one place-right in our own backyard- finally!!! No more driving to Eden,Hamburg, Orchard Park, West Seneca, even Williamsville, for the services that this facility is offering.
In addition to helping our citizens, this facility is sorely needed to help our tax base, as all businesses are. If Evans wants to prosper and attract more people to take up residence here, then we have to provide services that people need and want. This Wellness Center/Fitness Facility provides just such quality services. Also, allowing this facility to meet the needs of our community will attract other businesses to possibly consider Evans as a place to locate- and that is what we truly need.
Please allow this facility to open. I, for one, truly believe this facility is just what we need.
Thank you for your consideration,
Carla Thompson
Resident- Town of Evans
--
Dyan Scritchfield
Team APEX
716-818-2544
Dyan@apexexercise.com

Exhibit D

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

Support

JoAnn Sterner <joannsterner@gmail.com> Mon, Mar 26, 2018 at 8:13 AM
To: dyan@apexexercise.com

The excitement is real!

As a mom who has battled health issues for the last six years, the thought of having a health and wellness facility in our town created an excitement to fight for my health.

The convenience of having knowledgeable trainers teaching me how to rebuild my strength. Yoga to stretch and calm. Saunas to help in the healing process. Everything under one roof, is an exciting thought. However, as the trainers and fitness gurus were announced that's when I knew Apex was going to be my place. People from within my community lifting me up, knowing my story and living to make others be their best self.

I'm excited for our community! Myself! And all the goodness your family is creating!

Keep pushing on knowing there are more people like me, positive thoughts bring positive results.

Blessings,
JoAnn Sterner

Exhibit E

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

Zoning Board Letter

Robert Densmore <densmorw01@mail.buffalostate.edu> Sat, Mar 24, 2018 at 11:17 AM
To: "dyan@apexexercise.com" <dyan@apexexercise.com>

To whom it may concern,

I would like to state my personal advocation for APEX Health & Wellness. I find that this new business is exactly what is needed in this town. A unique health and wellness center of this scale is something special and is very exciting. As a long time resident, it has been evident in past years that there are not only fewer businesses coming into town but also many that are closing down or leaving. To deny APEX the ability to commence business would continue the trend of pushing more businesses and people out of this town, rather than bringing people in. It would be a grave mistake to do so and would be a major letdown for the many residents anxiously awaiting their grand opening. APEX will give residents a unique option to better their health, bring many more people into town, and could potentially be a boon for the local economy. Allowing APEX the ability to begin business operations would show that the administration in place is in the right spirit, with regards to creating a foundation for sustained growth and future residential appeal. Again, the purpose of this letter is to convey my strong advocation for APEX Health & Wellness, with the hope that it will aid in the Evans zoning board's decision to permit their business operations.

Sincerely,
Robert Densmore

Exhibit F

3/26/2018

Attn: Members of the Town of Evans Zoning Board

We wanted to take a moment and express our excitement for APEX being a part of the Evans Community. What a joy to see a zealous, focused business owner trying to bring another option to our residents that will promote unity, community and overall health to those that don't yet have a "workout home." This wellness center/fitness facility will bring an affordable variety of ways to promote a healthy lifestyle to all walks of life

The owners have been very involved in our community outreach group (Be the Avalanche Evans). I feel that this is only the beginning of what the future holds in their involvement in bettering the community.

We need businesses like this for our current residents, and to draw new families into our community. How awesome it is to offer people choices!

There are many excited about the gym opening and we are all patiently awaiting that grand opening!

Sincerely,

Joseph and Mary Bivin
Be the Avalanche Evans
6814 Minute Man Trl
Derby, NY 14047
(716) 482-2649

Exhibit G

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

Apex Wellness Center / Fitness Facility

rvogan <rvogan@adelphia.net> Tue, Mar 27, 2018 at 10:08 PM
To: dyan@apexexercise.com

The Evans community is looking forward to the much anticipated opening of the new Apex Wellness Center / Fitness Center. There have been numerous inquiries about the services they will provide, hours and costs. They have assembled a staff with impressive credentials and will be able to provide services that are not available at other facilities in our community.

