Evans Town Board

At the regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, April 13, 2011 at 7:00pm there were:

PRESENT:	Keith E. Dash	Councilman
	Paul T. Cooper	Councilman
	Francis J. Pordum	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Drew Eszak	Dir. of Finance
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Patrick Conrad	St. Pt. Marina Dept. Head
	Peggy Manning	Supervisor's Dept
	Gary Noel	Water Dept.
EXCUSED:	Lori Szewczyk	Dir. of Community Development
	Julie Roach	Seniors Dept. Head
	Rob Klavoon	Wendel Duchscherer

RESOLUTION 2011-130 Approve Minutes

Supervisor Pordum moved and Councilman Dash seconded that the reading of the minutes of the meeting of March 23, 2011, public hearings of March 29, 2011 and work session of April 6, 2011 be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT: ADOPTED
AYES – Dash, Cooper, Pordum
NAYS – none

RESOLUTION 2011-131 Committee and Department Head Reports

Supervisor Pordum moved and Councilman Cooper seconded to approve the Committee and Department Head Reports as reported.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2011-132 Approve Town Clerk Reports

Supervisor Pordum moved and Councilman Dash seconded,

Town Clerk Monthly Reports
March 2011

Water Receipts	$136,031.89
Interest Earned	$43.80
Monthly	$16,529.64
Interest Earned	$6.57
Petty Cash March	$-0-

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

RESOLUTION 2011-2011-133 Appt of Acting Water Maintenance Man A

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS The Water Department for the Town of Evans has been undertaking renovations to the entire system and

WHEREAS James Guarino has been providing services to the Town of Evans Water Department as acting Water Maintenance Man A, which is outside of the his current job title; Water Maintenance Man B.

THEREFORE BE IT

RESOLVED, that James M. Guarino of 7120 Brandywine Drive, Derby, NY 14047 be appointed as acting Water Maintenance Man A, in the Water Department under a probationary period that shall not be less than six (6) months and not to exceed one (1) year, and

BE IT FURTHER RESOLVED, that this appointment shall take effect the pay period commencing March 28, 2011.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

RESOLUTION 2011-134 Water Bill Adjustment

Councilman Dash moved and Supervisor Pordum seconded,

RESOLVED, that an adjustment be made to the following account because of a water leak.

HAULING FREIGHT Account # 02090630
8596 ERIE RD Adjustment- $297.77

VOTE RESULT: ADOPTED BY ROLL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2011-135 Enter into contracts with National Grid for Energy Saving Program

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, National Grid has a retro fit incentive program for energy savings available to municipal customers for use in Public owned facilities, and

WHEREAS, the estimated payback on the installation for energy savings upgrades is one year or less for all Town of Evans Facilities,

NOW THEREFORE BE IT RESOLVED, the Supervisor of the Town of Evans is hereby authorized to enter into agreements with National Grid to install energy savings equipment in all remaining Town of Evans facilities.

VOTE RESULT: ADOPTED BY ROLL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2011-136 Water Bill Adjustment

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED, that an adjustment be made to the following account because of a water leak.

1. Eugene Barrett Account # 03031440
9599 Erie Road Adjustment $37.43

VOTE RESULT: ADOPTED BY ROLL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

7:15pm Public Hearing- Special Use Permit for 6777 Erie Road (Catalano Motors new & used car lot)

Supervisor Pordum opened the public hearing and directed the Town Clerk to read the legal notice as follows:

LEGAL NOTICE
TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on April 13, 2011 at 7:15 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the renewal of a Special Use Permit for the operation of a new and used car lot, to be located at 6777 Erie Road, (a.k.a. NYS Route 5), Derby, NY 14047 being SBL# 192.20-6-1. Petitioner: Catalano Motors, 8327 Erie Road, Angola, NY 14006.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
Jonica B. DiMartino
Town Clerk

Supervisor Pordum opened the floor for public comment.

1. Sandra L. Brant, Director of Planning/Planning Board Chairman spoke in favor of renewal.

RESOLUTION 2011-137 Close Public Hearing

Councilman Dash moved and Supervisor Pordum seconded to close the public hearing.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2011-138 Grant Special Use Permit Renewal

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, Catalano Motors has requested a Special Use Permit renewal for the operation of a new and used car lot located at 6777 Erie Rd., (a.k.a. NY Route 5), Derby, NY 14047, SBL# 192.20-6-1, and

WHEREAS, the Special Use Permit was issued with the following conditions:

1. The site must be developed in accordance with the site plan as approved by the Town of Evans Planning Office
2. For the purpose of sales, no more than 12 cars may be displayed or stored outside on the site.

