

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, JULY 10, 2017

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: John Gargano, James McCarthy, Ted Metarko, Wayne Kennedy, Patricia Thiel, Matt Maslyn

Absent: Joseph Reilly, Doug Porter, Brian Harpster (recused)

Guests: Tom Massi, Lisa Massi, Neal and Drusilla Pipe, David Stewart, Truman Ayers, Frank Curreri, Jeff Harmon, Jay McKendrick, Karl Schwesinger, Rick Snavelly, Jeff Evans, William and Carole Clinton, Steve Trobe, Mark Passero, Maria E. Marzo, Keith Walton, William Roe, David Cox, Karl Schwesinger, Ali Williams, Rita McCarthy, Barb Lucas

CHAIRMAN JOHN GARGANO OPENS THE MEETING AT 7:00 PM.

In accordance with the Planning Board's established procedure, the Board will hear all matters up until 9 PM. Any matters not completed by that time will be held over to the next regular meeting. As is the usual practice, the Board's consultants have met with the applicants prior to this meeting and have gone over the applications to ensure that they are as complete as possible and to point out any errors or omissions that can delay approval.

MOTION TO APPROVE THE MINUTES OF THE JUNE 5, 2017 MEETING

MOTION BY: JAMES McCARTHY

SECONDED BY: JOHN GARGANO

DISPOSITION: 6-0

PLANNING BOARD CHAIRMAN EXPLAINS that there are three applications that relate to the Family Life proposed development: the Subdivision application; Special Use Permit application and Site Plan application. Public Hearings have been held on all three applications. The Planning Board has already taken the unusual step of extending the comment period to allow for comments through June 16, 2017. All public comment is now closed. The Public may listen and observe the Planning Board deliberations, but public participation on this project is complete.

The applicant will present the information on all three applications. During and following the presentation, Planning Board members will have the opportunity to ask questions, raise issues, seek additional information.

Once that process is complete, the Planning Board will consider its Findings under the State Environmental Quality Review Act for the entire project, which includes all three applications. The Planning Board will finalize and make its SEQR Finding. Then the Planning Board will consider approval of each application.

The Family Life Ministries applications were presented by Jeff Evans, attorney for the applicant, and David Cox, P.E., Passero Associates, engineer for the applicant. Attorney Evans noted that the presentation would be limited to changes and additions to the application in response to issues raised at the previous Planning Board meeting and Preplanning meeting.

Engineer Cox presented each Family Life Ministries' application separately, beginning with the Subdivision application. He noted no changes to the application except for the addition of setback lines on the drawings.

Regarding the Special Use Permit application, Engineer Cox explained that a Special Use Permit is required because the calculated area of ground disturbance will be approximately 3000 sf greater than the 5000 sf limit and the disturbance will be within a wetlands buffer area. It was noted that there are four criteria which must be addressed:

1. An Article 24 Permit from the DEC must be obtained. It has been applied for.
2. There should be no impact on the aesthetic resources. No impact expected.
3. There should be no erosion or pollution due to the project. A detailed SWPPP has been prepared with DEC guidelines and approval.
4. Best management practices for erosion control must be employed. The DEC "Blue Book" guidelines are being followed.

Planning Board member Patricia Thiel noted that the DEC had previously suggested that the project should be moved out of the wetlands buffer area.

Engineer Cox responded that DEC policies always reflect the preference to stay out of wetland buffer areas when possible however, in this case there are two opposing concerns regarding the location of the Town Center Road extension to Chatfield Place. If the Town Center Road extension is moved out of the wetland buffer, the intersection with Chatfield Place will be too close to the intersection of Chatfield Place with Robert Dann Drive resulting in safety issues due to stacking.

Planning Board member Matt Maslyn asked if the existing gravel road which runs perpendicular to Town Center Road and intersects Robert Dann Drive will be improved as noted in previous meetings.

Engineer Cox responded that the Town Center/Robert Dann Drive road will not be improved or used. The decision was based on the fact that the road would be limited to right-in and right-out movement and the location would not allow immediate access to Interstate 99. Extending Town Center to Chatfield leads to a signalized intersection allowing a left turn and a right turn with immediate access to Interstate 99.

Engineer Cox presented the site plan application noting that Phase I includes the subdivision, renovation of the existing building including an 800 seat auditorium, relocation of Family Life Ministries headquarters, introduction of fiber optic internet on Town Center Road and extension of Town Center Road if NYS funding is received. Phase II includes everything else on the site plan application including construction of the performing arts theater, extension of the parking area and installation of the storm water system.

Planning Board members Patricia Thiel and Matt Maslyn argued that the two phases of the project should be considered as separate but related applications and that it would be necessary for Family Life Ministries to come back to the Planning Board and Zoning Board of Appeals in the event that Phase II has not been started within the 1 year approval period. Member Thiel also noted that there should be no approval of the site plan without prior approval from the DEC especially given the comments already received.

Vice Chairman James McCarthy, referencing Code Section 130-52 in regard to dividing a project into phases, noted that there is no specific time limit defined for the total time to complete a project, only the requirement that the entire project must have been substantially started within a one year approval period. Phase I represents 40% of the project which is substantial. The code does not specify a maximum time limit between two phases of construction and it is necessary for the Planning Board to interpret the definition of substantial completion.

Attorney Evans noted that one reason for presenting the entire project as a single application is to provide Family Life Ministries with assurance that they can use the land they intend to purchase for the intended purpose.

Town Manager Rita McCarthy also noted that DEC approval is not a prerequisite for Planning Board approval. Any risk that the DEC, or any other involved agencies, will not issue the required permits is a risk for Family Life Ministries.

Ali Williams of Hunt Engineers, engineer for the Town, noted that she has no unanswered engineering concerns.

As a final note, Engineer Cox indicated that the fence to be located in the buffer area between the project and neighboring residential area has been upgraded from a wooden fence to a decorative concrete wall which will not be affected by wind and will provide better sound attenuation.

1. APPLICATION FROM FAMILY LIFE MINISTRIES FOR A SUBDIVISION/RESUBDIVISION TO CREATE 5 NEW LOTS ON TOWN CENTER ROAD AND RESUBDIVIDE 5 LOTS TO CREATE ONE PARCEL OF 20.971 ACRES FOR THE DEVELOPMENT AND ALLOW FOR ACCESS/UTILITIES AND EXTENSION OF TOWN CENTER ROAD AT 300 TOWN CENTER RD. WITH PUBLIC HEARING

Applicant seeks to combine lots to create a 20.971 acre parcel for the Family Life Development, to subdivide lots to create 5 development outparcels, and to adjust property lines to accommodate the extension of Town Center Road and other infrastructure required to support the Family Life Network development.

POINTS TO CONSIDER:

The project is located in a T-C Town Center District Zone.

Required lot size 12,500 sq. ft./0.287 acres. Proposed new lots are between 3.49-0.463 acres.
Width at building line 40 ft. Proposed new lots are between 188-245 ft. All lots are conforming.

Elements needed:

Original, stamped plat

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

2. SPECIAL USE PERMIT APPLICATION FROM FAMILY LIFE MINISTRIES TO DISTURB 8,000 LF OF NATURAL LANDSCAPE WITHIN THE STREAM CORRIDOR OVERLAY DISTRICT AT 300 TOWN CENTER RD. WITH PUBLIC HEARING

POINTS TO CONSIDER:

The project is located in the Stream Corridor Overlay District because it is within the 100 ft of the state classified wetland.

In order to accommodate construction of the proposed Town Center Road extension, the applicant seeks to disturb 8,000 sf of natural landscape. In accordance with §130-38.C.2, any clear-cutting, of vegetation, grading, or other alteration of more than 5,000 sf. Requires a Special Use Permit.

In accordance with §130-38.C.3, the Planning Board may grant approval of such activity provided that it will not result in any adverse impacts on aesthetic resources of significance, and if there are potential impacts, that such impacts shall be mitigated. Also such approval is predicated on no erosion or pollution caused by the disturbance that would affect the wetland.

Elements needed:

Description of mitigation of impacts

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

3. SITE PLAN APPLICATION FROM FAMILY LIFE MINISTRIES FOR A 124,000 SQ. FT. BUILDING AT 300 TOWN CENTER RD. WITH PUBLIC HEARING

The project is located in a T-C Town Center District Zone. (Based on the new submittals, note changes in what is included in Phase I)

In Phase I the applicant seeks to renovate the existing building (former Harley Davidson) to house an 800 seat auditorium, offices, radio broadcasting operations, counseling, other ministry functions, and contingent upon the receipt of grant funding, Phase I will include all infrastructure upgrades. Such infrastructure upgrades include extending Town Center Rd to intersect with Chatfield Place, extension of water main to provide a looped system for Town Center Road, dedication of a private sewer main to serve Town Center Road extension, together with storm drainage and storm water management systems. The applicant is applying for a grant for the infrastructure. It will be included in Phase I contingent upon receipt of the grant.

In Phase II, the applicant seeks to construct a 1900 seat performing arts center/dinner theater

Criteria:	Required:	Proposed:	
Lot coverage	60%	50%	
Setbacks			
Side	20 ft	20 ft or greater	
Rear	0 of 10'	52.2'	
Height			
Building	35'	60'	Variance approved 05/23/17
Lighting	18'	24'	Variance approved 12/20/16
Building footprint	10,000 sf	124,000 sf	Variance approved 05/23/17
Parking			
Stall size	9 X 18'	9 X 18'	
Landscaping	1 island per 10 spaces no space more than 75' from tree	OK	
Spaces			
Office	1/300 GFA (X103,197) = 344		
Public Assembly	1/6 seats (X1900) = 317		
Total	661	650 + 38 bus	
Screening and Buffering	3LB to residential	8' concrete fence and 25' landscape buffer entire back property line	
Public Spaces/Connections		Sidewalk connections to Town Center Crosswalk connection between parking areas	
Fenestration/Color/Roof		Front of building OK	
Rooftop equipment	Screened from view	Inside the building	
Dumpster	Screened from view	Unchanged from Harley	

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

THE PLANNING BOARD CONSIDERS THE DRAFT SEQR FINDINGS.

RESOLUTION TO OPEN THE DISCUSSION TO ADOPT PARTS 2 AND 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM AND ISSUE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: MATT MASLYN

SECONDED BY: WAYNE KENNEDY

DISPOSITION: 6-0

SEQRA RESOLUTION attached.

SEQRA NEGATIVE DECLARATION attached.

RESOLUTION ON SITE PLAN APPLICATION attached.

RESOLUTION ON SUBDIVISION APPLICATION attached.

RESOLUTION ON SPECIAL USE PERMIT APPLICATION attached.

4. SITE PLAN AMENDMENT APPLICATION FROM KLUGO ERWIN LLC FOR AN 8,000 SF ADDITION AT 310 TOWN CENTER RD. WITH PUBLIC HEARING

POINTS TO CONSIDER

Project is located in Town Center.

In April 2010, the applicant received Site Plan approval for two Phases. The building and parking lot for Phase I was constructed. The applicant is now seeking approval for a reconfiguration of Phase II and its parking lot.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Setback		
Front	0'	6.7'
Side	0' or 10'	10'
Rear	15'	15'
Lot size	12,500 SF (0.287 acres)	1.01 ac
Width	40'	241'
Coverage	60%	67% Variance approved 06/27/17
Parking	57	58

Elements needed:

Are the existing rooftop units sufficient for addition or will there be new?

The PB is of the opinion that the current units do not meet the regulations for being "screened"

Landscaping plan; parking lot landscaping

Lighting and photometrics

Cover letter says disturbance less than 1 acre; SEQRA and Site Plan drawings say disturbance is 1.016 acres

The application was presented by David Cox, P.E., of Passero Associates, engineer for the applicant. Engineer Cox noted that Klugo Erwin LLC is seeking a site plan amendment to reconfigure the lot resulting in a better

parking lot layout allowing additional parking and better access to the building. The reconfiguration is the result of an equal land swap with Family Life Ministries. The total square footage of the property will remain unchanged. Storm water on the property is handled in the regional storm water pond.