I have recently become aware that a possible zoning issue was discovered and that Apex is seeking a use variance. I am writing to express my wholehearted support of this endeavor. It will be a much needed enhancement to our community bringing visitors from neighboring communities to other area businesses, and providing much needed tax revenues to our local government.

Please provide Apex with any required variance so we can begin to enjoy their services and can have the opportunity to become a healthier community.

Sincerely,

Richard Vogan
Rvogan@gmail.com

Sent via the Samsung Galaxy Tab S2, an AT&T 4G LTE tablet

Exhibit H

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

(no subject)

SSerena@lakeshorecsd.org <SSerena@lakeshorecsd.org> Tue, Mar 27, 2018 at 7:34 PM
To: dyan@apexexercise.com

To Whom it may concern:

I am writing to you today in support of the opening of the Wellness Center and Fitness Facility in the Town of Evans. The owners, Mike and Dyan, are committed to bring a state of the art facility to our small neck of the woods and in doing so will put Evans on the map. As a teacher of the district, I can't wait to use the facilities and take the wellness classes that are offered. I believe that the opening of this facility will have a positive impact on our town, our health, and our overall well being. Thank you.

Susan Serena
First Grade Teacher
PTG Co President
Highland Elementary
Lake Shore Central School District
(716) 926-2759

I strive to create a positive, supportive, learning environment, and educational experience for all students and pledge to respect each of my students as a unique person, not a test score.

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Exhibit I

Dear Town of Evans Zoning Board,

I am writing in support of the opening of Apex Health and Wellness Center. As a fitness professional who has been teaching in the Evans area for just under a decade, it has come to my attention many times over that a facility such as Apex is in great demand. There is much evidence of this on social media. Gyms are places where people come to be surrounded by people who are working toward bettering themselves. Apex goes above and beyond by having all aspects of personal care and guidance available to the people of Evans. Personally, as a fitness instructor I have come into contact with many residents in the area and they are looking forward to being a part of the Apex community. Thank you for your time.

Sincerely,
Stephanie Radomski

Exhibit J

Town of Evans Zoning Board
Apex Health & Wellness- Use Variance

Erie County is home to the highest rate of cardiovascular disease & stroke in the Northeast. Not only is cardiovascular disease the leading cause of death in Erie County but mortality from stroke has soared past the national average by 23%. It doesn't take myself, a college graduate from the University at Buffalo with a Bachelor degree in Exercise Science & a Doctorate Degree in Physical Therapy to recognize that a facility such as Apex Health & Wellness is exactly what our community needs to assist with improvements in overall health & wellness.

'Apex' is defined as, "The top or highest point of something, to reach a high point". The Apex Health & Wellness team demonstrates the potential to assist the entire Evans community, from young children to geriatric adults, with their comprehensive wellness goals in a fun, affordable & welcoming way to reach the apex of their health. Creating positive healthy habits of exercise, proper nutrition & positive mental health within our adult community will lend its self to a trickle down affect where as children will also be exposed to healthier lifestyles through increased activity, improved nutrition & positive relationships. In conjunction, current children's programming, including Southtowns Baton Twirling & Boys on the Right Track, offer an outlet for both girls & boys to learn these health habits at a young age to promote improved health now & in the future.

My role within the Apex Heath & Wellness team, or family as Dyan likes to describe us, is to offer Baton Twirling classes to children ages 3 & up. I have been involved with baton twirling since I was 3 years old & within that timeframe I have been able to learn significant life skills alongside the fun & exciting talent of flipping around a silver stick. The goal of a sport such as baton twirling is not to only teach the skills of the activity at hand, but rather to create well rounded citizens who can apply skills, knowledge & experience learned to their future careers & life. This goal of creating well rounded individuals applies not only to my Baton Twirling classes, but is one of the direct goals established by the entire Apex Health & Wellness Community.

Exhibit K

As a community, we have been rewarded with an all-inclusive health & wellness business located right in our back yard equipped with the space to make it all happen & owners who are eager to have the opportunity to create a positive impact to their hometown.

Sincerely,

Tara Dragowski
Current Town of Evans Resident
Southtowns Baton Twirling, Owner & Coach

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

Zoning for Apex

lbienko <lbienko@roadrunner.com> Thu, Mar 22, 2018 at 8:25 AM
To: dyan@apexexercise.com

I personally have been looking forward to the opening of Apex. I have a disability and cannot work out at nearby gyms. There will be personal trainers, equipment, and classes at Apex that can accommodate my needs.

Thank you for your consideration.

Sincerely,
Lynn Bienko

Sent from my Verizon, Samsung Galaxy smartphone

Exhibit L

To Whom It May Concern,

I am writing this letter in regards to the new Apex Health facility that is to open in the near future. As someone who has grown up in this town, I believe that the town has been in need of more businesses for people to go. That being said, Apex is a place where people can go to improve both their health and their mental well being. It is inviting, encouraging, and comforting. As someone who practices yoga and likes to lead a healthy lifestyle, I am used to driving 30-45 minutes in order to practice, teach, and do activities that help keep me healthy. When I heard that there was a gym that was going to open up right in our town, I was ecstatic. It's not only me that's excited though, everywhere I go people are wondering when it's going to open and how they can find out more information. Apex is offering this town something that we don't have. It's offering people a sense of community that is centered around health and wellness. It's a place people can go even in the winter when we're used to either sitting at home or driving 20+ minutes for something to do. It's helping our town grow in a direction that I feel has been much needed for a long time. I also believe Apex will help bring people from other towns to the area for things other than just the beach in the summer. Without the approval for Apex to open, a lot of people, including myself would be very disappointed. This is a moment for our town to grow, come together, and create a community where people want to be. I am hopeful for a positive outcome and to see what possibilities lie ahead for our town.

Sincerely,

Mariah Ceppaglia

Exhibit M

Gmail

Dyan Scritchfield <dyan@apexexercise.com>

Town of Evans Zoning Board

Robert Biondi <robertbiondi@me.com> Tue, Mar 27, 3:27 PM
To: <Dyan@apexexercise.com>

To members of the Town of Evans Zoning Board,

I am writing this letter in support of Apex Health & Wellness Center, located at 8656 Delameter Rd in Angola. It is my understanding that the owners of the facility, Mike and Dyan Scritchfield, are applying for a use variance in order to open their new wellness and fitness facility. As President of the Evans Brant Chamber of Commerce, I wholeheartedly endorse their project for this business. In addition, as a strong advocate for community development in our area, I welcome a business which offers a comprehensive approach to health and wellness. I have spoken with Mike and Dyan and their business plan presents a thorough and unique approach to providing a quality exercise and well-being facility that should have a great impact on members and residents of the Evans/ Angola/ Brant and surrounding communities.

Respectfully,

Robert Biondi
President
Evans Brant Chamber of Commerce
70 North Main Street,
Angola, NY 14006
T- 716-549-3221
C- 716-481-0186
robertbiondi@me.com
Like us on Facebook!
"Evans Brant Chamber of Commerce"

"Our Mission is to promote positive collaboration between businesses and individuals to encourage economic growth and cooperation within our community, making our small towns a phenomenal place to live and work."

Exhibit N

April 3, 2018

Town of Evans Zoning Board
8787 Erie Rd
Angola, NY 14006

Dear Chairman Yusick & Members of the Zoning Board,

I am writing this letter in support of Mike & Dyan Scritchfield's plan of opening APEX Health & Wellness Center at 8656 Delameter Rd, Angola, NY 14006.

Mike & Dyan are lifelong residents of the Town of Evans. They started MPC Construction over 20 years ago in the Town of Evans and have grown to 12 employees - many of them Town of Evans residents.

When their location on Route 5 became too small to house the construction business, they needed to relocate to a larger facility. While they had an option to go to a facility in Blasdell, they decided to purchase the property on Delameter because they really wanted to keep their business in their hometown of Evans.

With the vast additional space of the new building being unoccupied, they created a plan to house a gym, martial arts & professional health service concept unique to the Town of Evans and the Village of Angola (where the location borders).

More than just a gym with professional trainers & exercise classes, APEX offers counseling, massage therapy, health & wellness coaching, tanning, physical therapy, yoga, and training in Martial Arts. They will also be the headquarters to the highly acclaimed youth program, Boys on the Right Track- a program that has chosen to relocate to this facility from their current office in the Town of Hamburg. As of now, this facility will create over 20 new jobs in the Town of Evans.

Granting of this zoning variance to keep this unique concept in Evans is critical. In addition to creating new jobs, a building that has stood vacant for approximately two years will be fully utilized and continue to contribute tax dollars to the Town. The variance will also allow the owners to generate enough income to continue to operate both of their businesses in the Town of Evans. If they cannot utilize the entire building, they may not have the ability to stay in the Town.

With that being said, as a member of the Town of Evans Economic Development Committee and a Town/Village resident for over 20 years, I strongly support this project and granting of the zoning variance that will continue the efforts of smart growth and economic development in the Town.

Thank you for your time and consideration.

Sincerely,

Jonica B. DiMartino

Exhibit O

Gmail by Google

Dyan Scritchfield <dyan@apexexercise.com>

Zoning Board of Appeals

Tom Klinczar <tklinczar@bird-technologies.com> Thu, Mar 15, 2018 at 1:54 PM
To: "dyan@apexexercise.com" <dyan@apexexercise.com>

To whom it may concern, we (Bird Technologies) do not foresee any difficulties with a fitness center operating near our facility. We, in fact, are looking forward to having the business opened soon for our employees to benefit from.

As a manager of Bird Technologies, I approve the existence of a Fitness center to operate at 8656 Delamater Road.

Sincere regards

Thomas Klinczar

Materials Manager

Bird®
The RF Experts

8625 Industrial Parkway, Angola, New York 14006

www.birdrf.com

tklinczar@birdrf.com

716-217-3147

716-549-4700 (5050

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*** Please consider the environment before printing this email! ***.

Exhibit P

Roberta Rappoccio

From: Town of Evans [noreply@townofevans.org]
Sent: Thursday, March 22, 2018 2:56 PM
To: rrappoccio@townofevans.org
Subject: Town of Evans: Apex Health

This is an enquiry email via https://www.townofevans.org/ from:
Kevin Schamberger <Kevin.Schamberger@lakeshorecsd.org>

Good Afternoon,

It has come to my attention that the Apex Health and Wellness Center needs a use variance in order to open. It is certainly my hope that the town will move this forward and allow this business to open. I was under the impression that the town is "open for business". The area of the Gym, I believe is zoned light industrial. We finally have a someone or a group of people willing to invest in this community and remodel a building for a good use, let's not deter people from investing in our town. I hope that you can forward this message to the zoning board as well.

Thank you,
Kevin

Exhibit Q

Paul S. Pinto
17 Lerczak Drive
Angola, New York 14006
Home: 716-549-1262

April 9, 2018

Town of Evans Zoning Board
Attn: Roberta L. Rappoccio, Director
8787 Erie Road
Angola, New York 14006

Re: APEX Health and Wellness / Application For Use Variance
Sent via fax: 716-549-0456

Dear Director Rappoccio:

The purpose of this letter is to express opposition to the application for use variance by APEX Health and Wellness (hereinafter APEX).

The proposed location is at 8656 Delameter Road, Angola NY operated as MPC, Inc.

The owners of MPC, Inc. have announced the opening of APEX for over six months. Pictures, biographies of personal trainers and new employees of APEX have been announced to the community repeatedly on Facebook. APEX has prepared for this new business entity less any approval by the Town of Evans.

The owners of MPC, Inc., an adjoining diesel truck and commercial truck repair center, were formerly located at the NAPA retail center at 8181 Erie Road, Angola, NY. For the last seven years, their former location at 8181 Erie Road was littered with diesel truck and commercial truck components outdoors raising environmental concerns. Despite the absence of reasonable code enforcement pertinent to the zoning at 8181 Erie Road, MPC Inc. created an outdoor truck stop and commercial truck parts depot at their former location.

The current location of MPC, Inc., a diesel truck and commercial truck repair center, continues to utilize their outdoor space for unregistered motor vehicles, excess parts and equipment. The absence of a commercial junk yard license further demonstrates this owner's ability to enable their own agenda in opposition to the Town of Evans Code.

The proposed APEX entity is seeking a General Business designation. The building is currently zoned Light Industrial, the next logical zoning category would be motor service. Most importantly, the APEX business is proposing a child daycare facility, onsite physical training, personal training and instruction in physical conditioning.

Exhibit R

I **OPPOSE** any and all applications by APEX Health and Wellness to operate, rezone, application for a use variance or utilization of the facility at 8656 Delameter Road for the purpose of a gym, healthcare facility of any type, daycare facility or the like.

The facility at 8656 Delameter Road lacks adequate parking spaces for employees and patrons of a proposed APEX business. The facility is adjoined by a commercial diesel repair center with various tools and equipment. The current use by MPC, Inc. creates a list of concerns relative to fire hazards, the presence of chemicals, tools and equipment that pose a danger to customers, patrons or visitors to this location. Furthermore, what is the onsite capacity for 8656 Delameter Road? The facility lacks adequate emergency exits, parking, restrooms and handicap accessibility for patrons.

Since MPC, Inc. has occupied a majority of this location (internally and externally), any sharing of the office space at 8656 Delameter Road creates a mixed use application. While the owner can easily adhere to fire wall standards, the community is unaware of any proposal by the owner to mitigate the dangers of a mixed use facility that clearly poses a danger to patrons of a proposed entity named APEX.

For the reasons set forth, I firmly **oppose** the application for a use variance by APEX Health and Wellness.

Very truly yours,



Paul S. Pinto
Home: 549-1262
Cell: 949-9082

4/8/18

To Whom It May Concern:

I have been a resident in the area for over 40 yrs and think its an asset to our community to have APEX Wellness Center. Our families need a holistic approach in taking care of their needs. I believe this Wellness Center offers all these wonderful opportunities to improve people's life style. Helping to strengthen them as well as learning healthy choices. More jobs will be created as well. Its all a positive move in the right direction.

Please give permission to help grow our communities and families, and allowing a wonderful Program such as APEX Wellness Center to have a start in this area.

Thank You-

Hope Thompson 716 (563-9247)

Exhibit S

Gmail

Dyan Scritchfield <dyan@apexexercise.com>

"APEX Health & Wellness" Variance

<PHornberger@lakeshorecsd.org> Thu, Apr 5, 9:53 PM
To: <dyan@apexexercise.com>

To: The Town Of Evans Zoning Board

(Nicole Manges, Andrew Yusick, Don Maglich, Vincent Gugliuzza, Tracy Spada)

From: Paul Hornberger

7235 Sweetland Road, Derby NY 14047

Date: April 4, 2018

Re: Zoning approval for "APEX HEALTH AND WELLNESS"

As a Town of Evans resident, and an educator within the Lake Shore Central School District, I would like to stress the importance of putting our full support behind new businesses in our community. This should be a top priority for our local government, and APEX HEALTH AND WELLNESS will give us a great new opportunity..

Town of Evans residents and our children will reap the full benefits of programming that promotes a healthy and positive lifestyle. It's wonderful to see people getting so excited about APEX . Please consider granting the variance being sought for the benefit of our entire community.

Paul M. Hornberger
Grade 5
J.T. Waugh Elementary
Lake Shore Central School District
(716)926-2740

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Exhibit T

Gmail

Dyan Scritchfield <dyan@apexexercise.com>

Re: Town of Evans Zoning Board

Dawn Hornberger <hornbergerdawn@gmail.com> Thu, Apr 5, 8:45 PM
To: dyan@apexexercise.com <dyan@apexexercise.com>

Attention: Zoning Board Members
Nicole Manges, Andrew Yusick, Don Maglich, Vincent Gugliuzza, Tracy Spada
I
I would like to lend my support to approve the variance for Apex Health and Wellness.

I own "Get Glowing", a mobile spray tan business. I plan on expanding my business to include a space at Apex. The exposure I will receive within the facility will have a positive effect on my future growth, by providing a service to our community. I have received several calls since I was added to the Apex website. The potential for new clients is huge.

I urge you to consider the all the positives that Apex Health and Wellness will bring to this community, not only for me but for so many.

Best regards,
Dawn Hornberger

Exhibit U

HANNA
COMMERCIAL REAL ESTATE

Todd P. Danni, Associate Broker
5462 Sheridan Drive • Williamsville, NY 14221
Phone: 716-932-5300 • Fax: 716-932-5301

April 8th, 2018

Town of Evans Zoning Board
8787 Erie Road
Angola, NY 14006

Dear Town of Evans Zoning Board,

I am an Associate Broker with Hanna Commercial Real Estate formally with Coldwell Banker. I was the agent hired by the trustees of the bank to sell the building at 8656 Delamater Rd. This building had tremendous challenges including location, building layout and existing use. This building was on the market for 239 days and selling for almost 50% less than what the previous owner had into the building and what was owed to the bank.

When I met Dyan & Michael Scritchfield, I was pleasantly surprised at their business operation and their overall desire to improve their business location and upgrade their business building. Dyan's and Michael's backs were against the wall because they were only tenants at their previous location and were struggling with issues that the landlord was not addressing. Dyan and Michael were also looking at several locations outside of the Town of Evans. We selected the location at Delamater Rd after a tight negotiation with the bank, early occupancy to improve their situation, being from the town of Evans and the biggest reason was the possibility of sub leasing spaces that didn't make any sense for their operation. I spoke with Dyan at the time when she informed me that she checked with the town and ran all of the ideas past the Town inspector at the time. It wasn't until the town inspector confirmed that those ideas were acceptable with current zoning that they entered in to the contract to purchase.

The layout of this building is very unique which was one of the challenges I faced when selling it. I would like to refresh everyone's memory that this location was used to manufacturer ammunition which included a ballistics testing room with a large arsenal of weapons on site not to mention the underground storage of explosive powder. It is a great shock to me that Dyan and Michael are getting resistance for creating a health and wellness center.

On a professional note I must say this is the third time I have sold a commercial building in the Town of Evans and every time it has been a challenge. The overall feeling among brokers, agents and buyers is that the Town of Evans in NOT pro-business. Early in the listing of Delamater Rd., I had what we call the perfect buyer, established and well known who wanted to move their site from the City of Buffalo. Despite everything I tried, they insisted they did not want to move into the Town of Evans based on things they heard.

If you have any questions regarding this sale please feel free to contact me at your convenience.

Sincerely,

Todd P. Danni
Associate Broker
Hanna Commercial

Exhibit V

AUCTIONS INTERNATIONAL, INC.
11167 BIG TREE ROAD, EAST AURORA, NY 14052
Phone: (800) 536-1401 Fax: (800) 569-3334
www.AuctionsInternational.com

Attention: Town of Evans, Zoning and Code Enforcement
MPC Inc.

Date: April 9, 2018

RE: On-line auction(s) of surplus

To Whom It May Concern;

This letter is to confirm the above mentioned Consignor, MPC Inc, residing at: 8656 Delamater Road, Angola, NY 14006 – has been a vendor with Auctions International since 2013.

Currently they, MPC Inc., are in the process of gathering an auction together for us including some vehicles in which they wish to sell.

Auctions International, Inc. is an on-line auction company that has been incorporated since 2002. We are the largest NYS on-line company and have reached all across the North Eastern States. Our website is: www.AuctionsInternatinal.com if you wish to take a look at what we typically sell – which would include vehicles such as MPC Inc. is working on for us to sell.

If you have any further questions, please feel free to contact me.

With Appreciation,

Accounting Manager

Nicole Gremmel, Accounting Manager
Auctions International, Inc.

Exhibit W

April 8, 2018

Cynthia Latimore

8434 North Main Street

Angola, New York 14006

Town of Evans Zoning Board

8787 Erie Road

Angola, New York 14006

Dear members

It is my understanding that you are charged with addressing the requests by residents to either obtain an interpretation of the zoning ordinance or zoning map designation; appeal to a type of property use for something other than what is allowed; appeal for variance to a zoning ordinance; which is generally due to the size or location of a proposed new structure. Your work on the zoning board is much appreciated as I am sure it takes much time to evaluate and look into the feasibility of any such request keeping in mind the best interest of the residents. As a life long resident and business owner of the town I would like to share with you my support for growth in commercial and residential development. Being involved in civic and governmental organizations in our community I have seen the decline in population which has effect many areas of our community. I believe that our community is in desperate need of growth.

At this time I would like to Share my support for the request from Mike and Dyan Scritchfield to allow them to pursue development of the property at 8656 Delamater Road in the Town of Evans. As a community we must continually look for ways to encourage people to want to make this their home to raise their families. We need to have options for shopping, recreation, health and wellness, youth development and dining. There is very limited options in our community to do the things that I have listed and find myself having to visit neighboring communities to find activities and places to shop. It is very disappointing often that we hear of potential new business and new housing opportunities that do not become reality for reasons unknown. There are many vacant properties in this community and we really need to embrace opportunities to revitalize these lands and use of current structures to there full potential to benefit the residents.

Thank you for your consideration in this matter and wish you the best in reaching your decision.

Respectfully

Cynthia Latimore

Business Owner of the Town of Evans

Exhibit X

Boys on the Right Track

Monday, April 9, 2018

Boys on the Right Track, Inc.
1597 Evergreen Drive
Lake View, NY 14085

Evans Town Hall
8787 Erie Road
Angola, NY 14006
ATTN: Zoning Board of Appeals

Dear Zoning Board Members:

This letter is to affirm support for Apex Health and Wellness variance request at 8656 Delameter Road Angola, NY 14006. Boys on the Right Track, a 501 © 3 charity, Tax ID #46-4682661, backs the transformation of the site into a health and wellness facility and office space, and has committed to renting space at the facility.

Since our organization is an afterschool program, all of the services are conducted at different sites supervised by coaches and site supervisors. All the behind the scenes business was conducted at our home office. We do, however need to have a space for meeting with our Board of Directors, coach training, and occasional meetings with the community or potential sponsors. Most importantly, to secure government funding, we need a brick and mortar to call home.

Boys on the Right Track relies significantly on volunteer support. It is necessary for us to have a neutral, safe space to facilitate volunteer opportunities.

The Health and wellness model Apex offers creates partnerships for the customers and tenants of the building, and creates synergies between complementary organizations. It also provides economic development, assets and resources for our area that will be well utilized for residents of Evans and surrounding communities.

Apex's commitment to social, mental, emotional, economic wellness is an invaluable asset and resource to our community--initiatives that should be embraced.

Thank you for your time and consideration.

Sincerely,

Juliet L. Meade, M.S.
Founder/Executive Director
Boys on the Right Track

RECEIVED
APR 11 2018
Building Department

Exhibit Y

Phillip and Kelly Zygmunt
783 Bennett Road
Angola, NY 14006

Andrew Yusick
Chairman
Town of Evans Zoning Board
8787 Erie Road
Angola, NY 14006

Dear Chairman Yusick:

We are the Zygmunt's, Phillip and Kelly, who reside at 783 Bennett Road in the Town of Evans. We are writing you to voice our support for the rezoning application put forth by Apex Health and Wellness, located at 8656 Delamater Rd.

We believe this facility will be a great asset to the Town of Evans and its citizens. Businesses such as APEX Health and Wellness are needed to not only help our Town grow, but also give "pass through" traffic a reason to stop and spend time in our Town.

We hope you will take our letter of support into consideration in the rezoning process

Sincerely,

Phillip Zygmunt

Kelly Zygmunt



Exhibit Z