3. There shall be no storage of vehicle parts, accessories, or scrap parts anywhere on the site.
4. Under no circumstances shall cars be displayed or parked in the required 20-foot parking setback or in the NYS Department of Transportation right-of-way.
5. In accordance with Section 200-29D.(6) of the Town Code, no posters, pennants, ribbons, streamers, spinners or other moving, fluttering, flashing or revolving signs or devices or strings of lights shall be permitted on site.
6. This Special Use Permit shall be attached to the applicant, Catalano Motors, and not the property or the business.

WHEREAS, the Town of Evans Planning Office and the Building Department have conducted a proper review of the application and the facility and have recommended the Special Use Permit be renewed for five years, and

WHEREAS, the negative SEQR declaration issued by the Evans Town Board on July 12, 2006 for the original Special Use Permit for said facility is still sufficient and valid, for this action, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing regarding said Special Use Permit renewal,

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to Catalano Motors for the purpose of operating a new and used car lot, located at 6777 Erie Road. (a.k.a. NY Route 20), Derby, NY 14047, and

BE IT FURTHER

RESOLVED, that the six (6) above-said conditions be placed upon the above-said Special Use Permit, and

BE IT FURTHER

RESOLVED, that the above-said Special Use Permit be granted for a five (5) year period, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office, the Assessor's Office and the Code Enforcement Office.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

7:20pm Public Hearing- Special Use Permit for 1437 Pontiac Rd (Richard Morse, commercial kennel for dogs & cats, daycare, training, grooming & bathing)

Supervisor Pordum opened the public hearing, with a second from Councilman Dash, and directed the Town Clerk to read the legal notice as follows:

LEGAL NOTICE
TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on April 13, 2011 at 7:20 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the issuance of a Special Use Permit for the purpose of operating a commercial kennel for dog and cat boarding, daycare, training, grooming, and bathing to be located at 1437 Pontiac Road, Angola, NY 14006 (SBL# 252.00-1-26.2). Petitioner: Richard Morse, 7901 Three Chopt Road, Richmond, VA 23229.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
Jonica B. DiMartino
Town Clerk

Supervisor Pordum opened the floor for public comment.

1. Joe Butler, 1439 Pontiac Road was generally in favor, however, expressed concerns regarding the hours of operation.

2. Emily Warren, manager of the facility aka Future Comforts, responded to the concerns expressed.

3. Supervisor Pordum noted that a letter was submitted to the Town Board expressing concerns and was forwarded on to the prospective business to be addressed.

4. Emily Warren, Buffalo, NY, manager of facility aka Future Comforts, reiterated that concerns would be addressed.

5. Councilman Cooper questioned the septic system on behalf of concerned residents.

6. Sandra L. Brant, Director of Planning/Planning Board Chairman confirmed the compliance of such system and detailed the various NYS agencies that would become involved if any issues arose.

RESOLUTION 2011-139 Close Public Hearing

Supervisor Pordum moved and Councilman Dash seconded to close the public hearing.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2011-140 Issue Negative SEQR Declaration

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, Richard Morse has requested a Special Use Permit for the purpose of operating a commercial kennel for dog and cat boarding, daycare, training, grooming and bathing to be located at 1437 Pontiac Road, Angola, NY. SBL# 252.00-1-26.2, and

WHEREAS, the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this property, and has found no apparent significant environmental concerns, and has recommended the issuance of a SEQRA negative declaration.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans adopts these findings and issues a negative declaration in accordance with the SEQRA requirements for the Richard Morse Special Use Permit. (Addendum A SEQRA Short Environmental Assessment Form).