Planning Board member Matt Maslyn questioned if site approval could be granted before the subdivision plat with Family Life Ministries is filed. It was decided to add that as a contingency for approval.

Planning Board Chairman John Gargano noted that the existing rooftop equipment is inadequately screened.

Planning Board member Matt Maslyn noted that the sidewalk located along the west side of the building should be extended to the rear of the property line. It was decided to add that as a contingency for approval.

Ali Williams of Hunt Engineering, engineer for the Town, noted no issues with the application.

THE PLANNING BOARD REVIEWS THE EAF.

ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	NO
2. Will the proposed action result in a change in use or intensity of use of land?	NO
3. Will the proposed action impair the character or quality of the existing community?	NO
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	NO
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?	NO
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?	NO
7. Will the proposed action impact existing:	
a. public / private water supplies?	NO
b. public / private wastewater treatment utilities?	NO
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	NO
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	NO
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	NO
11. Will the proposed action create a hazard to environmental resources or human health?	NO

RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY AND TO MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: PATRICIA THIEL
SECONDED BY: JAMES MCCARTHY
DISPOSITION: 6-0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:32 PM.

Keith Walton, 45 Katie Lane:

Mr. Walton notes concern that additional variances granted for increased lot coverage affects the storm water system.

CHAIRMAN CLOSES THE PUBLIC HEARING AT 8:34 PM .

RESOLUTION TO APPROVE THE SITE PLAN AMENDMENT CONTINGENT ON SUBDIVISION PLAT HAVING BEEN FILED AND EXTENSION OF THE SIDEWALK TO REAR PROPERTY LINE.

MOTION BY: MATT MASLYN
SECONDED BY: PATRICIA THIEL
DISPOSITION: 6-0

5. APPLICATION FROM DR. MARIA E. MARZO TO CONSTRUCT A 3,700 SQ FT MEDICAL OFFICE AT 275 S. HAMILTON ST. WITH PUBLIC HEARING

POINTS TO CONSIDER:

The project is located in a B-1 Business Commercial zone.

The applicant seeks to construct a new, 3,100 sq ft medical office building.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Lot		
Size	12,500 sq ft	33,280
Width	100'	232
Coverage	60% max	63% Variance approved 06/27/17
Setbacks		
Side	20'	54.56'
Front	0'	5 - 25' Variance approved 06/27/17
Rear	25'	68'
Parking	Side or rear	Side and Rear
No. of spaces	28	34
Lighting	10'-12', no spillover light	12', Need photometric plan
Sidewalk	8' & connect to area system	5' & connect to area system Property Does not extend to road ROW, substitute perpendicular 5' sidewalk along driveway and side of building to provide connectivity
Height	Min 2 stories	2 story
Roof	Pitched/flat, screen equipment	Flat, cornice hides rooftop units
Fenestration	façade, windows	Elevation view shown
Materials and Color	earth tone	earth tone
Orientation	Facing local road	The lot is on the curve of the road, and the building is canted toward local road Applicant to address

Issue of door, functional or not, facing S Hamilton.

The applicant does not own to the road ROW. An easement is on file granting this property access to S. Hamilton Street.

The Site Plan is not significantly changed since the 2016 submittal.

The engineer questioned parking lot drainage and has called for pre-treatment of the dry wells.

DOH approval is required for medical offices, therefore DOH is an Involved Agency. Since there are no major changes to the parking lot and no permits required from any other agency, there are no other involved agencies. SEQR has been modified to reflect DOH is Involved Agency.

Elements needed:

Lighting cut sheets and illumination

The application was presented by Karl Schwesinger, P.E., of Fagan Engineers, engineer for the applicant. Dr. Marzo was present. Engineer Schwesinger noted two changes from the previously approved site plan. The building footprint is reduced from 7000 sf to 3100 sf and the basement has been replaced by a second story.

Regarding the status of Fire Chief sign-off, it was noted that comments were received from the Fire Chief requesting information about the installation of a knock box and fire hydrant location. Dr. Marzo noted that there will be no sprinkler system as approved in the prior application.

Planning Board member Matt Maslyn questioned the configuration of the parking lot and site and whether fire trucks would have adequate room.

Engineer Schwesinger noted that turning radius diagrams will be provided and can be reviewed by the Fire Chief. Dr. Marzo restated that the only related change from the previously approved plan was the smaller footprint of the building.

Ali Williams of Hunt Engineers, engineer for the Town, noted that receipt of lighting photometric plans remains an outstanding issue.

Engineer Schwesinger noted that storm water will be captured in a catch basin and treated in an oil water separator.

THE PLANNING BOARD REVIEWS THE EAF.

ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	NO
2. Will the proposed action result in a change in use or intensity of use of land?	NO
3. Will the proposed action impair the character or quality of the existing community?	NO
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	NO
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?	NO
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?	NO
7. Will the proposed action impact existing:	
a. public / private water supplies?	NO
b. public / private wastewater treatment utilities?	NO
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	NO
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	NO
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	NO
11. Will the proposed action create a hazard to environmental resources or human health?	NO

RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY AND TO MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: TED METARKO
SECONDED BY: MATT MASLYN
DISPOSITION: 6-0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:46 PM.

No comment from the public.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:47 PM.

RESOLUTION TO APPROVE THE SITE PLAN CONTINGENT ON FINAL FIRE CHIEF APPROVAL AND ENGINEERING APPROVAL OF THE PHOTOMETRIC PLAN.

MOTION BY: WAYNE KENNEDY
SECONDED BY: PATRICIA THIEL
DISPOSITION: 6-0

6. SITE PLAN AMENDMENT APPLICATION FROM MASSI’S GARDENS FOR A PROPANE FILLING STATION AT 246 VICTORY HIGHWAY.

POINTS TO CONSIDER:

The project is located in a M-U Mixed Use zone.

The applicant erected a propane filling station for which he needs Site Plan approval.

Since this business is located on State Rt. 415, NYSDOT is an Involved Agency.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
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Setback		
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Front	50 ft	44 ft VARIANCE REQUIRED
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Elements needed

Fire Chief sign off required.

Updated drawing depicting actual tank size, pad, fastening to pad, and location/spacing of bollards in relation to tank and fence required.

Tom and Lisa Massi, the applicants were present.

It was noted that the applicants are going before the Zoning Board of Appeals in July to seek a variance for front yard setback. During the discussion it was discovered that the variance being sought was based on the distance of 44 ft from the centerline of the road to the tank rather than the distance from the property line to the tank. The exact distance was not known. Mr. Massi was asked to provide that information to the Board for the next meeting and contact the Coopers Plains Fire Chief for approval of the project.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT IS A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, DECLARE THE INTENT OF THE PLANNING BOARD TO BECOME LEAD AGENCY.

MOTION BY: JOHN GARGANO

SECONDED BY: MATT MASLYN

DISPOSITION: 6-0

MOTION TO ADJOURN THE MEETING AT 8:57 PM

MOTION BY: JAMES McCARTHY

SECONDED BY: JOHN GARGANO

DISPOSITION: 6-0

SEQRA RESOLUTION

TOWN OF ERWIN PLANNING BOARD

FAMILY LIFE MINISTRIES, INC, AREA VARIANCE, SITE PLAN, SUBDIVISION, and SPECIAL USE APPLICATIONS

JULY 10, 2017

MOTION TO ADOPT PARTS 2 AND 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM AND ISSUE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE

The Town of Erwin Planning Board ("Planning Board") hereby makes the following resolution:

WHEREAS, Family Life Ministries, Inc. ("Applicant" or "FLM") as the owner of 300 Town Center Road (Tax Parcel ID #316.00-001-009.200) and contract vendee of certain vacant land (Tax Parcel ID #316.00-001-010.111) located in the Town of Erwin in the Town Center and Rural Zoning Districts, requested approval of the following six applications (the "Proposal" or "Project"):

Zoning Board of Appeals

- Area Variance to allow a 124,000 square foot building footprint where 10,000 square foot is allowed pursuant to Section 130-89.D.C.i.
- Area Variance from the requirements of Section 130-89.D.C.i, Section 130-14, and Appendix B Density Control Schedule to allow a building height of 60 feet
- Area Variance from the requirements of Section 130-89.D.C.ii to allow area lighting 24 feet tall

Planning Board

- Site Plan Approval for renovation of existing retail building into FLM headquarters and construction of a 1900 seat performing arts center/dinner theater, together with related parking, utilities, grading, stormwater treatment, landscaping/buffering, and other site improvements.
- Subdivision/Resubdivision to i) resubdivide four lots (including consolidation of Tax Map Nos 316.00-001-009.200 and 316.00-001-010.111 to create single 20.971 acre lot); ii) create five additional lots along Town Center Road; iii) lot line adjustments to 310 Town Center Road and 200 Robert Dann Drive; iv) create Town Center Road ROW, which will be extended to Chatfield Place; and v) create and additional six lots along Town Center Road, five of which will be suitable for future development.
- Special Use Permit to disturb 8,000 square feet of natural landscape within the Stream Corridor Overlay District; and

WHEREAS, on November 9, 2016, the Planning Board originally declared its intent to be lead agency for purposes of the SEQRA review process. Due to amendments to the Proposal, on May 2, 2017 the Town of Erwin re-noticed the original recipients of the Planning Board's intent to become lead agency and sent first time letters to several involved agencies that may have been originally overlooked including the Town Highway Superintendent and Town Water/WWTP Operator; and

WHEREAS, on or about December 13, 2016, the Applicant submitted an application requesting a Special Use Permit, subdivision and site plan approval, including an application form, letter of intent, site plans, Full Environmental Assessment Form, Building Elevations, Building Renderings, SWPPP, Engineers Report and Traffic Study, all prepared by Passero Associates, providing information addressing environmental considerations such as traffic, drainage, stormwater management, wetlands, floodplain, utilities, lighting and landscaping, together with other application materials, the "Application Package"); and

WHEREAS, on December 20, 2016, the Applicant went before the Zoning Board of Appeals (ZBA) with three area variance applications: height of light poles, height of building, and building square footage. The ZBA passed a resolution consenting to the Planning Board as lead agency for purposes of SEQRA and granted the light pole height variance. Upon the realization that the materials presented for the building height and square footage variances may not accurately reflect the final design, the Applicant requested that the application be tabled, which resolution was unanimously approved. The public hearing was held open pending additional information from the Applicant with respect to the building height and footprint square footage; and

WHEREAS, on January 4, 2017, the Planning Board met to consider the Project, at which time information was presented by the Applicant, but the application was eventually tabled as the Planning Board could not take any action because the Applicant needed to obtain variances and the Town Engineer had not finished reviewing all submitted documents; and

WHEREAS, On or about May 9, 2017, the applicant submitted revised ZBA documents including: revised rendered site plan, building renderings, possible development concept plan, shadow study plans, Applications, and rendered building perspectives from different views; and

WHEREAS, on or about May 16, 2017, the Applicant submitted revised site plans, revised subdivision plan, revised Traffic Study, revised SWPPP, NYSDEC Application for Permit Article 16, NYSDEC Application for

Permit Article 24, revised Long form EAF, revised building elevations/renderings, Town Center Road Infrastructure Analysis, and responses to Town Engineer comments; and

WHEREAS, on May 23, 2017 the ZBA held a public hearing wherein the Applicant's variance requests for building footprint and height were considered and approved. The ZBA passed a resolution allowing the Planning Board to act as lead agency under a coordinated review; and

WHEREAS, on June 5, 2017 the Planning Board heard the Applicant's presentation of materials regarding the Site Plan, Subdivision, and Special Use Permit applications and held a separate public hearing for each. At the conclusion of the meeting the applications were declared incomplete and the record left open until June 16, 2017 for the public to supply additional information if desired; and

WHEREAS, the Planning Board retained the services of an expert civil engineering and planning consultant, Hunt Engineers, Architects & Surveyors ("Hunt"), to review the documentation and advise and assist the Planning Board with its review of the Project; and

WHEREAS, public hearings on the site plan, subdivision, and special use permit were held before the Planning Board on June 5, 2017 where FLM presented the proposed details for the Project, after publication and service of the notices required by the Town Code and New York State Town Law, and all interested parties were given an opportunity to be heard at such hearings; and

WHEREAS, the Planning Board has received and considered written testimony from the public and the Applicant subsequent to the aforementioned public hearings; and

WHEREAS, the Planning Board, acting as Lead Agency in a Coordinated Review pursuant to Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Codes, Rules and Regulations (collectively, the State Environmental Quality Review Act), issues a Negative Declaration of Environmental Significance for the Project; and

WHEREAS, the Project is a Type I action pursuant to SEQRA; and

WHEREAS, the Planning Board has reviewed Part 1 of the Full EAF provided by the Applicants, and completed Parts 2 and 3 thereof with the assistance of Hunt Engineers, having fully discussed and analyzed each item of Part 2 at its meeting on July 10, 2017.

NOW, THEREFORE, BE IT RESOLVED: on motion of member James McCarthy, seconded by member John Gargano, and after due deliberation, and in consideration of the entire record, including, but not limited to, the consideration of the application, reports/studies, comments from the Planning Board's engineering consultant and the responses from the Applicants' consultants, agency comments and public comments, and consideration of both the magnitude and importance of each identified potential impact, the Planning Board has completed Parts 2 and 3 of the Full EAF in accordance with Article 8 of the Environmental Conservation Law and its implementing regulations contained in 6 NYCRR Part 617; and be it

FURTHER RESOLVED: that the Planning Board hereby determines that the Project will result in no significant adverse environmental impacts and, therefore, an Environmental Impact Statement need not be prepared, and the filing of the Negative Declaration for the Project substantially in the form attached hereto is hereby authorized.

	Yes	No	Abstain
John Gargano, Chairman	X		
James McCarthy	X		
Ted Metarko	X		
Wayne Kennedy	X		
Patricia Thiel		X	
Matt Maslyn		X	

STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION

NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3 - EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or “SEQRA”). The Town of Erwin Planning Board (the “Planning Board”), acting as Lead Agency in a Coordinated Review, has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: Family Life Ministries Reuse/Expansion of Former Harley Davidson Site

SEQRA Status: Type I: XX Unlisted: _____
Conditioned Negative Declaration: NO

Location: Four (4) existing tax parcels in the Town of Erwin, Steuben County New York are involved, including 300 Town Center Road (Tax Map No. 316.00-001-009.200), 310 Town Center Road (Tax Map No. 316.00-001-010.114), 250 Hamilton Street S. (Tax Map No. 316.00-001-010.111), and 200 Robert Dann Drive (Tax Map No. 316.00-001-010.112) (the “Project Site”).

Description of Action(s):

Family Life Ministries, Inc. ("Applicant" or "FLM") as the owner of 300 Town Center Road (Tax Parcel ID #316.00-001-009.200) and contract vendee of certain vacant land (Tax Parcel ID #316.00-001-010.111) and located in the Town of Erwin in the Town Center and Rural Zoning Districts, requested approval of the following six applications (the "Proposal" or "Project"):

Zoning Board of Appeals

- Area Variance to allow a 124,000 square foot building footprint where 10,000 square foot is allowed pursuant to Section 130-89.D.C.i.
- Area Variance from the requirements of Section 130-89.D.C.i, Section 130-14, and Appendix B Density Control Schedule to allow a building height of 60 feet
- Area Variance from the requirements of Section 130-89.D.C.ii to allow area lighting 24 feet tall

Planning Board

- Site Plan Approval for renovation of existing retail building into FLM headquarters and construction of a 1900 seat performing arts center/dinner theater, together with related parking, utilities, grading, stormwater treatment, landscaping/buffering, and other site improvements.
- Subdivision/Resubdivision to i) resubdivide four lots (including consolidation of Tax Map Nos 316.00-001-009.200 and 316.00-001-010.111 to create single 20.971 acre lot); ii) create five additional lots along Town Center Road; iii) lot line adjustments to 310 Town Center Road and 200 Robert Dann Drive; iv) create Town Center Road ROW, which will be extended to Chatfield Place; and v) create and additional six lots along Town Center Road, five of which will be suitable for future development.
- Special Use Permit to disturb 8,000 square feet of natural landscape within the Stream Corridor Overlay District

Procedural History

1. The Applicant attended a pre Planning Board workshop on or about October 25, 2016, and a Planning Board meeting on November 7, 2016 to discuss the Proposal prior to filing of any formal application.
2. On or about December 13, 2016, the Applicant submitted an application requesting a Special Use Permit, subdivision and site plan approval, including an application form, letter of intent, site plans, Full Environmental Assessment Form, Building Elevations, Building Renderings, SWPPP, Engineers Report and Traffic Study, all prepared by Passero Associates, providing information addressing environmental considerations such as traffic, drainage, stormwater management, wetlands, floodplain, utilities, lighting and landscaping, together with other application materials, the "Application Package").
3. On November 9, 2016, the Planning Board originally declared its intent to be lead agency for purposes of the SEQRA review process. Due to amendments to the Proposal, on May 2, 2017 the Town of Erwin re-noticed the original recipients of the Planning Board's intent to become lead agency and sent first

time letters to several involved agencies that may have been originally overlooked including the Town Highway Superintendent and Town Water/WWTP Operator.

4. FLM held neighborhood at the Town Hall on November 29, 2016 at which they presented an overview of project to approximately twenty people in attendance. Neighbors voiced their concern for: sound from parking lot, height of building, traffic, and lighting. Neighbors voiced they would like to see the building moved further from the property line or reorient the 60' tall portion of the building.
5. On December 20, 2016, the Applicant went before the Zoning Board of Appeals (ZBA) with three area variance applications: height of light poles, height of building, and building square footage. The ZBA passed a resolution consenting to the Planning Board as lead agency for purposes of SEQRA and granted the light pole height variance. Upon the realization that the materials presented for the building height and square footage variances may not accurately reflect the final design, the Applicant requested that the application be tabled, which resolution was unanimously approved. The public hearing was held open pending additional information from the Applicant with respect to the building height and footprint square footage.
6. On January 4, 2017, the Planning Board met to consider the Project, at which time information was presented by the Applicant. The Planning Board could not take any action as the Applicant needed to obtain variances as well as the Town Engineer had not finished reviewing all submitted documents. The application was tabled.
7. FLM held another public meeting inviting neighbors and community members to the Town Hall on January 11, 2017. FLM showed how, in response to neighbor's concerns, the proposed building had been reoriented to have the 60' tall portion perpendicular to and further from the property line.
8. On or about May 9, 2017, the applicant submitted revised ZBA documents including: revised rendered site plan, building renderings, possible development concept plan, shadow study plans, Applications, and rendered building perspectives from different views.
9. On or about May 16, 2017, the Applicant submitted revised site plans, revised subdivision plan, revised Traffic Study, revised SWPPP, NYSDEC Application for Permit Article 16, NYSDEC Application for Permit Article 24, revised Long form EAF, revised building elevations/renderings, Town Center Road Infrastructure Analysis, and responses to Town Engineer comments.
10. On May 23, 2017 the ZBA held a public hearing wherein the Applicant's variance requests for building footprint and height were considered and approved. The ZBA passed a resolution allowing the Planning Board to act as lead agency under a coordinated review.
11. On June 5, 2017 the Planning Board heard the Applicant's presentation of materials regarding the Site Plan, Subdivision, and Special Use Permit applications and held a separate public hearing for each. At the conclusion of the meeting the applications were declared incomplete and the record left open until June 16, 2017 for the public to supply additional information if desired.
12. On July 10, 2017 the Planning Board continued the application review, and fulfills its duties with respect to SEQRA, as detailed below.

Land Use Planning Backdrop

In 2005 the Town of Erwin updated its Comprehensive Plan and Design Standards in tandem with zoning regulations. The updated zoning ordinance attempted to proactively address concerns of suburban style sprawling development. As a result, the Town designated an approximately 40-acre portion of town located

directly east of the intersection of Robert Dann Drive and South Hamilton Street as the “Town Center” district and partially constructed Town Center Road through the district.

The comprehensive plan elaborated the Town’s vision for the Town Center:

The Town Center District was established to serve as the civic, social, and commercial hub of the community through a mixture of retail establishments, commercial services, office development, and public spaces. The district is located immediately west of Robert Dann Drive and adjacent to residential single-family neighborhoods, natural features, and high-density residential development. Strong pedestrian linkages between the District and the residential areas is an important component of the District. (Town of Erwin Comprehensive Plan, pp. 11-15).

The Town of Erwin Zoning Ordinance echoes the Comprehensive Plan in providing that

This district encompasses a large portion of the Town’s core gateway area and is immediately adjacent to residential single-family neighborhoods, natural features, and high-density residential development. The purpose of this district is to preserve, protect, and enhance the image and quality of the core area by encouraging mixed-use development with strong pedestrian elements in a coordinated manner, and to serve as the civic, social, and commercial hub of the community through a mixture of retail establishments, commercial services, office development, and public spaces. The district should also possess strong pedestrian linkages to the surrounding residential developments. (Town of Erwin Zoning Ordinance, p. 42)

Despite the well-articulated vision for the Project Site and surrounding area, development was not occurring as rapidly as desired. As a result, in 2016, the Town of Erwin Industrial Development Agency, whose mission is to foster economic development in the Town, sought to update the vision for the Erwin Town Center. The vision and resulting guiding document are intended to be used to help guide investors to establish economically viable projects in the commercial, retail and mixed-use areas of Erwin which are located strategically near a regional interstate crossroads. To implement the plan, the Town hired a team of consulting engineers and planners (the “HUNT/Elan Team”) to define a vision, graphically demonstrate it and develop a set of recommendations for bringing the vision to fruition.

The resulting document is commonly referred to as the South Hamilton Town Center Vision, Land Use and Zoning Recommendations (the “Town Center Vision Recommendations”). The vision for Project Site and immediate vicinity is found on pages 16 and 17 of the Town Center Vision as provided below:

4. Vision: Family Life Network / Town Center Road

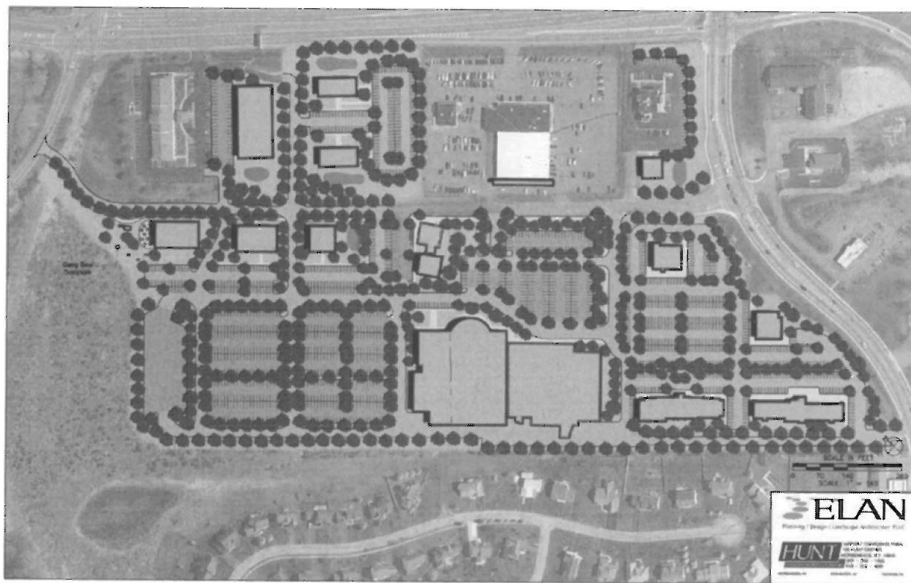


Figure 7: Family Life Network / Town Center Road Concept

This concept incorporates the Family Life Network proposal along Town Center Road and also imagines additional, accessory development such as restaurants or retail with shared parking lots. An open space with the gang saw sculpture could be incorporated into the development along the northern end of the proposed Town Center Road extension.

The development proposed in the Town Center area includes;

- Family Life Network's proposed re-use of the former Harley Davidson/P&C Plaza building and associated expansion,
- expansion of the facility currently housing the Town Hall,
- two additional hotels (adjacent to Econolodge and adjacent to the existing Hampton Inn),
- two 5,000 square foot sit down style restaurant buildings near the southernmost portion of Town Center,
- a new office building at the Community Bank (potentially to accommodate the commercial lending portion of the Community Bank business).
- A new façade on the Fox Auto Group building to provide a storefront like appearance on the back of the existing facility,
- Other retail/mixed uses along Town Center Road.

Development of the former Harley Davidson/P&C Plaza building resulted in a long rectangular parking lot along Town Center Road. Given the Town's zero front yard setback objectives, this land was planned for placement of future accessory buildings or outparcels.

Development of this area shall include the extension of Town Center Road to Chatfield Place. This roadway shall be extended according to the Town of Erwin Highway Standards and incorporate a new sidewalk and utility extensions to promote future development and serviceability.

The intersection of Town Center with Chatfield Place can be completed in two separate locations. Ideally, the intersection of Town Center with Chatfield Place should align with the Emerald Spring driveway, however, this will likely require re-alignment of the stream along Chatfield Place, a new culvert under the Town Center extension and potential re-alignment of the culvert beneath Chatfield Place. An alternative alignment exists consisting of the extension of Town Center to Chatfield Place such that the resulting intersection is located northeast of the Emerald Spring/Chatfield Place intersection and the aforementioned stream. While this alternative option will result in a less expensive interconnection it will limit vehicle queue lengths for the northbound lane at the Chatfield Place/Robert Dann Drive intersection. Selection of the roadway interconnection should include a traffic analysis to determine needed queuing lengths and other potential improvements to the Chatfield Place/Robert Dann Drive intersection to minimize said queuing lengths (i.e. replacement of intersection with roundabout).

Project Overview

The Planning Board agrees that the Proposal is consistent with the Comprehensive Plan, Zoning Ordinance, and Town Center Vision Recommendations. Specifically, the Planning Board determines that the FLM headquarters building and adjacent performing arts center/dinner theater is an allowable

use subject to site plan approval under the Cultural Facility designation. Despite urging from project opponents, the Planning Board interprets the use designation as being broad enough to encompass a performing arts center/dinner theater. The intent of the Cultural Facility designation is to allow places for people to congregate in appreciation of the arts, including plays and musical performances. The hours of operation are not the common link and distinguishing factor that would exclude the proposed use from this category. It is understood that the proposed development requires the full-build out of the planned roadways and associated infrastructure consistent with the site plan, including the extension of Town Center Road, along with requisite utility infrastructure and off-site transportation improvements, all of which are considered to be part of the proposed action.

The Project Site will be serviced by public water and sewer, natural gas, telecommunications and electric utilities. Stormwater will be managed on-site. Mitigation measures for the Proposal include, but are not limited to, off-site transportation system mitigation and easements for pedestrian improvements, as well as the design and implementation of stormwater management practices.

Reasons Supporting This Determination:

See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Planning Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in Full EAF Parts 2 and 3.

Lead Agency:

Town of Erwin Planning Board
310 Town Center Road
Painted Post, New York 14870

For Further Information:

Contact Person: John Gargano, Chairman of Planning Board
Address: 310 Town Center Road, Painted Post, NY 14870
Telephone: (607) 962-7021

Copies of this Notice have been sent to:

Town of Erwin Supervisor
Town of Erwin Planning Board
Town of Erwin Zoning Board of Appeals
Forest View Gang Mills Fire Department
Town of Erwin Highway Department
Town of Erwin Water/Sewer Department
New York State Department of Transportation, Region 6
New York State Department of Environmental Conservation, Region 8
New York State Office of Parks, Recreation and Historic Preservation
New York State Department of Health, Western District
Steuben County Sewer District
Residents For the Preservation of Beartown Estates, Inc. and Meaghan A. Colligan

Family Life Ministries, Inc.
Passero Associates
Jeff Evans, Esq., Attorney for the Applicant
Environmental Notice Bulletin
Corning Enterprises
Steuben County Planning Department
USACOE

FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND DETERMINATION OF SIGNIFICANCE
REASONS SUPPORTING SEQRA NEGATIVE DECLARATION

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the proposed project, which involves area variances for building footprint, building height, and height of light poles; the subdivision and reconfiguration of existing lots resulting in ten total parcels, one of which is the extension of Town Center Road that will be dedicated to the Town upon completion; the disturbance of natural landscape within the Stream Corridor Overlay District in order to accommodate the Town Center Road extension; and the renovation and conversion of 56,000 square feet of retail space into the FLM headquarters building along with the construction of a 68,000 square foot performing arts center. In conjunction, the Proposal includes several other related improvements, such as a parking lot, access drives for ingress and egress, landscaping, fencing, a stormwater management basin system, utility connections, and certain traffic-related improvements in surrounding road network. These actions are collectively referred to herein as “the Project.”

The Planning Board issued its Notice of Intent to act as Lead Agency for the Project’s SEQRA review on November 9, 2016 and again on May 2, 2016, and was duly established as Lead Agency on June 5, 2016 without objection from any Involved Agencies or Interested Parties. The Applicant has submitted Part 1 of a Full EAF to assist the Planning Board in its review of the Project, and has provided supplementary environmental impact evaluation information in response to requests made by the Planning Board and its consultants, amongst other Involved Agencies.

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in SEQRA’s implementing regulations (6 NYCRR Part 617) and on the New York State Department of Environmental Conservation’s (“NYSDEC”) SEQRA Full EAF Part 2. This information is drawn primarily from the Applicant’s submissions and comments thereon from various reviewing agencies and consultants, as well as oral and written public comments.

The Project is a SEQRA Type I action. NYSDEC’s SEQR Handbook specifically addresses whether an environmental impact statement (EIS) is always required for a Type I action. According to NYSDEC, “the lead agency must evaluate information contained in the EAF, and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration.” Based upon the information that it has received during its review of the Project, which is discussed in full below, the Planning Board finds that it is able to make its Determination of Significance without the need for an EIS.

The materials submitted in support of the Proposal applications were generated by licensed engineers and qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based in established engineering principles and technical data, which have been verified by the Planning Board’s own certified engineers and qualified professionals.

The Planning Board notes that concerns raised by the public in opposition to the Proposal during the public's discourse on the project do not, however, stand on a similar expert foundation. While some public comments in opposition to the project have alleged that the Planning Board lacks sufficient information to evaluate certain of the project's environmental impacts, the Planning Board has not been provided with any expert support by licensed engineers or qualified consultants for such speculation.

During the course of the Proposal's SEQRA review, the Planning Board, the Involved Agencies, the public and the applicants engaged in an active and comprehensive evaluation of the Applicant's submissions. As stated by the NYSDEC SEQRA Handbook, "the lead agency may make a request for any additional information reasonable necessary to make its determination." Questions were asked, clarifications were requested and responses were provided. It is the Planning Board's opinion that this process resulted in the Applicant's confirmation of their experts' conclusions regarding potential environmental impacts and proposed impact mitigation measures, and allowed the opportunity to consult with other Involved Agencies and Interested Parties including, without limitation, Town staff, Town engineering consultants, the Town Board, Town Zoning Board of Appeals, and the New York State Department of Transportation before making a final determination of environmental significance.

Discussion Of 6 NYCRR Part 617 Criteria For Determining Significance

The Town of Erwin Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQRA Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

6 NYCRR 617.7(c)(1) Criteria

(i) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board finds that the Project is not likely to cause significant adverse changes to existing air quality (see section 6 below), ground or surface water quality/quantity (see sections 3 and 4 below), noise levels (see section 15 below), level of solid waste production (see section 16 below), and potential for erosion, flooding, leaching or drainage problems (see sections 1, 3, 4, and 5 below). In addition, despite a projected increase in the level of traffic in the area related to the Proposal, the traffic mitigation proposed by the Applicants will be sufficient to offset the increase. This is discussed in detail in section 13 below. As such, no substantial adverse change is found related to traffic levels.

(ii) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

The Proposal is not anticipated to: (a) remove or destruct large quantities of vegetation or fauna; (b) create substantial interference with the movement of any resident or migratory fish or wildlife species; (c) create impacts on a significant habitat area; (d) create substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such a species; or (e) cause other significant adverse impacts to natural resources. *See section 7 below.*

(iii) The impairment of the environmental characteristics of a Critical Environmental Area.

The Proposal will not cause impairment to the characteristics of a Critical Environmental Area as designated under 6 NYCRR § 617.14(g). *See section 12 below.*

(iv) The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposal does not present a conflict with the Town of Erwin's Comprehensive Plan. *See section 17 below.*

(v) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The Proposal will not impair the character or quality of historical, archeological, architectural, or aesthetic resources. *See sections 9 and 10 below.*

(vi) A major change in the use of either the quantity or type of energy.

The Proposal is not anticipated to create a major change in the quantity of electricity or natural gas to be used and will not affect the community's sources of fuel or energy supply. *See section 14 below.*

(vii) The creation of a hazard to human health;

The Proposal is not anticipated to create a hazard to human health. *See section 16 below.*

(viii) A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The Proposal is not anticipated to result in a significant change of use and/or intensity of use of land. There are no agricultural land resources that would be affected by the Proposal (*see section 8 below*), and the Proposal will have no effect on existing open space and recreational resources (*see section 11 below*).

(ix) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The Proposal, which would logically attract both consumers and employees in numbers sufficient to sustain the approved use, was appropriate. *See sections 13, 15, 17 and 18 below.* The Proposal will attract visitors and employees to the Town Center District, however, the area population is not

expected to increase significantly, nor will the Project create a substantial adverse change in traffic volume in the surrounding area based on the traffic studies conducted and traffic mitigation package proposed by Applicant. See section 13 below. Therefore, no substantial adverse impact is anticipated related to attraction of people to the area.

(x) The creation of a material demand for other actions that would result in one of the above consequences.

The Project is not expected to create any significant increased demand for other actions (e.g., additional public services, as discussed in section 18 below) that would result in significant adverse consequences as described by the above criteria. The Town Center Vision Recommendations determined that a development such as the Project was appropriate for the area in which it is being proposed, and the site plan and mitigation measures being proposed by the Applicant, as designed by their licensed engineers and approved by the Town's accredited professionals (described in full below), comply with Zoning Code requirements and will therefore avoid the need for any additional actions that might result in environmental impacts. The Planning Board has not received any competent evidence that would lead it to a contrary conclusion.

(xi) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The Project does not create impacts to two or more elements of the environment that, collectively, would result in substantial adverse impact to the environment. The Planning Board has conducted a full review of all project elements, and has been informed by its licensed engineers as to the coordination of those elements. The Planning Board has, for example, evaluated the combined effects of: (i) traffic in relation to noise, odors, air quality, and community character; (ii) parking lot area in relation to storm water management, lighting and noise impact on neighboring properties, safety, handling of additional visitors; (iii) community character in relation to noise, odors, air quality, traffic, architecture, and aesthetics; (iv) the height and square footage variance in relation to architecture, aesthetics, and community character. This list is by no means an exhaustive list of potential impacts/changes considered in tandem with other impacts/changes during the Planning Board's consideration of the Proposal, but is only provided for sake of examples of the hard look taken to ensure the potential net effects of the Project would not result in a substantial adverse impact.

(xii) Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The review of the Proposal at all times considered the cumulative effects of all six applications taken as a whole. As such, the Planning Board has conducted a fully unsegmented review of the entirety of the Proposal. References are included throughout the discussion below to such potential cumulative effects, and no significant impact on the environment will be caused from the potential cumulative effects considered.

Discussion of Part 2 of Full EAF, Potential Project Impacts

The Planning Board has also evaluated the Project's potential impacts as identified in Part 2 of the Full EAF, and has determined that the Project will not result in any significant adverse environmental impacts, and that a Negative Declaration of Significance is warranted.

1. Impact on Land. The Project will disturb approximately 14.6 acres during construction, and will result in the creation of approximately 4.8 acres of new impervious area on the Site. Improvements on the land will include a new building of approximately 68,000 square feet adjacent to the existing Harley Davidson building, a paved parking lot, access drives for ingress and egress, landscaped areas of varying sizes throughout the Site, perimeter fencing adjacent to the residential areas, a stormwater management basin system, utility connections, and certain traffic-related improvements (described in detail in the Impact on Transportation subsection below). The retention of existing trees where possible, along with perimeter fencing and landscaped buffers as shown on the Landscaping Plan, will mitigate the Project's overall impact on adjoining parcels. The Site's elevation will not significantly change. Construction will not occur on land where depth to water table is greater than three feet or on land where bedrock is exposed. All excavated material will be utilized on-site. Physical changes to the Site land will be limited to those required for proper stormwater management and to accommodate the proposed improvements, and the Erosion and Sediment Control Plan shows how land at the Site will be protected from degradation during and after construction. None of the proposed changes to the land will cause significant adverse impacts.

The Planning Board hereby determines that a potentially moderate or large impact could exist with respect to Question 1e of the Part 2 Full EAF, since the proposed action will involve construction that continues for more than one year or in multiple phases. The Applicant stated in Part 1 of the Full EAF (D.1.e) that construction will take place in two phases over an estimated 24-month period. It is recognized that construction impacts during this period would involve potential short-term impacts associated with a typical construction project (dust, noise, roadway diversion). All such impacts will be minimized by the implementation of best management practices during construction and are considered to be similar to other construction projects in the Town. This short-term construction impact is not considered to be a significant adverse impact.

2. Impact on Geological Features. Land within the Project, including the Site, contains no unique or noteworthy geological features, and the depth to bedrock is estimated at greater than 6.5 feet per soils mapping. The terrain in the area of the proposed Site development is generally level. Accordingly, there will be no significant adverse impact on geological features.

3. Impact on Surface Water. There are no surface water bodies on the Site in its present state. The nearest surface water bodies are the Tioga and Cohocton Rivers, approximately 0.5 miles from the Site. The site does contain NYSDEC State wetlands as well as Army Corps federal wetlands. The wetlands have been delineated by Environmental Resources and confirmed by the NYSDEC on October 17, 2016. See Appendix E.2 of the SWPPP. The project avoids all impacts to the wetland, however the Town Center Road extension will be constructed through the NYSDEC 100' wetland buffer. An alternate route that entirely avoids the wetland buffer is not feasible because of the resulting proximity between the newly created intersection at the intersection at Chatfield and Robert Dann Drive. Due to the minimal area to be disturbed, and the fact that such disturbance does not directly impact the wetland area, but rather only intrudes on the buffer. Certainly, the extension of Town Center is further from the wetland than is Chatfield Place, which runs along the northern boundary of the wetland, and is in closer proximity to the wetland.

The Applicant has proposed a stormwater management area west of the main parking lot. The

mitigation will include sediment basins and a series of erosion control measures as outlined in the SWPPP to eliminate the potential for turbidity in receiving waters. The basin bottom will be a minimum of 3 feet above the seasonal high groundwater table. The system will receive stormwater from the parking lot and other pervious and impervious areas created by the Project. The infiltration basin and pond will allow some stormwater to infiltrate naturally into the soil, recharging the aquifer, while the majority of stormwater will be discharged to the surface and flow into the wetlands. Per the Applicant and Town engineering consultant, the system has been adequately sized to handle the FLM development as well as the anticipated development planned on the subdivided outparcels. In addition, stormwater management during construction activity will comply with the terms of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity or a successor permit. Such permit coverage will be maintained throughout the construction period. The Applicant has prepared and submitted a Stormwater Pollution Prevention Plan ("SWPPP") that demonstrates compliance with the New York State Stormwater Management Design Manual, the most current NYSDEC technical standards. Based on the written recommendation of Hunt Engineers, the Planning Board is of the opinion that the SWPPP demonstrates that site design contains adequate pollution- and erosion-prevention measures, and further that the site design is sufficient to avoid adverse impacts to any surface water body during or after construction, provided that permanent stormwater management practices are maintained through their operation life.

Neighbors in Beartown Estates have expressed concerns regarding the ongoing problem of stormwater collecting in their backyards and the potential that the Project would exacerbate that problem. As detailed in the Applicant's materials, not only will the Project not create additional flooding on neighboring property, but the Applicant's proposed stormwater plan actually identifies the source of the flooding and reroutes the water to the stormwater management area west of the main parking lot, thereby alleviating the flooding issues identified by the neighbors. The neighbors have also raised concerns about the adequacy of the Applicant's stormwater system to handle potential pollutants contained in the runoff. The Applicants have failed to produce any credible evidence to support this concern, and the Planning Board finds that the information contained in the DEC reviewed and approved SPDES permit and SWPPP is sufficient to support a finding of no adverse impact.

4. Impact on Groundwater. The Project is located with the Town of Erwin Aquifer Protection Overlay Districts #2 and #3. The proposed project is an allowable use within these overlay districts and will not discharge hazardous substances to the aquifer, will not have on-site bulk storage of chemical or petroleum products, snow storage will occur upstream of the proposed stormwater management facility to mitigate impacts to stormwater, and will not discharge lawn maintenance products within the wetland buffer. As such, the Project complies with all applicable requirements outlined in Section 130-37 for aquifer protection overlay districts in general and Districts #2 and #3 specifically, and thus the Planning Board finds that the Project will not have an adverse impact on the public health, safety, and welfare of the people of the Town of Erwin as it relates to the protection of the aquifer.

During subsurface investigations at the Site, groundwater was not encountered at depths of five feet below the ground surface, which is consistent with soils mapping that indicates groundwater is located at least 6.5 feet below the surface. Groundwater levels can be expected to vary due to seasonal and construction-related fluctuations. The stormwater management area to be located on the northwestern portion of the Site will allow for groundwater recharge via infiltration, and soils at the Site generally have slow infiltration rates. Materials submitted by the Applicant, including the SWPPP and the Grading and Drainage Plan, indicate that the Project will not decrease the overall amount of groundwater recharge at the Site, nor pose a risk of adverse impact to groundwater quality when compared to existing conditions. These conclusions have been confirmed by the Planning Board's own engineers, and the Planning Board has not received any competent evidence tending to refute these expert findings.

5. Impact on Flooding. According to the relevant FEMA Flood Insurance Rate Map, the Site is located in Flood Zone C: “Areas with minimal flooding.” The site does not contain any FEMA regulated floodplain but does contain a NYSDEC regulated flood protection easement. The Stormwater Management Facility (SMF), Town Center Road extension and a small portion of the parking lot are located within the flood protection easement. All buildings are located outside the flood protection easement. The SMF primarily includes excavation and very little fill in the flood protection easement, and the net impact of earthwork will result in an increase in available storage for flood waters, which storage is designed to accommodate a 100 year flood event. A detailed explanation of potential impacts to the flood protection easement is provided within the Engineers Report, last revised June 2017 and the NYSDEC Application for Permit Article 16 report, dated April 2017, and revised June 2017. As discussed in Section 3 above, an added bonus of the Project is that the Applicant’s proposed stormwater management system will significantly improve the existing flooding issues experienced by the neighbors in Beartown Estates residential development. Overall, the Planning Board’s engineers have determined that existing Site characteristics and the above-described stormwater management measures will adequately protect the Site and surrounding properties from the risk of any adverse impacts associated with flooding.

6. Impact on Air Quality. A use such as the proposed headquarters building and theater does not produce significant air emissions from the building itself; such emissions are generally limited to exhaust from air conditioning units, commercial refrigeration equipment, and other appliances, all of which do not create a significant impact. However, vehicle traffic is a potentially significant source of air quality impacts at such locations. The Applicant has provided extensive documentation on the Project’s possible traffic impacts, as described more fully below in the subsection on Impact on Transportation. Peak-hour counts and level of service projections show that the potential traffic volume increases related to the Project will not be great enough to significantly impact air quality on or around the Site, which is in an area traversed by two heavily used Interstate freeways (86 and 99). Per Chapter 1.1 (Air Quality) of the NYSDOT Environmental Procedures Manual a carbon monoxide micro- and mesoscale analysis may be required under certain circumstances. In this instance, however, a micro- and mesoscale analysis is not necessary as the project does not trigger the requirement for either air quality study and analysis. Therefore, no further screening is necessary and a detailed air quality analysis is not required for this project as any air quality impacts will be negligible and will not result in any significant adverse impacts.

To further reduce any risk of air quality impacts, all vehicles at the Site will be expected to comply with New York State’s idling limit of five minutes for heavy-duty vehicles, including diesel trucks. In addition, allowed uses on other lots created by the Subdivision include uses that are not associated with negative effects on air quality. For all of the above reasons, the Planning Board finds that the Project will not cause any adverse impact to air quality.

7. Impact on Plants and Animals. The Applicant has obtained a statement from the NYSDEC Division of Fish, Wildlife, and Marine Services indicating that there is no impact on plants or animals. The Applicant was made aware of the potential impact on a threatened species (the Northern Long-Eared Bat), but the Project Site is outside any potential habitats identified by the NYSDEC per the NYSDEC website indication that there are no known winter or summer occurrences of such bat within the Town of Erwin. As contained in Appendix D of the Engineer’s Report, the U.S. Fish and Wildlife Service and the NYSDEC issued no effect letters. The Site contains only limited vegetation growing from a fallow field, and is not home to any substantial wildlife populations that are not also prevalent elsewhere in the Town. In particular, there are a number of deer visible on the Project Site, but deer are so prolific that the Town hosts a Deer Management program with extra

hunting tags issued under the supervision of the NYSDEC. Overall, the Planning Board has sufficient information to find that no adverse impact to plant or animal life will occur.

8. Impact on Agricultural Resources. The Project is located in a mixed residential and commercial area and is not near any significant agricultural resources. There are no established agricultural districts within or contiguous to the Project Site. Thus, there is no risk of significant adverse impact to such resources.

9. Impact on Aesthetic Resources. The Project is well designed to fit aesthetically with its surroundings, and the Applicant has implemented suggestions from neighbors and Town staff resulting in vast changes to the design and layout, all in an effort to maximize the visual appeal and minimize the impact to the nearby residences. The Zoning Code sets forth standards for the site and its buildings, landscaping and plantings, site lighting, signage, fencing and screening, architectural restrictions and maintenance. With respect to the Site, the Planning Board has evaluated several proposed elevations, a Site Lighting Plan (which includes dark-sky compliant illumination and prevents light spillage onto neighboring properties), and a Landscaping Plan. The Applicant's engineers also conducted a shadow study to provide information relative to time of year and time of day the proposed building would cast a shadow onto neighboring properties. The shadow study analyzed three potential building orientations, with the proposed building configuration demonstrating the least amount of impact. The shadow study revealed that despite the height of the center tower, the neighboring properties would only experience a shadow on any portion of their yard from 5:15 to 5:45 AM, April through September.

The proposed building will be approximately 60 feet tall at its highest point, and its aesthetic impact will be reduced by landscape berm and landscape fence running along the southern border of the site, as detailed in the Engineer's Report and depicted on the Applicant's plan drawings. The landscape berm will include evergreen trees designed to significantly screen the building from adjacent residences. The size and scope of the building as well as the roofline are compatible with other commercial buildings in the area – in particular the adjacent hotel. The neutral colors selected for the building are appropriate for its setting, and ample landscaping and fencing have been designed for the perimeter of the Site to provide a visual buffer from adjoining residential properties. The Planning Board finds that the Site Plan aspects of the Project have been designed for visual attractiveness and will not result in any adverse impact to the overall aesthetic resources of the Town.

10. Impact on Historic and Archaeological Resources. The Project is not located in a historic district, it does not contain any known historically significant features or improvements, and it is not adjacent to any known historic or resources. Although the site is within an area identified as archeologically sensitive, a Phase IA and 1B Cultural Resource Investigation has been completed by Powers Archaeology LLC, dated December 6, 2016 and no potential for impact was verified by SHPO letter dated December 20, 2016. Referenced documents are located in Appendix H of the SWPPP.

11. Impact on Open Space and Recreation. The recreation area closest to the Site is the Erwin Valley Elementary School playground and athletic fields to the south (separated from the Site by a residential area). This recreation area is not close enough to be at risk for any significant adverse impact related to any presently proposed construction and/or development. The Project Site is not used in any way that contributes significantly to the surrounding area as open or recreational space.

12. Impact on Critical Environmental Areas. The Project is not located in or adjacent to a Critical Environmental Area as designated by the NYSDEC or any local agency.

13. Impact on Transportation. After reviewing the NYSDEC's instructions related to Part 2 Full EAF Question 13a, the Planning Board finds that with the Applicant's proposed mitigation related to traffic and existing roadways surrounding the Project is to be considered when answering whether the "projected traffic increase may exceed capacity of the existing road network." As such, the Planning Board finds that no, or a small impact may occur. To address all traffic-related concerns, the Applicant has conducted extensive investigations into potential traffic impacts and has provided their findings to the Planning Board and other Interested Agencies, including the State of New York Department of Transportation (NYSDOT). Due to the extremely thorough review that has resulted, and the lack of any credible engineering evidence to the contrary, the Planning Board is satisfied that the Project will not have any significant adverse impact on transportation.

The Applicant commissioned a comprehensive traffic study for the Proposal that took into account not only the immediate development proposed by the Applicant, but the future development of the outparcels created by the subdivision as well. The future analysis assumed growth conditions and evaluated the full build out of the Project and subdivision outparcels through 2026. A Traffic Impact Study entitled "Traffic Study Family Life Performing Arts Theater Erwin, NY " dated December 2016 (Revised June 2017) by Passero Associates ("June 2017 Traffic Study") reviewed the Revised Project and supports the revised site plans. The report has been reviewed by NYSDOT and Hunt Engineers, whom the Town hired as consultants for this Project. As indicated in the June 2017 Traffic Study, the project will result in an incremental increase in traffic in the Town Center Area. Features of the Project that will address traffic safety and minimize congestion include the extension of Town Center Road to its intersection with Chatfield, and traffic signal timing adjustments for the following intersections: I-86 westbound ramp/S. Hamilton, Silverback Lane/S. Hamilton, and I-86 eastbound ramp/S. Hamilton. In particular, the extension of Town Center Road will provide two routes of ingress and egress to the site. Manual traffic control will be utilized during events to direct traffic entering and leaving the site, especially when leaving the site as the access drive to the parking area will be utilized as an exit only to aid in the flow of traffic after an event.

With respect to the alignment of Town Center Road at its intersection with Chatfield Drive, there were comments expressing concern with respect to the stacking/queueing at the intersection between Chatfield and Robert Dann Drive. The Applicant presented evidence that if the intersection were moved further to the west to increase the available space for stacking/queueing it would also create an unsafe sight distance issue with cars advancing toward the intersection from the west. The Planning Board finds that for large events the majority of the stacking/queueing will occur primarily on Town Center Road, and would arguably fill any stacking/queueing storage regardless of whether the intersection location was moved further west. As such, the sight distance safety concerns outweigh the desire for increased stacking/queueing capacity on Chatfield and support the proposed location of the intersection.

The Applicant's mitigation measures importantly address existing deficiencies in the area related to both pedestrian and bicycle safety. Specifically, the extension of Town Center Road and the dedication of a twenty-foot easement to the Town of Erwin between the stormwater mitigation area and the wetlands for pedestrian and bicycle use create a safe interconnection across and around Robert Dann Drive as well as providing a direct connection between the residential and commercial areas that does not presently exist.

Based on the extensive traffic study information provided by the Applicant, the thorough review of that information by multiple stakeholders and qualified professionals (including Hunt Engineers and NYSDOT),

the Applicant's responsiveness to feedback from the various reviewing entities, the well-designed mitigation measures proposed as part of the Site Plan and the lack of competent evidence refuting the foregoing expert evidence and proffered mitigation measures, the Planning Board determines that the Project will avoid any adverse impact on transportation.

The Planning Board, having reviewed Part 2 of the Full EAF, determines that a potentially moderate or large impact could exist with respect to Question 13b, since the proposed action will result in the construction of paved parking for 500 or more vehicles. A total of 687 parking spaces are estimated. The minimum number of parking spaces is specified by the Zoning Code which provides for 1 parking space per 300 square feet of office and 1 parking space per 6 seats for the theater. This correlates to a minimum of 661 parking spaces. Parking is considered to be a permanent, long-term feature of site development. Implementation of the stormwater pollution prevention plan will treat surface water from the parking lot and infiltrate runoff into groundwater. Off-site surface water flows will be mitigated by project design. In addition, the lighting of the parking areas will ensure safety and visibility exist in the parking areas, while not bleeding across to neighboring properties and will be restricted to those times when people are present on site as conditioned by the ZBA approval. The interior parking lot landscaping will avoid the "sea of pavement" issue and break up large expanses of paved area as well as help with the urban heat island effect. The Planning Board has not received any competent evidence refuting these conclusions. Considering the entirety of the above evaluation, the parking proposed is not a significant adverse environmental impact.

14. Impact on Energy. The Applicant has submitted a Utility Plan that shows how the Site's energy supply will be provided. As detailed in the Engineer's Report, local energy providers have the necessary capacity to supply the Project. The Project will therefore avoid any significant adverse effects with regard to energy.

Having reviewed Part 2 of the Full EAF, the Planning Board determines that a potentially moderate or large impact could exist with respect to Question 14d, since the proposed action will involve heating or cooling of more than 100,000 sf of building area. Approximately 124,000 sf of building is being proposed, 56,000 of which is existing. Energy use will be mitigated by project design elements that include the use of low-energy lighting and fixtures, security lighting, and other energy conservation measures that strive for a sustainable project. All work will be designed in accordance with the NYS Energy Code. Energy use is a long-term impact of the facility. As stated above, energy use associated with the 124,000 sf building and other development is not considered to be a significant adverse impact.

15. Impact on Noise, Light, and Odor. Proposed truck traffic routes and the placement of loading areas on the Site will provide ample distance between sources of noise and surrounding residential properties, and the use of fencing and landscape buffering in Site perimeter areas will further reduce off-site noise. Unavoidable construction-related noise will be temporary and will be mitigated by the conditions described above.

With respect to parking lot noise, the Applicant provided a research paper located in Appendix E of the Engineer's Report that evaluated noise emittance from large parking lots. The Applicant also submitted data to support the sound attenuation properties of the proposed concrete boundary fence and landscape berm, with the result being that noise levels are expected to be approximate 27 dB, which is well within the limits of the Maximum Permissible Sound Levels as detailed in Section 130-90 of the Zoning Code. In addition to the Applicant's unrefuted engineering data, the Planning Board also has empirical experience with large

parking lots located next to residential areas at Victory Highway Wesleyan Church, Dresser-Rand, and the nearby Erwin Valley Elementary School. These properties provide similar conditions in that they release a large volume of cars in a short period of time near a residential neighborhood. The Town has never received a noise complaint based on the parking lot noise from any of these locations. In addition, the ambient noise level at the Project Site and in the adjacent neighborhood is influenced by Interstate 99 and South Hamilton Street, both of which are nearby and carry a large volume of vehicles. Based on the available information and the lack of any contrary, non-speculative information supplied by opponents of the Project, the Planning Board finds that the noise level from the parking lot is not considered a significant adverse impact.

To the degree there is concern regarding noise from the theater itself, the Applicant has presented credible information supplied by their architect that the theater is designed as a “building within a building” to keep all theater noise within the building. The Applicant also indicated that mitigating noise from the theater is necessary for their own operations as their broadcasting station is right next door and the microphones could pick up noise from the theater if special construction wasn’t used to mitigate noise.

The Applicant has provided a Photometric Plan that demonstrates compliance with the Site Lighting standards contained in Article X of the Zoning Code. Lighting at the Site, both during and after construction, will be designed to face downward and away from the Site boundaries as much as possible, and the fixtures for exterior lights will be engineered to prevent off-site light spillage. The aforementioned noise-mitigating conditions, including fencing, landscape buffering, and Site elevation, will likewise protect against light pollution.

The Planning Board has not received any empirical data challenging the Applicant’s proposed noise, air and lighting mitigation measures, which have been fully evaluated by the Planning Board’s own engineers and consultants. Accordingly, the Planning Board finds that there will be no adverse impacts concerning noise, light, or odor.

16. Impact on Human Health. The Project is not anticipated to have any adverse effect on human health. All necessary approvals from state and local Departments of Health for water and sewer connections, food service facilities, and other aspects as applicable will be obtained at the appropriate time by any and all users. The site has adequate utilities to service the project. As detailed in Section 7.0 of the Engineer’s Report, the sanitary sewer, water, natural gas, and electric requirements of the Project will be able to be satisfied by the services proposed by the Applicant. The Project will extend water main along Town Center Road extension and will loop the water main to Chatfield Place, eliminating a dead end in the water distribution which will improve water quality and will aid in maintaining pressures and flows. The Applicant has provided sanitary sewer footage of the existing sanitary sewer, which indicates there are no issues that would adversely impact human health. There are two low areas identified in the private sewer primarily serving neighboring properties, which the Applicant has agreed to remedy and dedicate to the Town following such remediation. In addition, sewer for the new construction will connect to the existing lateral at the rear of the office building in order to minimize disturbance to the Town sewer infrastructure. The project will bring fiber optic cable to the Town Center Road properties, including the Town offices. Accordingly, the Planning Board finds that there will be no adverse impacts concerning human health.

17. Consistency with Community Plans. The Town of Erwin Comprehensive Plan designates the Town Center, where this Project is located, as a “civic, social and commercial hub of the community through a mixture of retail establishments, commercial services, office development and public spaces.” As set forth in the Town Center Vision Recommendation, the Proposal is consistent with the Town Board’s desire to see this

area developed with a mixture of uses and extend Town Center Road to Chatfield. The Project will provide a unique tourist destination that will be the catalyst for both commercial development of the five additional outparcels created by the subdivision, as well as provide an economic multiplier for restaurants, hotels, and retail establishments throughout the Town. Opponents of the project have expressed their displeasure that this project is monopolizing too much land, but this Project does not create a choice between two competing options, one of which would occupy less land. Without this development, the stagnant growth that provided the impetus to create the Town Center Vision Recommendation would continue to impact the area. This Project provides the commercial hub that the Comprehensive Plan envisions.

This Project features several elements that are specific fulfillments of various expressions of the Town's vision for development with the Town Center area. For example, the Town envisioned the extension of Town Center Road in its June 2000 Corridor Management Plan. The theater and associated parking is positioned toward the rear of the lot thereby leaving smaller parcels immediately adjacent to Town Center Road. This will allow future buildings constructed on these outparcels to be placed in close proximity to Town Center Road with an emphasis on pedestrian connections and parking screened by the varied structures.

The Comprehensive Plan also provides that the Town Center district should "possess strong pedestrian linkages to the surrounding residential developments." The Proposal includes a twenty-foot-wide pedestrian easement that will facilitate foot and bicycle traffic between Beartown Estates and the commercial districts.

Accordingly, the Planning Board finds that there will be no adverse impact to the consistency of the Proposal with community plans.

18. Consistency with Community Character.

The Planning Board has carefully evaluated the definition of "community character" for SEQRA purposes. According to the NYSDEC SEQR Handbook (2010), a municipality may rely upon its zoning "as [an] expression...of the community's desired future state or character." "If the growth induced by a project is consistent with the applicable zoning and the community's comprehensive plan, it may be viewed as a positive impact that has been planned for and beneficial to the community."

The Site is located in an area that already contains substantial commercial development, including retail banking, convenience retail, specialty retail, food service, and service station uses. The residential properties in the immediate area already coexist with nearby commercial uses. The Site is situated in a zone that allows the very use being proposed. Indeed, the Town Center Visioning Recommendation contemplates the uses of the scale currently proposed, and the Project complies with each of the Zoning Code's design requirements (see Section 9, above).

Project opponents have complained that this Project will negatively impact residential property values, and that the non-profit status of the Applicant will have a negative impact on tax revenue, but the Planning Board has not received any substantive evidence to support these contentions. Although economic costs and social impacts cannot be the basis upon which determinations of significance are made (The SEQR Handbook, 3rd Edition, 2010, p. 89), the Planning Board is comfortable that the potential adverse impacts are not likely to materialize. When the Hampton Inn (a project of similar height and additional impact due to upper story windows) was proposed adjacent to the Project Site, the neighbors had the same concerns about property values, but records of home sales in Beartown Estates demonstrates that not only have sale prices not diminished, they have continued to appreciate in step with other housing developments in the Town.

With respect to future tax revenue, the unique nature of the project will largely offset any loss in revenue. Not only is the Applicant proposing to expend approximately 30 years' worth of tax payments on upfront infrastructure improvements, but the regional tourist draw will serve as the catalyst for further economic development in the area, thereby serving as a building block and tax revenue generator through additional development consistent with the Town's vision for the Town Center district.

Representatives of the neighborhood opposition group have suggested that the area variances are not in compliance with Zoning Law §130-102(A) because the proposed expansion exceeds that allowed for a nonconforming use. The Planning Board understands the contention, but Family Life is not relying on any nonconforming status. The variance approval along with the special use, subdivision and site plan approval render the use conforming. The same Code section recognizes this in that it provides as follows: "A nonconforming structure proposed to be expanded more than once or by greater than twenty-five percent (25%) of the square footage used for the present use, must be brought into full compliance with all the requirements of this Chapter." Accordingly, the Applicant has submitted the Proposal in order to be evaluated on "all the requirements of this Chapter," i.e. Chapter 130 of the Code.

The Project is located in the Town of Erwin, and the Zoning Code requirements govern the Project. As evidenced by the approval of the Proposals, the Applicant has demonstrated compliance with all applicable Zoning Code criteria for each of the applications comprising the Proposal.

Conclusion

The Planning Board, acting as Lead Agency in a Coordinated Review under SEQRA, assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance. The Planning Board went through each section (and, where appropriate, subsection) of Part 2 of the Full EAF. Together with its licensed engineers and consultants, the Planning Board thoroughly discussed and evaluated each subject matter area. The Planning Board ultimately reached a consensus on each and every item identified in Part 2 of the Full EAF, and reviewed the criteria for determining significance contained in 6 NYCRR Part 617. The Planning Board now determines that a Negative Declaration of Significance should be issued for the Project.

CERTIFICATION

This SEQRA Negative Declaration and Reasons Supporting SEQRA Negative Declaration are hereby approved at a duly called meeting of the Town of Erwin Planning Board on July 10, 2017.

The requirements of Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 have been met.

A handwritten signature in blue ink, reading "John Gargano", is centered on the page. The signature is written in a cursive style.

John Gargano, Chairman
Town of Erwin Planning Board

Date: 07/10/2017

RESOLUTION**TOWN OF ERWIN PLANNING BOARD
FAMILY LIFE MINISTRIES SITE PLAN, SUBDIVISION, AND SPECIAL USE PERMIT APPLICATIONS****JULY 10, 2017**

The Town of Erwin Planning Board ("Planning Board") hereby makes the following resolution:

WHEREAS, pursuant to the Town of Erwin Zoning Code (the "Zoning Code"), the Planning Board has a duty to review, among other things, applications for site plans, realty subdivisions, and special use permits; and

WHEREAS, this review includes an assessment of such applications' conformity with the zoning regulations, and

WHEREAS, Family Life Ministries, Inc. ("Applicant" or "FLM") as the owner of 300 Town Center Road (Tax Parcel ID #316.00-001-009.200) and contract vendee of certain vacant land (Tax Parcel ID #316.00-001-010.111) located in the Town of Erwin in the Town Center and Rural Zoning Districts, requested approval of the following three applications (the "Proposal" or "Project"):

- Site Plan Approval for renovation of existing retail building into FLM headquarters and construction of a 1900 seat performing arts center/dinner theater, together with related parking, utilities, grading, stormwater treatment, landscaping/buffering, and other site improvements.
- Subdivision/Resubdivision to i) resubdivide four lots (including consolidation of Tax Map Nos 316.00-001-009.200 and 316.00-001-010.111 to create single 20.971 acre lot); ii) create five additional lots along Town Center Road; iii) lot line adjustments to 310 Town Center Road and 200 Robert Dann Drive; iv) create Town Center Road ROW, which will be extended to Chatfield Place; and v) create and additional six lots along Town Center Road, five of which will be suitable for future development.
- Special Use Permit to disturb 8,000 square feet of natural landscape within the Stream Corridor Overlay District; and

WHEREAS, on or about December 13, 2016, the Applicant submitted an application requesting a Special Use Permit, subdivision and site plan approval, including an application form, letter of intent, site plans, Full Environmental Assessment Form, Building Elevations, Building Renderings, SWPPP, Engineers Report and Traffic Study, all prepared by Passero Associates, providing information addressing environmental considerations such as traffic, drainage, stormwater management, wetlands, floodplain, utilities, lighting and landscaping, together with other application materials, the "Application Package"); and

WHEREAS, on January 4, 2017, the Planning Board met to consider the Project, at which time information was presented by the Applicant, but the application was eventually tabled as the Planning Board

could not take any action because the Applicant needed to obtain variances and the Town Engineer had not finished reviewing all submitted documents; and

WHEREAS, on or about May 16, 2017, the Applicant submitted revised site plans, revised subdivision plan, revised Traffic Study, revised SWPPP, NYSDEC Application for Permit Article 16, NYSDEC Application for Permit Article 24, revised Long form EAF, revised building elevations/renderings, Town Center Road Infrastructure Analysis, and responses to Town Engineer comments; and

WHEREAS, on June 5, 2017 the Planning Board heard the Applicant's presentation of materials regarding the Site Plan, Subdivision, and Special Use Permit applications and held a separate public hearing for each. At the conclusion of the meeting the applications were declared incomplete and the record left open until June 16, 2017 for the public to supply additional information if desired.

WHEREAS, the Planning Board retained the services of an expert civil engineering and planning consultant, Hunt Engineers, Architects & Surveyors ("Hunt"), to review the documentation and advise and assist the Planning Board with its review of the Project; and

WHEREAS, public hearings on the site plan, subdivision, and special use permit were held before the Planning Board on June 5, 2017 where FLM presented the proposed details for the Project, after publication and service of the notices required by the Town Code and New York State Town Law, and all interested parties were given an opportunity to be heard at such hearings; and

WHEREAS, the Planning Board has received and considered written testimony from the public and the Applicant subsequent to the aforementioned public hearings; and

WHEREAS, the Planning Board, acting as Lead Agency in a Coordinated Review pursuant to Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Codes, Rules and Regulations (collectively, the State Environmental Quality Review Act), issues a Negative Declaration of Environmental Significance for the Project.

NOW, THEREFORE,

Resolution to open the discussion on the Site Plan Application**Motioned by Matt Maslyn****Seconded by Wayne Kennedy****Disposition: 6-0*****SITE PLAN APPLICATION***

BE IT RESOLVED, after due deliberation, and in consideration of the entire record, including, but not limited to, the consideration of the application, reports/studies, comments from the Planning Board's engineering consultant and sub-consultants and the responses from the Applicants' consultants, agency comments and public comments, pursuant to Zoning Code Section 130-50(B), that this Planning Board approves the proposed site plan and hereby renders the following determinations with respect to FLM's request for site plan approval for the Project:

General Findings

The materials submitted in support of the Proposal applications were generated by licensed engineers and qualified consultants. The findings below rely on and are supported by the entirety of the Application Package, as updated and revised, as well as the written evaluations provided by Hunt Engineers. The conclusions and suggested impact mitigation measures proffered by the Applicant and their professional consultants were based in established engineering principles and technical data, which have been verified by Hunt Engineers as documented in letters dated June 30, 2017. The Planning Board notes that concerns raised by the public in opposition to the Proposal during the public's discourse on the project do not, however, stand on a similar expert foundation. While some public comments in opposition to the project have alleged that certain criteria have not been satisfied, the Planning Board has not been provided with any support for such speculation from a qualified consultant or engineer. Many of the site plan criteria are similar to the impacts evaluated pursuant to the Planning Board's negative declaration under SEQR, and thus the findings in support of the negative declaration are hereby incorporated by reference as a supplement to the findings below.

Phasing

The Applicant has proposed to execute the site plan in two phases. The first phase will be commenced immediately, and the second phase will commence in conjunction with fundraising efforts as soon as possible. Section 130-52 provides that "[a] Special Use Permit and/or Site Plan approval shall expire within one year from the date of issuance or approval if the Special Use Permit and/or Site Plan is not exercised within said one-year period. The term "exercised" is not defined in the Code and thus the Planning Board must interpret the provisions of Section 130-52 as it pertains to the Applicant's proposal. The Planning Board determines that "exercise" of the Site Plan approval is determined by significant strides in conformance with the approval. Notably absent from Section 130-52 is any mention of the total time within which an applicant must complete a project (see time limit imposed on cluster development in Section 130-28(H)) or any prohibition on gaps in construction. It discusses the "use" ceasing for a year (similar to the expiration of a non-conforming use), but nothing related to construction. The Applicant estimates that Phase I project costs will constitute approximately forty percent of the total Project costs. The Planning Board determines, therefore, that the Applicant's commencement of construction in conformity to the Phase I plan within one year will constitute "exercise" of the site plan within the meaning of Section 130-52.

Section 130-50(B)

1. Adequacy and arrangement of vehicular traffic access and circulation.

As detailed in the Applicant's Engineer's Report and Traffic Study, the existing roadways and intersections can support the traffic produced by the Project. With the exception of signal timing adjustments at three intersections along S. Hamilton, no intersection upgrades are required under existing, background, or proposed developed conditions. Minor drops in Level of Service occur with the implementation of background and developed conditions at some intersections, but all approaches and overall LOS for all intersections is satisfactory. The SEQR Negative Declaration provides additional details with respect to the impact on transportation.

There was some discussion regarding the potential for cars exiting the site at Chatfield to turn left and utilize neighborhood streets in an effort to avoid congestion. Such activity would produce an unwanted impact on residents of those neighborhoods. Due to the inability to definitively predict future actions, the Planning Board is hesitant to address a problem that may never materialize. However, if such driver behavior comes to fruition and presents a problem, the Applicant has agreed to prevent a left turn onto Chatfield as cars disburse following an event.

2. Location, arrangement, appearance and sufficiency of off-street parking and loading.

The Engineering Report address the Project's conformance with the off-street parking and loading requirements contained in Sections 130-78 and 130-89.

3. Location, arrangement, size and design of buildings, lighting, and signs.

The location, arrangement, size and design of the buildings and lighting are addressed in the Engineering Report in response to the applicable provisions in Section 130-89. The Applicant will be subject to the requirements of Section 130-81 at such time as they choose to submit a sign application.

4. Relationship of the various uses to one another and their scale.

The Engineering Report contains information addressing the Design Standards in Section 130-89 that encompass this criterion.

5. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise deterring buffer between adjacent uses and adjoining lands.

The Applicant's Landscaping Plan demonstrates compliance with this provision. The Applicant adjusted the proposed trees in response to neighborhood input to improve the visual and noise deterring properties of the landscaping buffer between the Project and nearby residences.

6. Adequacy of landscaping and maintenance of natural vegetation for water quality protection.

The Applicant's Stormwater Pollution Prevention Plan (SWPPP), which incorporates landscaping and natural vegetation in the stormwater management area will allow some stormwater to infiltrate naturally in the soil with the remainder being discharged into the wetlands. The overall plan is deemed to contain adequate pollution prevention measures in satisfaction of this criterion.

7. Adequacy of storm water management, erosion control and sanitary waste disposal designed to protect surface water and groundwater resources.

The Applicant's approved SWPPP provides sufficient evidence in support of a determination of compliance with this criterion.

8. *Adequacy of structures, roadways, and landscaping in areas susceptible to flooding and ponding and/or erosion.*

The Applicant's proposed stormwater management facility is designed to accommodate stormwater runoff from the site up to a 100 year flood event, and will significantly improve existing flooding issues experienced in the adjacent residential area. No structures, roadways or landscaping are proposed in areas susceptible to flooding, ponding, and/or erosion.

9. *Compatibility of development with natural features of the site and with surrounding land uses.*

The development spans two lots one of which contains an abandoned commercial building and the other which is a vacant commercial lot. The only permanent natural feature on the site is the delineated wetland, which the development avoids. The development is located in an area adjacent to both commercial and residential uses, and is zoned for the proposed use. The Project is entirely consistent with the Town's vision for the site, and the Applicant has revised its plans in very significant ways in order to respond to concerns voiced by nearby homeowners with regard to compatibility. The changes including exterior colors, building orientation, changes to the landscaping plan, and improving the sound attenuation principles of the border fence. As further set forth in the SERQ negative declaration, the proposed development is consistent with the surrounding land uses.

10. *Adequacy of flood proofing and prevention measures consistent with Chapter 69, Flood Damage Prevention*

See SEQR Negative Declaration findings pertaining to "Impact on Flooding."

11. *Adequacy of methods and locations for disposal of construction demolition debris designed to protect groundwater resources.*

Based on the written recommendation of Hunt Engineering, the Planning Board finds that the SWPPP demonstrates that the Applicant's pollution- and erosion-prevention measures during construction are adequate to avoid adverse impacts to groundwater resources.

12. *Adequacy of hazardous material storage facilities designed to protect groundwater resources.*

The Applicant is not proposing any hazardous material storage facilities.

13. *Special attention shall be paid to the potential impact on the aquifer. Because residents of the community depend on ground water for their water supply, both public and private ground water resources must be protected. Potential adverse impacts shall be mitigated or avoided.*

The Project is located within the Town of Erwin Aquifer Protection Overlay Districts #2 and #3. The proposed project is an allowable use within these overlay districts and will not discharge hazardous substances to the aquifer, will not have on-site bulk storage of chemical or petroleum products, snow storage will occur upstream of the proposed stormwater management facility to mitigate impacts to stormwater, and will not discharge lawn maintenance products within the wetland buffer. As such, the Project complies with all applicable requirements outlined in Section 130-37 for aquifer protection overlay districts in general and Districts #2 and #3

specifically, and thus the Planning Board finds that the Project will not have an adverse impact on the public health, safety, and welfare of the people of the Town of Erwin as it relates to the protection of the aquifer.

14. *Adequacy of building orientation and site design for energy efficiency. The extent to which the proposed plan conserves energy use and energy resources in the community, including the protection of adequate sunlight or use by solar energy systems.*

The Applicant's engineers also conducted a shadow study to provide information relative to time of year and time of day the proposed building would cast a shadow onto neighboring properties. The shadow study analyzed three potential building orientations, with the proposed building configuration demonstrating the least amount of impact. The shadow study revealed that despite the height of the center tower, the neighboring properties would only experience a shadow on any portion of their yard from 5:15 to 5:45 AM, April through September.

15. *Adequacy of open space for play areas, informal recreation, and the retention of natural areas such as wildlife habitats, wetlands, and wooded areas*

The Applicant is proposing a commercial development on a site zoned for commercial use so there is minimal opportunity or need to retain open space, recreation and natural areas. The site does contain wetlands, which will remain undisturbed and the stormwater management facility will operate as a natural area to some degree.

16. *Adequacy of pedestrian access, circulation, convenience and safety.*

The extension of Town Center Road and the dedication of a twenty-foot pedestrian and bicycle easement to the Town of Erwin create a safe interconnection across and around Robert Dann Drive as well as providing a direct connection between the residential and commercial areas that does not presently exist. These additional connections significantly improve pedestrian access, circulation, convenience and safety in the vicinity of the Project Site.

Consistency with Design Standards set forth in 130-89.

The Applicant's site development plan drawings and the narrative provided in the Engineer's Report adequately address and satisfy each of the Design Standards applicable in the Town Center District.

TOWN OF ERWIN PLANNING BOARD

Motion to approve the Site Plan Application

Motioned by Matt Maslyn

Seconded by Wayne Kennedy

	Yes	No	Abstain
John Gargano, Chairman	X		
James McCarthy	X		
Ted Metarko	X		

Wayne Kennedy	X	
Patricia Thiel		X
Matt Maslyn		X

Resolution to open the discussion on the Subdivision Application

Motioned by James McCarthy

Seconded by Matt Maslyn

Disposition: 6-0

SUBDIVISION APPLICATION

BE IT ALSO RESOLVED, after due deliberation, and in consideration of the entire record, including, but not limited to, the consideration of the application, reports/studies, comments from the Planning Board's engineering consultant and sub-consultants and the responses from the Applicants' consultants, agency comments and public comments, pursuant to Chapter 112 Subdivision of Land, Section 1.5, that this Planning Board approves the proposed subdivision and hereby renders the following determinations with respect to FLM's request for subdivision approval for the Project:

1. *The physical characteristics of the land to be subdivided shall be such that it can be used for building purposes without danger to health and safety or peril from fire flood or other menace. Proper provision shall be made for drainage, water supply, sewage and other needed improvements. All parcel developments shall meet Town, County, State, and Federal health requirements.*

The parcels created by the subdivision are all developable with the sole exception of the unavoidable remainder parcel (identified on the subdivision plat as Lot R-1) created by the extension of Town Center Road. The Applicant has made proper provision for all public utilities as depicted on the plan drawings and discussed with respect to the site plan criteria. With the exception of Parcel R-4 (the Project Site) and R-5 (the Klugo parcel) there is no proposed parcel development at this time. Parcel's R-4 and R-5 have satisfied all applicable health requirements as discussed and determined in the association site plan review and approval.

2. *Natural and historic features shall be preserved. Insofar as possible, all existing features of the landscape such as large trees, rock outcrops, unusual glacial formations, water and flood courses, historic sites and other such irreplaceable assets shall be preserved.*

There are no natural or historic features on the site that are categorized as "irreplaceable assets" requiring preservation. As discussed at length in the site plan and SEQR negative declaration findings, there are existing wetlands on the site which will be preserved and protected via NYSDEC guidelines and regulations.

3. *Subdivision plans shall conform to the Town Comprehensive Plan. They shall be in conformance with the Zoning Law, and shall be properly related to the Town Comprehensive Plan as it is developed and used for guidance by the Planning Board, either with or without formal adoption. Roads shall be of such width, grade and location as to accommodate the prospective traffic, account for topographic relief and to facilitate fire protection according to highway specifications. Park areas of suitable location, size and character for playground or other recreational or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board.*

The subdivision plans are the fulfillment of the vision set forth in the Erwin Town Center Vision, Land Use and Zoning Recommendations. The extension of Town Center Road and the creation of additional parcels immediately adjacent to Town Center Road are both entirely consistent with and instrumental to further development both on the subdivided outparcels as well as in the surrounding Town Center District. Town Center Road will be built according to Town

specifications before being dedicated to the Town, and the Planning Board will not require any park areas or open space in addition to the delineated wetland and stormwater mitigation area.

TOWN OF ERWIN PLANNING BOARD

Motion to approve the Subdivision Application

Motioned by James McCarthy

Seconded by John Gargano

	Yes	No	Abstain
John Gargano, Chairman	X		
James McCarthy	X		
Ted Metarko	X		
Wayne Kennedy	X		
Patricia Thiel		X	
Matt Maslyn		X	

Resolution to open the discussion on the Special Use Permit Application

Motioned by John Gargano

Seconded by Wayne Kennedy

Disposition: 6-0

SPECIAL USE PERMIT APPLICATION

RESOLVED, after due deliberation, and in consideration of the entire record, including, but not limited to, the consideration of the application, reports/studies, comments from the Planning Board's engineering consultant and sub-consultants and the responses from the Applicants' consultants, agency comments and public comments, pursuant to Zoning Code Sections 130-38(C) and 130-50(A), that this Planning Board approves the proposed special use permit and hereby renders the following determinations with respect to FLM's request for a special use permit specifically related to disturbance of five thousand (5,000) square feet :

Section 130-38(C)

1. *Applicants shall comply with all requirements of the DEC and the U.S. Army Corps of Engineers.*

The Applicant has submitted an Article 24 permit to the NYSDEC for wetland buffer disturbance, and there is no required permit from the U.S. Army Corps of Engineers.

2. *Disturbance of more than 5,000 square feet of natural landscape requires a Special Use Permit.*

The Applicant is proposing to disturb 8,000 square feet of natural landscape and has made application for the required Special Use Permit.

- 3a. *The proposed activity will not result in any adverse impacts on Aesthetic Resources of Local and/or Statewide Significance.*

The Project Site does not contain any Aesthetic Resources of Local or Statewide Significance.

- 3b. *The proposed activity will not result in erosion or pollution that affects a Protected Waterbody or Protected Wetland, from surface or subsurface runoff.*

The Applicant has prepared and submitted a Stormwater Pollution Prevention Plan ("SWPPP") that demonstrates compliance with the New York State Stormwater Management Design Manual. Based on the written recommendation Hunt Engineers, the Planning Board is of the opinion that the SWPPP demonstrates that site design contains adequate pollution- and erosion-prevention measures, and further that the disturbance of 8,000 square feet of natural landscape will not result in any adverse impacts from surface or subsurface runoff during or after construction.

- 3c. *Will employ the Best Management Practices (BMP) available.*

The Project has been designed using best management practices for erosion and sediment control as described in the NYSDEC "Blue Book" (NYS Standards and Specifications for Erosion and Sediment Control) which includes NYSDEC approved practices for runoff control, soil stabilization, and sediment control.

Section 130-50(A)

The activity being considered is the disturbance of 8,000 square feet of natural landscape within the Stream Corridor Overlay District. This relatively narrow activity will not impact the public health, safety, and general welfare. In addition, the Planning Board has considered the potential environmental impacts of this activity in conjunction with the other proposed applications, and, as set forth in the SEQR Negative Declaration, determined that the cumulative effect of the Applicant's proposed development will not result in adverse environmental impacts. The proposed disturbance does not impact the comfort and convenience of the public in general nor the residents of the immediately surrounding area.

The stated criteria set forth in Section 130-50(A)(1-9) are largely inapplicable with the following exceptions:

Criteria 2. The disturbance of 8,000 square feet of the natural landscape will not adversely affect neighboring properties with respect to storm water drainage or erosion as addressed in the SWPPP.

Criteria 7. Although the proposed use disturbs a portion of the natural landscape, the impact is not significant. The site is zoned for commercial development and it is anticipated that the site will be developed accordingly. Such development necessitates disturbance of the existing natural landscape, which is in no way unique nor designated for preservation.

Criteria 8. The proposed disturbance will in no way preclude any future redevelopment of the site.

TOWN OF ERWIN PLANNING BOARD

Motion to approve the Special Use Permit Application

Motioned by James McCarthy

Seconded by John Gargano

	Yes	No	Abstain
John Gargano, Chairman	X		
James McCarthy	X		
Ted Metarko	X		
Wayne Kennedy	X		
Patricia Thiel		X	
Matt Maslyn		X	