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2011-141 Grant Special Use Permit

WHEREAS, Richard Morse has requested a Special Use Permit for the purpose of operating a commercial kennel for dog and cat boarding, daycare, training, grooming and bathing to be located at 1437 Pontiac Road, Angola, NY, SBL# 252.00-1-26.2, and

WHEREAS, the Town Board of the Town of Evans conducted a public hearing on April 13, 2011 regarding said Special Use Permit, and

WHEREAS, the Town Board of the Town of Evans has issued a negative declaration as part of the SEQR review process, and

WHEREAS, the Evans Planning Board has conducted a thorough review of the

application and has unanimously voted to recommend approval of said Special Use Permit, for the following reasons:

1. We have found no apparent significant environmental concerns and recommend a SEQR negative declaration.
2. The project will fill an underutilized property with a viable business that will improve the value of the property.
3. This project is in compliance with the intent of the Town's Comprehensive Plan.; and

WHEREAS, the Planning Board also recommended that said Special Use Permit be issued for a one (1) year period.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Richard Morse, for the purpose of operating a commercial kennel for dog and cat boarding, daycare, training, grooming and bathing to be located at 1437 Pontiac Road, Angola, NY. SBL# 252.00-1-26.2, for a period of one (1) year, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Assessor's Office, the Code Enforcement Office and the Planning Office.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

Lake Shore Middle School Power Point Presentation

Supervisor Pordum turned the meeting over to Councilman Dash to introduce students from Lake Shore Middle School to give a power point presentation to the Town Board and attending residents regarding the importance of the issue of the dumping of pharmaceuticals in the water supply. This presentation highlights the drop-off collection to be held on April 30th at the Erie County Ag Center. Information has already been posted in various locations throughout the Town Hall.

The following students were introduced and recognized by Councilman Dash to come forward and give this presentation:

Miss Kristen Chimera
Miss Mary Wilson
Miss Skye Glashauser
Mr. Connor English
Miss Sage Flickinger
Mr. Calvin Butlak
Miss Alexis Stack

Supervisor Pordum welcomed the students and they proceeded with the power point presentation detailing the "Growing Problem of Pharmaceuticals in Our Water Supply".

Councilman Dash extended his appreciation to Mrs. Schwartz for her work with the Alpha Students at the middle school and to the students for their political activism in this project.

RESOLUTION 2011-142 Audit of Bills

Councilman Dash moved and Councilman Cooper seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstract brought forth on April 13, 2011

(There was no abstract summary provided. The Town Clerk was advised that there will be two summaries provided for May meeting.)

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

Proclamation Presentation

Supervisor Pordum read and presented the Town Clerk, Jonica B. DiMartino, a proclamation recognizing Municipal Clerks week May 1st – May 4th 2011 and extended appreciation to her and thanked her two deputies- Lynn R. Stoessel and Lynn M. Krajacic, for all of the hard work that they do in serving the public on a daily basis.

Supervisor Pordum also recognized the $500 Scholarship attained by the Town Clerk to attend the 29th Annual NYSTCA Conference at no additional cost to the Town.

RESOLUTION 2011- 143 Adjournment in Honor of Joseph Mackenburg

Supervisor Pordum moved and Councilman Cooper seconded to adjourn in memory of the recent loss of Joseph Mackenburg. Supervisor Pordum noted his years of involvement in this community, particularly Sturgeon Point Marina, and asked for a moment of silence in his honor and memory. Adjournment was announced to a Work Session on Wednesday, April 27, 2011 then to an Agenda Meeting on Wednesday, May 4, 2011 at 6:30pm with the regular Town Board meeting immediately following at 7:00pm

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Jonica B. DiMartino
Town Clerk
Town of Evans

14-13-4 (9/95)—Text 12

PROJECT I.D. NUMBER

617.20
Appendix C
State Environmental Quality Review

COPY

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

Addenum A
4-13-2011
page 1 of 1

ART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR: Richard Morse for Virtuosity VUC

2. PROJECT NAME: SPCA Animal Shelter / Kennel

3. PROJECT LOCATION:
Municipality: Angola, NY County: Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
1437 Pontiac Road SPCA

5. IS PROPOSED ACTION:
☐ New ☐ Expansion ☑ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Commercial Kennel use in the existing SPCA building. Make minor repairs, install 8FT. high fence Around Building.

7. AMOUNT OF LAND AFFECTED:
Initially 5.15 acres Ultimately Same acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☒ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☐ Commercial ☒ Agriculture ☐ Park/Forest/Open space ☐ Other
Describe: R-A

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☒ No If yes, list agency(s) and permit/approvals

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If yes, list agency name and permit/approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

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

Applicant/sponsor name: Richard Morse Date: 12/6/10

Signature: R E Name

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER