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, December 14, 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.
	Lori Szewczyk	Dir. of Community Development
	Drew Eszak	Dir. of Finance
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Peggy Manning	Supervisor's Dept
	Gary Noel	Water Dept
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Julie Roach	Seniors Dept. Head
ABSENT:	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Patrick Conrad	St Pt Marina Dept Head

RESOLUTION 2011-327 Approve Minutes

Supervisor Pordum moved and Councilman Dash seconded that the reading of the minutes of the meeting of November 17, 2011 and work session of December 7, 2011 be dispensed with and approved as submitted by the Town Clerk.

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

Public Comment on Meeting Agenda Items

1. Marie O'Connor, 8818 Lake Shore Rd- expressed concerns regarding drainage issues regarding Melody Meadows and questioned the Mobile Home Development License issuance being considered this evening.

RESOLUTION 2011-328 Approve Town Clerk Reports

Supervisor Pordum moved and Councilman Cooper seconded to accept the Town Clerk monthly reports as presented.

Monthly November 2011	$7,516.00
Interest November 2011	$2.82
Petty Cash	$-0-
Water Receipts November 2011	$168,056.43
Interest November 2011	$32.74
2011-2012 School Tax Penalties	$25,258.31
2011-2012 'Outside Town' School Tax Collector's Fee	$12,793.92 (see attachment A)
Lock Box Overage	$.69

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

RESOLUTION 2011-329 Water Bill Adjustment

Supervisor Pordum moved and Councilman Dash seconded,

RESOLVED, that an adjustment be made to the following account due to a water leak that has now been found and repaired by resident.

1. Marc & Mary Willer Account # 02010360
348 Lakeside Adjustment $210.21 plus penalty if any

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

RESOLUTION 2011-330 Appt of Full-Time Patrolman

Councilman Cooper moved and Councilman Dash seconded to table the resolution, at this time, and move it to Old Business for further consideration.

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

RESOLUTION 2011-331 Amend next Water Bill Adjustment to include an additional account

Councilman Dash moved and Councilman Cooper seconded to include an additional account on the second Water Bill Adjustment resolution.

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

RESOLUTION 2011-332 Water Bill Adjustment

Councilman Dash moved and Councilman Cooper seconded,

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

1) Timm, Owen — Account # 02040020
9158 Applewood — Adjustment- $149.61

In addition to:

2) Corbett, David — Account# 02011280
9193 Lakeside — Adjustment- $132.56

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

7:10 pm Public Hearing PLL#9 of 2011- Lake Erie Beach Commercial Overlay District

Supervisor Pordum opened the Public Hearing and asked the Town Clerk to read the legal notice as follows:

Legal Notice
Town of Evans

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on December 14, 2011 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006, for the consideration of Proposed Local Law #9 of the year 2011 for proposed amendment/revision to Town Code, Chapter 200 Zoning, Article V to add Section 20 Lake Erie Beach Commercial Overlay District. A draft copy of the proposed amendment/revision will be available, at the Town Clerk's Office, to review or pick up during normal business hours, Monday thru Friday from 8 am - 4 pm and Wednesday until 6pm or it can be viewed or printed out at www.townofevans.org.

All parties in interest and citizens shall have an opportunity to be heard 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 granted a joint request from Lori Szewczyk, Dir. of Community Development & Sandra L. Brant, Dir. of Planning to explain the project further and to have Fred Frank of Wendel Duchscherer do a short power point presentation of the subject matter.

1. Edward Schneider, III- 9575 Redwing St, Angola, NY 14006, expressed opposition to the Overlay District and submitted a letter and documentation (see attachment B). Copies were made and distributed to the Town Board at his request the following business day.

2. Kurt Wojda, Irving, NY- owner of the former Point Breeze Hotel property in the proposed district- spoke in favor of the Overlay District.

3. Bob Catalano, Derby, NY- asked people who are speaking to please speak into the microphone when addressing the audience.

4. Marie O'Connor, 8818 Lake Shore Rd, Angola, NY 14006- asking for people to be cognizant of is in the development of the area- that wetlands are not eliminated, so that drainage can maintain itself without destruction downstream to any other development.

5. Robert L. Palmer, 1780 Eden-Evans Center Rd- expressed some opposition to certain rezoning within that district.

6. Keith Dash read an email from Bill Holland, owner of Castaways and the adjoining properties, in favor of the Overlay District (see attachment C).

RESOLUTION 2011-333 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 2011-334 Issue SEQR Negative Declaration for LEB Commercial Overlay District

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS, in conformance with the goals and recommendations of the Lake Erie Beach (LEB) Neighborhood Revitalization Strategy, the Town wishes to adopt the LEB Commercial Overlay District, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Quality Review), the Evans Town Board as SEQR Lead Agency, determined that the action is an unlisted action and completed a Short Environmental Assessment Form, and

WHEREAS, the Evans Town Board held a Public Hearing on December 14, 2011 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action, and

WHEREAS, the Evans Town Board, in accordance with the State Environmental Quality Review Act (SEQR), has determined that the adoption of the LEB Commercial Overlay District will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans in accordance with Part 617 of the SEQR regulations hereby determines that the adoption of the LEB Commercial Overlay District is not anticipated to result in any significant adverse environmental impacts and, therefore, issues a negative declaration for this action. Based upon this determination of non-significance, no further SEQR review is required (Addendum A Short Environmental Assessment Form).

AND BE IT FURTHER RESOLVED, that the Evans Town Board authorizes the Town Planning Director to conduct all necessary filings pursuant to the SEQR requirements for Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

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

RESOLUTION 2011-335 Adopt Proposed Local Law 9 of 2011 as Local Law 9 of 2011 regarding the Lake Erie Beach Commercial Overlay District

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, in conformance with the goals and recommendations of the Lake Erie Beach (LEB) Neighborhood Revitalization Strategy, the Town wishes to adopt the LEB Commercial Overlay District, and

WHEREAS, the LEB Commercial Overlay District supports the Town's 2011 New York Main Street Program grant submittal, and

WHEREAS, the LEB Commercial Overlay District will guide improvements that will enhance safety and dramatically improve the aesthetics of the area which are crucial for attracting new business to underutilized properties and stimulating economic growth, and

WHEREAS, the Evans Town Board held a public hearing on the LEB Commercial Overlay District on December 14, 2011 to gather public comments, and

WHEREAS, the Evans Town Board has issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that proposed Local Law No. 9, of the year 2011, regarding the LEB Commercial Overlay District, be and hereby is adopted as Local Law No. 9 of the year 2011 (see attachment D)

AND BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

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

7:20 pm Public Hearing PLL#10 of 2011- Rezoning 3 properties as recommended by the LWRP

Supervisor Pordum opened the Public Hearing and asked 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 December 14, 2011 at 7:20pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #10 of the year 2011 which will amend Local Law #8 of the year 1987 commonly known as the Zoning Law and any amendments thereto and the Zoning Map by rezoning property situate in the Town of Evans as requested by the Town of Evans as recommended by the Local Waterfront Revitalization Program:

Parcel A.: a .25+/- acre parcel, known as Purvis Landing site, located on the lakeside of Lake Shore Road, between Albeeville and Hickory Roads, Angola, NY 14006, from Residential Two-Family (R-2) to Recreational Facility (RF);

Parcel B.: 2.86 +/- acre parcel, known as the Joel Harvey Fishing Access Site, located at 6409 Lake Shore Road, Derby, New York, SBL#193.00-1-7.1
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York, being part of Lot N. 50, Township 9, Range 9 of the Holland Land Company's Survey, described as follows:

Beginning at the center line of South Creek Road, at the most northerly corner of lands of Thomas H. Reamsnyder; thence north 28˚ 17' west along South Shore Road, 214 feet; thence north 40˚ 22' west along said road, 393 feet; thence north 32˚ 55' west, 581.5 feet to the center line of Old Lake Shore Road; thence north 26˚ 30' east along the center line of the road, 339 feet to the center of Eighteen Mile Creek; thence up the center of said creek along the center thereof to lands of Reamsyder; thence south 55˚ 33' west, 400 to an iron stake in the Reamsnyder line; thence south 00˚ 17' east, 98 feet to an iron stake; thence south 8˚ 23' west, 86 feet to an iron stake; thence south 46˚ 53' west, 75 feet to the place of beginning.

Together with all the right, title and interest of the grantor in and to the easement reserved in Deed made by Charles E. Dolbow and Della May, his wife, to Erie County Sanitary Sewer District No. 2 and County of Erie dated July 15, 1963 and recorded January 23, 1964 in Liber 6968 of Deeds at page 435.

EXCEPTING that part thereof conveyed by deed recorded in Erie County Clerk's Office in Liber 6968 of Deeds, page 435.

EXCEPTING further that part conveyed to the County of Erie by deed recorded at Erie County Clerk's Office in Liber 10134 of Deeds at page 521.

Being the same premises conveyed by Charles E. Dolbow to Sara Jan Fiebelkorn by Deed dated and recorded May 25, 1967 in Liber 7354 of Deeds at page 353 in the Office of the Erie County Clerk at Buffalo, New York.

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.
From Multi-Family Residential (MFR-3) to Recreational Facility (RF).

Parcel C.: 8.8 +/- acre parcel located at 6413 Lake Shore Road, Derby, New York, SBL# 193.00-1-9
ALL THAT TRACT OR PARCEL OF LAND, situated in the T own of Evans, County of Erie and State of New York, being part of Lot no. 50 in Ninth Township and Ninth Range of the Holland Land Company's Survey – previously included in lands of Charles E. Dolbow, Liber 4927 Page 307; and bounded as follows:

BEGINNING in the center of South Creek Road at the most north westerly corner of lands of Edward Ball and Dolores Ball, Liber 5243 Page 88; thence north 28˚ 17 minutes west along the South Creek Road 214 feet; thence north 40˚ 22 minutes west along said road 393 feet; thence north 32˚ 55 minutes west 581.5 feet to the center of the Old Lake Shore Road; thence north 26˚ 30 minutes east along the center of the Road 60 feet; thence south 42˚ 30 minutes east 400 feet; thence north 26˚ 30 minutes east and parallel to the Old Lake Shore Road 510 feet to the center of the Eighteen Mile Creek; thence along the center of said Creek to lands of Edward and Dolores Ball; thence south 55˚ 33 minutes west 400 feet to an iron stake in the Ball line; thence south 0˚ 17 minutes east 98 feet to an iron stake; thence south 8˚ 23 minutes west 86 feet to an iron stake; thence south 46˚ 53 minutes west 75 feet to the place of the beginning. Excepting therefrom 30 feet running along the southeasterly line thereof parallel and distance from the Ball line thirty (30) feet; to be used for drainage purposes only, by adjoining owners.

EXCEPTING AND RESERVING THEREFROM; a perpetual and non-exclusive easement running with land of the grantors, their heirs and assigns forever, said easement of egress and ingress over the lands westerly of the line parallel with Old Lake Shore Road of 510 feet as extended to the south line of lands hereinbeforre

conveyed in this instrument, said easement and rights as described being to the use of a road and drive leading to the improvements on the property on Old Lake Shore Road not conveyed in this instrument from Multi-Family Residential (MFR-3) to Public Facility (PF)

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

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

1. Cheryl St. George, Derby, NY- asked for clarification of the legal descriptions.

2. William Miller- 'just south of Parcel A'- opposed due to question of ownership of Purvis Landing Site.

3. Supervisor Pordum read a letter and petition opposing the rezoning of the Purvis Landing Site (see attachment E).

4. Bob Catalano, Derby, NY- spoke in favor of Purvis Landing Site.

5. Bill Henry, 1456 Pontiac Rd- questioned the ownership of the site and billing the cost of Town Maintenance to the owner of the site.

6. Cheryl St. George, Derby, NY- also questioned ownership and adding that land to the tax roll.

7. Robert L. Palmer, 1780 Eden-Evans Center Rd- spoke in favor of the Purvis Landing Site.

RESOLUTION 2011-336 Close Public Hearing

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

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

RESOLUTION 2011-337 Issue SEQR Negative Declaration on the three (3) parcels to be rezoned

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, in conformance with the policies and recommendations of the Town of

Evans Local Waterfront Revitalization Program, the Town wishes to rezone 3 parcels, and

WHEREAS, the following properties have been considered for rezoning:

- a .25± acre parcel, known as Purvis Landing site, located on the lake side of Lake Shore Road, between Albeeville and Hickory Roads, Angola, NY 14006, from Residential Two-Family (R-2) to Recreational Facility (RF);
- a 2.86± acre parcel known as the Joel Harvey Fishing Access site, located at 6409 Lake Shore Road, Derby, NY SBL# 193.00-1-7.1, from Multi-Family Residential (MFR-3) to Recreational Facility (RF);
- an 8.80± acre parcel owned by Erie County Sewer District #2, located at 6413 Lake Shore Road, Derby, NY SBL# 193.00-1-9, from Multi-Family Residential (MFR-3) to Public Facility (PF), and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Quality Review), the Evans Town Board as SEQR Lead Agency, determined that the action is an unlisted action and completed Short Environmental Assessment Forms, and

WHEREAS, the Evans Town Board held a Public Hearing on December 14, 2011 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action, and

WHEREAS, the Evans Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the said rezonings will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans, in accordance with Part 617 of the SEQR regulations hereby determines that the rezoning of the above-said properties is not anticipated to result in any significant adverse environmental impacts and, therefore, issues a negative declaration for this action. Based upon this determination of non-significance, no further review under SEQR is required. (Addendum B SEQRA Short Environmental Assessment Form)

AND BE IT FURTHER RESOLVED, that the Evans Town Board authorizes the Town Planning Director to conduct all necessary filings pursuant to the SEQR requirements for Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

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

RESOLUTION 2011-338 Adopt Proposed Local Law 10 of 2011 as Local Law 10 of 2011 regarding above-said rezoning of three (3) parcels

WHEREAS, in conformance with the policies and recommendations of the Town's Local Waterfront Revitalization Program, the Town wishes to rezone 3 parcels, and

WHEREAS, the following properties have been considered for rezoning:

- a .25± acre parcel, known as Purvis Landing site, located on the lake side of Lake Shore Road, between Albeeville and Hickory Roads, Angola, NY 14006, from Residential Two-Family (R-2) to Recreational Facility (RF);
- a 2.86± acre parcel known as the Joel Harvey Fishing Access site, located at 6409 Lake Shore Road, Derby, NY SBL# 193.00-1-7.1, from Multi-Family Residential (MFR-3) to Recreational Facility (RF);
- an 8.80± acre parcel owned by Erie County Sewer District #2, located at 6413 Lake Shore Road, Derby, NY SBL# 193.00-1-9, from Multi-Family Residential (MFR-3) to Public Facility (PF), and

WHEREAS, the Town Board of the Town of Evans held the required public hearing on said rezonings on December 14, 2011 to gather public comments, and

WHEREAS, the Town Board of the Town of Evans has issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that proposed Local Law No. 10 of the year 2011, regarding the above-said rezonings, be and hereby is adopted as Local Law No. 10 of the year 2011 (see attachment F).

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Code Enforcement Office and 2 certified copies be given to the Planning Office.

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

7:30pm Public Hearing PLL#11 of 2011- Misc. Town Code Revisions

Supervisor Pordum opened the Public Hearing and asked the Town Clerk to read the legal notice as follows:

Legal Notice
Town of Evans

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on December 14, 2011 at 7:30pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006, for the consideration of Proposed Local Law #11 of the year 2011 for proposed minor amendments to the Town Code, Chapter 200 Zoning, Chapter 178 Subdivision and Chapter 149 Property Maintenance. A draft copy of the proposed amendments will be available, at the Town Clerk's Office, to

review or pick up during normal business hours, Monday thru Friday from 8 am - 4 pm and Wednesday until 6pm or it can be viewed or printed out at www.townofevans.org.

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

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

1. Joe Kwilos, 7678 Erie Rd- generally opposed to changes at this time.
-Councilman Dash provided clarification to his questions.
-Sandy Brant clarified that these were only some of the changes that were discussed by the Agricultural Advisory Committee back in June.

RESOLUTION 2011-339 Close the Public Hearing

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

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

RESOLUTION 2011-340 Issue SEQR Negative Declaration regarding Misc. Town Code Amendments

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, the Evans Town Board wishes to adopt proposed Local Law No. 11 of the Year 2011 regarding miscellaneous code revisions to Section 200 Zoning, Section 178 Subdivision and Section 149 Property Maintenance, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Quality Review), the Evans Town Board as SEQR Lead Agency, determined that the action was an unlisted action and completed a Short Environmental Assessment Form, and

WHEREAS, the Evans Town Board held a Public Hearing on December 14, 2011 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans has determined that the adoption of proposed Local Law No. 11 of the year 2011, regarding miscellaneous revisions to Section 200 Zoning, Section 178 Subdivision and Section 149 Property Maintenance of the Town Code will not have a significant impact on the

environment and, therefore, issues a Negative Declaration. Based on this determination of non-significance, no further SEQR review is required (Addendum C Short Environmental Assessment Form).

AND BE IT FURTHER RESOLVED, that the Evans Town Board authorizes the Town Planning Director to conduct all necessary filings pursuant to the SEQR requirements for Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

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

RESOLUTION 2011-341 Adopt Proposed Local Law 11 of 2011 as Local Law 11 of 2011 regarding miscellaneous code revisions

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS, the Evans Town Board finds that proposed Local Law No. 11 of the year 2011 regarding miscellaneous code revisions to Section 200 Zoning, 178 Subdivision and 149 Property Maintenance will bring about consistency between various sections of the code; consistency with Town processes, and clarification and articulation of language in the code, and

WHEREAS, in a letter dated November 1, 2011, the Evans Planning Director, the Code Enforcement Officer and the Evans Agricultural Advisory Committee have recommended adoption of these proposed code revisions, and

WHEREAS, the Evans Town Board held a public hearing on the proposed code revisions on December 14, 2011, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Review), the Evans Town Board declared itself SEQR Lead Agency, and issued a Negative Declaration of Significance.

NOW THEREFORE BE IT RESOLVED, that proposed Local Law No. 11, of the year 2011, be and hereby is adopted as Local Law No. 11 of the year 2011 (see Attachment G).

AND BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	Aye
Councilman Cooper	Aye
Supervisor Pordum	Aye

RESOLUTION 2011- 342 Approve Committee and Department Head Reports

Supervisor Pordum moved and Councilman Dash seconded to approve the Committee and Department Head reports as presented.

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

RESOLUTION 2011- 343 Authorize Payment to Evans Little Cagers

Councilman Cooper moved and Councilman Dash seconded,

Whereas the Evans Little Cagers were awarded $950 in the 2011 budget and was recognized as such in the 2011 Organizational meeting,

And whereas, the Evans Little Cagers have not yet received those operational funds for 2011,

Therefore, be it resolved that the Evans Town Board authorizes and directs the Town of Evans Director of Finance to immediately release those funds to The Evans Little Cagers Organization contingent upon that organization's submission of the following documentation:

1: A signed contract with the Town
2: A written budget detailing the use of said funds
3: A signed voucher for said funds

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	Aye
Councilman Cooper	Aye
Supervisor Pordum	Aye

RESOLUTION 2011-344 Authorize Supervisor to execute amendments and contract with Evans PBA 2012-2016

Councilman Cooper moved and Councilman Dash seconded, to table this resolution to Old Business for further discussion.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	Aye
Councilman Cooper	Aye
Supervisor Pordum	Nay*

*Supervisor Pordum commented that the PBA has negotiated in good faith with a 20-3 vote taken from their membership and estimated a $300,000-$350,000 savings to Town

if contract were to be approved tonight. He commended the membership for their part in negotiations.

RESOLUTION 2011-345 Authorize Issuance of Tax Anticipation Notes in an amount not to exceed $950,000

Councilman Dash moved and Supervisor Pordum seconded,

TAX ANTICIPATION NOTE RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE TOWN OF EVANS (THE "TOWN") IN AN AMOUNT NOT TO EXCEED $950,000 IN ANTICIPATION OF THE RECEIPT OF REAL ESTATE TAXES OR ASSESSMENTS TO BE LEVIED IN THE FISCAL YEAR ENDING DECEMBER 31, 2012

BE IT RESOLVED, by the Town Board (the "Board") of the Town of Evans, Erie County, New York (the "Town") AS FOLLOWS:

Section 1. In anticipation of the collection of the receipt of real estate taxes or assessments to be levied in the fiscal year ending December 31, 2012, and pursuant to Section 24.00 of the Local Finance Law of the State of New York (the "Law"), the Town is hereby authorized to issue and sell one or more Tax Anticipation Notes in an aggregate principal amount not to exceed $950,000 (the "Notes").

Section 2. The maturity date of the Notes shall not extend beyond the close of the applicable period approved by Section 24.00 of the Law for the maturity of the Notes, within one year from the date of issuance.

Section 3. Subject to the provisions of this Resolution and the Law, pursuant to the provisions of Sections 30.00, 50.00 and 56.00 of the Law, the powers and duties of the Board to issue and to sell the Notes, including any renewals thereof, and the authorization of the terms, form and content thereof, are hereby delegated to the Supervisor of the Town as the chief fiscal officer of the Town (the "Supervisor"). The Supervisor is authorized and directed to execute and deliver the Notes to the purchaser thereof and the Clerk of the Town is authorized and directed to attest the Notes.

Section 4. The full faith and credit of the Town are and shall be pledged to the punctual payment of principal of and interest on the Tax Anticipation Notes authorized herein.

Section 5. The Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Notes as excludable from gross income from federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the Notes, if applicable, as qualified tax-exempt obligations in accordance with Section 265(b)(3)(B)(I) of the Code.

Section 6. This resolution shall take effect immediately.

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

RESOLUTION 2011-346 Authorize Supervisor to sign agreement with Wendel Duchscherer RE: Design Services for sidewalk improvements on Kennedy Ave from Lake Shore Rd to Jamestown St.

Supervisor Pordum moved and Councilman Cooper seconded,

Resolved, the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Duchscherer dated December 7, 2011 for design services for sidewalk improvements on Kennedy Avenue from Lake Shore Road to Jamestown Street, subject to the approval of the Town Attorney.

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

RESOLUTION 2011-347 Authorize Supervisor to sign agreement with Wendel Duchscherer RE: Roadway & Waterline Construction Administration & Inspection Services for Contract 11-2

Councilman Dash moved and Councilman Cooper seconded,

Resolved, the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Duchscherer dated December 7, 2011 for roadway and waterline construction administration and inspection services for Contract 11-2, subject to the approval of the Town Attorney.

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

RESOLUTION 2011-348 Authorize matching funds for Disastor Coordinator Radios

Councilman Cooper moved and Supervisor Pordum seconded,

Whereas the Angola Fire Control and it's respective member Volunteer Fire Companies, along with the Evans Police Dispatch recently were awarded a grant for new radios and related communications equipment under the FEMA Firefighter's Assistance Grant Program,

And whereas it is imperative that the Town Disaster Coordinator and the Assistant Disaster Coordinator each be provided with radio equipment suitable to interface and coordinate with these radios and equipment,

Whereas, the purchase of "D-Unit" Radios fall under the scope of this grant and can be purchased under the same with the grant recipient's 10% match,

And whereas the town of Evans has allocated in the 2011 budget for a $500 stipend to the Disaster Coordinator, given that such funds have not yet been distributed and have been requested for the purpose of meeting this fund match,

Therefore, be it resolved that the Town Board of the Town Of Evans hereby authorizes and directs the Director of Finance to furnish to the Evans Disaster Coordinator or his Assistant a check in the amount of $239.11 to be used toward the purchase of the following equipment:

Two (2), Motorola XTS 1500 UHF Model 1.5 Display Portable Radios @ $951.80 each ($1,903.60 total)

Two (2), Motorola Impres Single Unit Desktop Charger Units @ $123.75 each ($247.50 total)

Two (2), Motorola Public Safety Remote Speaker Microphone with 24" Cord @ $120.00 each ($240.00 total)

Total Purchase Price: $2,391.10, the 10% match of which is $239.11

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

RESOLUTION 2011-349 Appt of PT Police Officer

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED, that Frederick Garrasi III, 88 Middle Lane, Angola, NY 14006, is hereby appointed part-time police officer with the Evans Police Department to be called as needed at the rate of $15.10/hr days and afternoons, $16.25/hour midnights, subject to a psychological evaluation.

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

RESOLUTION 2011- 350 Approve Town Licenses

Supervisor Pordum moved and Councilman Cooper seconded,

Licenses:

1. Marguerite Hogg D/B/A Melody Meadows- Mobile Home Development
2. Short's Inc. D/B/A Stroh's Tavern- Refreshment, Amusement & Live Band
3. Eugene Hackemer D/B/A American Legion Newcomb Long Post#928- Refreshment, Amusement & Live Band
4. Luke H. Fioretti D/B/A Evans Police Benevolent Association- Refreshment & Live Band
5. JJ Parks Pub, Inc. D/B/A Castaways Bar & Grill- Refreshment, Amusement & Live Band
6. Fei Ni D/B/A M.B. China King- Refreshment
7. William J. Connors D/B/A Connors Hot Dog Stand- Refreshment
8. William J. Connors D/B/A Connors Hot Dog Stand/Sturgeon Point- Refreshment
9. Evans Land Corp. D/B/A Grandview Golf Course- Refreshment
10. Mary E. Galante D/B/A Herr Place- Refreshment, Amusement & Live Band
11. Deebe Ann Brown D/B/A Scallywags- Refreshment, Amusement & Live Band
12. Russell T. Mogavero D/B/A Meadowbrook Restaurant & Bar, Inc.- Refreshment, Amusement & Live Band
13. Robert E. Jakubczak D/B/A Overseas Veterans of Evans- Refreshment, Amusement & Live Band

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

Councilman Dash stated: "For the record, would like to thank the service of the Supervisor of the Town of Evans for the past four years and Councilman Cooper, and at this time wish them and their families, also, a Happy Holiday."

RESOLUTION 2011- 351 Audit of Bills

Councilman Dash moved and Councilman Cooper seconded that all properly audited vouchers be paid out of their respective accounts per abstract presented Wednesday, December 14, 2011:

Date: 12/07/2011
Abstract No.21
Voucher No. 2185-2273
Prepaid: 57-61

GENERAL $70,086.71

PART TOWN	$15,669.03
HIGHWAY D A	$0.00
HIGHWAY	$1,772.02
WATER	$899.59
CAPITAL PROJECTS	$0.00
SPECIAL DISTRICTS	$231,272.33
DEBT SERVICE	$0
COMMUNITY DEVELOPMENT	$0
TOTAL	$319,699.68

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	Aye
Councilman Cooper	Aye
Supervisor Pordum	Aye

RESOLUTION 2011-352 Adjournment

Supervisor Pordum moved and Councilman Dash seconded to adjourn the regular meeting in memory of Marvin DeBoy to Wednesday, January 4, 2012 at 6:00pm for the Organizational Meeting with the regular Town Board meeting to follow.

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

JONICA B. DiMARTINO, TOWN CLERK
8787 Erie Road • Angola, NY 14006-9600
Telephone (716) 549-8787

December 13, 2011

Evans Town Board
8787 Erie Rd
Angola, NY 14006

Dear Supervisor Pordum and Town Board,

Attached are the School Tax Penalties and the "outside town" School Tax Collector's Fee that were transferred to the Town of Evans.

The Penalties total $25,258.31 with a lock box overage of $.69.

Please note, again, that the school tax collector's fee from the Lake Shore District School taxes collected from Town of Brant residents, collected for years by the prior Receiver of Taxes Office, is now being collected by the Town Clerk's Office.

This fee will serve, again, as an additional source of revenue for the Town of Evans instead of being used, under the laws of New York State, as an additional salary to the official designated to receive these "outside town" school taxes for the Lake Shore Central School District.

The additional revenue stream, this year totaling $12,793.92, was partially previously earmarked, as funding for the retooled Town Website to be unveiled on January 9, 2012.

The intention of the surplus balance remaining was to be allocated toward the technological advancements within the Town Clerk's Office, as in the previous year, however since these monies were not included in the 2011 budget and are now being considered unallocated revenue by the Director of Finance, it is my understanding, that the use of these additional funds will be to the discretion of the Town Board.

In addition, the upcoming estimated revenue for the next 2012-2013 school tax collector's fee has already been included in the budget, as operating revenue with no offset in expenditure for technological improvements for this office. Since the 'outside town' school tax collector is solely appointed by the Lake Shore Central School District every year at their organizational meeting, this revenue is not guaranteed.

I am respectfully requesting that that the Town Board re-evaluate this portion of the finances, along with all other recommendations from the NYS Comptroller's Auditors.

Sincerely,

Jonica B. DiMartino
Town Clerk

Cc w/encl: Finance/Linda
File
(letter to be attached to 12/14/2011 TB meeting minutes)

Edward G. Schneider III
9575 Redwing Street
Angola, New York 14006
(716) 549-7283

RECEIVED
DEC 15 2011
TOWN CLERK
TOWN OF EVANS

Supervisor Francis Pordum
Councilman Paul Cooper
Councilman Keith Dash

Wednesday, December 14, 2011

Dear Sirs:

With regards to the commercial overlay district for Lake Erie Beach, I am requesting that SBL# 250.09-1-43.111 be excluded from the overlay district until the property owner(s) provide the Town of Evans with proof of clear title.

The old Point Breeze Hotel property (0.81 acres) was combined with 0.8 acres from within the deed description of Lake Erie Beach Park. This parcel was deeded to the Town of Evans by the Lake Erie Beach Property Owners Association for use by anyone wanting to enjoy the park.

Attachment #1 shows the current Real Property Information.
Attachment #2 shows easements maintained by the Town of Evans after the sale to Todd Nowak.
Attachment #3 shows deed restriction making 0.8 acres of SBL# 250.09-1-43.111 open to the free access of all.

One of my customers is a title attorney. He stated that a sale via Quit Claim deed ***DOES NOT*** remove the deed restrictions. If fact, to remove the deed restrictions, you'd have to locate all the descendants of the Murphy family that originally donated the land @1930 to create Lake Erie Beach Park and get their permission to sell the parcel.

Attachment #4 shows that I, Edward G. Schneider III, as President of the Lake Erie Beach Property Owners Association was one of two officers (only living officer) to sign the title documents. Any development of the illegally sold parcel would be a violation of the agreement between the Town of Evans and the Lake Erie Beach Property Owners Association. Attachment #5 is the above mentioned agreement which is on file at the Erie County Clerk's office under Liber 9709 Page 304.

It it very unlikely that SBL# 250.09-1-43.111 will ever get clear title.

In addition, I'm requesting that proof of clear title be provided to the Town of Evans before permits to develop of this property are issued.

Should you have any question, please do not hesitate to contact me by email or by calling 549-7283.

Very truly yours,

Edward G. Schneider III

Edward G. Schneider III

Town Clerk: Please CC: Sandra Brant

FN: Town2011/TownBoard_2011_12_14_LEB_Overlay_Dist.wpd

CC: TownBoard
TownAtty.
Re: Public Hearing #1
PH #9 of year 2011

ATTACHMENT #1

Real Property Information

Parcel Status	ACTIVE	City/Town	Evans	Village	
S-B-L	250.09-1-43.111	Owner	WOJDA KURT		
Property Location	9536 LAKE SHORE RD	Mailing Address	WOJDA LANCE		
Property Class	330 VACANT COMM	Line 2			
Assessment	100000	Line 3			
Taxable	100000	Street	961 SOUTH SHORE DR		
Desc	SL 5332-5337 &5338	City/State	IRVING NY		
Desc	1345 SL 1A	Zip	14081		
Deed Book	10961	Deed Page	04186		
Frontage	253	Depth	320	Acres	1.61
Year Built		Square Ft			
Beds		Baths			
FirePlace		School	LAKESHORE CENTRAL SC		

https://paytax.erie.gov/webprop/property_info_details.asp?sbl=250.09-1-43.111

ATTACHMENT #2

in the portion of lands identified as SBL No. 250.09-1-54, which lie to the south of a line drawn from the southwesterly corner of Southwood Road (formerly known as Old Lake Shore Road) to the northwesterly corner of SBL 250.09-43.11, and between the northerly line of Lake Shore Road and to be more particularly described by the aforesaid survey and description, subject to the reservation to, and exception to, the Town of Evans, its survey and description, subject to the reservation to, and exception to, the Town of Evans, its successors and/or assigns of an easement and right of way over, in, on, through and/or relative to such parcel, as the Town may deem necessary or prudent, and further subject to the approval of the Town Attorney for drainage, utility and water service purposes and for the purpose of coming upon the premises, and for ingress and egress over, upon and through the premises, whether by vehicle or otherwise, for any and all purposes deemed appropriate by the Town, its successors and/or assigns, and those claiming authority through or from the same, as well as for the purpose of placing upon such premises snow, ice and materials removed from the roads, highways and rights of way of the Town of Evans, or in which the same may have or maintain any interest or right, adjoining, abutting, or in reasonable vicinity, as determined by the Town of Evans, its successors and/or assigns, in the sole discretion of the same, and

ATTACHMENT #3

This conveyance is made upon the condition that the streets avenues, roads and drives herein mentioned and described and the parks and the beach herein mentioned and described are always to be and remain open to the free access, use and enjoyment by the general public. Said streets, avenues, roads and drives are always to be maintained and used as public highways and said parks and beach are always to be used and maintained for park purposes. No buildings of whatsoever kind, name or nature are to be erected in said parks or upon any of the streets, avenues, roads or drives, or on the beach without the written consent of the party of the first part; nor are any concessions for the use of any of said parks or beach for other than park purposes, to be granted without the written consent of the party of the first part.

This Conveyance Is Made Upon The Condition That Streets, Avenues, Roads And **Drives** Here In Mentioned And Described And The Parks And The Beach Here In Mentioned And Described Are **Always To Be And Remain Open To The Free Access Use And Enjoyment Of The General Public.** Said Streets, Avenues, Roads And **Drives Are** Always Maintained And **Used As Public Highways By The General Public.** Said Parks And Beaches Are Always To Remain Open To The Free Access, Use And Enjoyment Of The General Public. **No Buildings Of Whatever Kind, Name Or Nature Are To Be Erected In Said Park Or Upon Any Of The** Streets, Avenues, Roads And **Drives** Or On The Beach Without The Written Consent Of The Party Of The First Part Or Nor Are Any Concessions For The Use Of Any Said Parks Or Beaches For Other Than Park Purposes To Be Granted Without The Written Consent Of The Party Of The First Part.

ATTACHMENT #4

RECEIVED
$ EXEMPT
REAL ESTATE
MAY 8 1987
TRANSFER TAX
24277 ERIE COUNTY LH

FILED
1987 MAY -8 AM 11:49
ERIE COUNTY
CLERK'S OFFICE

TOGETHER *with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.*

TO HAVE AND TO HOLD, *the above granted premises unto the said Grantee(s).*

AND *the said Grantor(s) do covenant with said Grantee(s) as follows:*

FIRST.—*That the Grantee(s) shall quietly enjoy the said premises.*

SECOND.—*That the Grantor(s) will forever* **WARRANT** *the title to said premises.*

THIRD.—*Subject to the trust fund provisions of section thirteen of the lien law.*

IN WITNESS WHEREOF, *The said Grantor(s) have hereunto set* their *hand* s *and seal the day and year first above written.*

IN PRESENCE OF

X Edward Schneider III [L.S.] [L.S.]

X Phyllis Fonzi [L.S.] [L.S.]

STATE OF NEW YORK, SS
COUNTY OF ERIE

On the 7th day of May, 1987 before me came Phyllis Fonzi to be known, who, being by me duly sworn, did depose and say that she resides in the Town of Evans, County of Erie, that she is the Secretary of the Lake Erie Beach Property Owner's Association the corporation described in, and which executed, the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the board of directors of said corporation; and that she signed her name thereto by like order.

ANTHONY M. MIRANDA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 10/31/88

STATE OF NEW YORK, SS
COUNTY OF ERIE

On the 7th day of May, 1987 before me came Edward G. Schneider III to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Evans, County of Erie, that he is the President of the Lake Erie Beach Property Owner's Association the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the board of directors of said corporation; and that he signed his name thereto by like order.

Anthony M. Miranda

ANTHONY M. MIRANDA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 10/31/88

LAKE ERIE BEACH
PROPERTY OWNER'S
ASSOCIATION, INC.
9568 Lake Shore Road
Angola, New York 14006

148

THE TOWN OF EVANS
42 North Main Street
Angola, New York 14006

LIBER 9709 PAGE 321

DATED May 7th, 1987

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE
Recorded in Liber 9709 Page 319
of Deed
on the 8 day of May
A.D. 1987 at 11:49 o'clock A.M.
and examined.
David J. Swartz
CLERK

ATTACHMENT #5

A G R E E M E N T

This Agreement, made this 21st day of April, 1987, among the Home Guardian Company of New York, hereinafter referred to as "Home Guardian"; the Lake Erie Beach Property Owners Association, Inc., hereinafter referred to as the "Association"; and the Town of Evans, Erie County, New York, hereinafter referred to as the "Town":

W I T N E S S E T H:

WHEREAS, Home Guardian has heretofore conveyed certain premises commonly known as Lake Erie Beach to the Association, which transfer was effected by Deed dated February 15, 1924 and Recorded in the Office of the Erie County Clerk in Liber 1739 of Deeds at Page 91, and

WHEREAS, the transfer referenced in the paragraph next above was restricted by an Agreement between Home Guardian and the Association dated the 26th day of August, 1932 and recorded in the office of the Erie County Clerk in Liber 2348 of Deeds at Page 250, and

WHEREAS, the Association has found it to be increasingly difficult to maintain the premises in any useful condition and has deemed it in its best interests to transfer the premises to the Town, which is the municipality in which the premises is located, for public use and maintenance, and

WHEREAS, the Town has resolved to accept a transfer of the premises from the Association, to maintain it for the purposes for which they were originally transferred to the Association and to

ANTHONY M. MIRANDA, ATTORNEY AT LAW, 6901 ERIE ROAD (ROUTE 5), P. O. BOX 820, DERBY, NEW YORK 14047, 716-947-9210

open the premises to the general public, and

WHEREAS, the Agreement recorded in the Office of the Erie County Clerk in Liber 2348 of Deeds at Page 250, and recited above, restricts the ownership of the premises to the Lake Erie Beach Property Owners Association, Inc., and further reserves and restricts the use and enjoyment of the premises for the owners of lots within Lake Erie Beach or to the residents of Lake Erie Beach and their families and guests to the exclusion of the general public,

NOW, THEREFORE, in consideration of the sum of $1, paid to Home Guardian by the Association and the Town, receipt of which is hereby acknowledged, it is hereby agreed as follows:

FIRST: That the Association shall, as it deems fit, transfer the premises known as the Beach and Parks and described in the instrument dated February 15, 1924 and recorded in the Office of the Erie County Clerk in Liber 1739 of Deeds at Page 91 and this Agreement shall evidence Home Guardian's consent to said transfer.

SECOND: That upon the conveyance recited in Paragraph First, the restrictions contained in Paragraph I (B.) shall be waived, released and the obligations thereunder discharged as to the Town and said premises known as the Parks and Beach shall be thereafter available for unrestricted use and enjoyment as the Town deems fit and proper.

THIRD: The provisions of this Agreement contained in Paragraph Second above, notwithstanding, the Town shall thereafter maintain the beaches and parks herein for park purposes. Further, this Agreement is not intended to affect the rights or obligations of any individual or entity not a party hereto.

ANTHONY M. MIRANDA, ATTORNEY AT LAW, 6201 ERIE ROAD (ROUTE 5), P. O. BOX 820, DERBY, NEW YORK 14047, 716-947-9210

IN WITNESS WHEREOF, the Home Guardian, the Association, and the Town, by their respective and duly authorized officers and representatives have hereon to set their hands and seals the day and year first above written.

HOME GUARDIAN COMPANY OF NEW YORK
By: Willard Bleyer
Vice President

LAKE ERIE BEACH PROPERTY OWNERS ASSOCIATION, INC.

BY: EDWARD G. SCHNEIDER, PRESIDENT

TOWN OF EVANS, ERIE COUNTY NEW YORK

BY: EUGENE HEIL, SUPERVISOR

Subject: Re: Lake Erie Beach Neighborhood Revitalization Task Force Quarterly Meeting

From: billholland@roadrunner.com (billholland@roadrunner.com)

To: evanscommunitydev@yahoo.com;

Date: Wednesday, December 14, 2011 12:30 PM

Dear Lori and Town Board:

I, owner OF Castaways Bar and Grill and adjoining properties, am in favor of the ~~zoning~~ proposal for the Lake Erie Beach neighborhood.

§200-20A. Lake Erie Beach Commercial Overlay District (LEB Overlay)

A. Intent. Historically, the Lake Erie Beach neighborhood was developed as a seasonal resort community offering weekend and summer vacation homes for residents in the City of Buffalo and the surrounding Western New York Region. The neighborhood commercial center is located along Lakeshore Road, centered around the intersection with Kennedy Avenue, and features a mix of restaurant and entertainment establishments along with local service and retail.

The Lake Erie Beach Commercial Overlay District is established to support the Lake Erie Beach Neighborhood Revitalization Strategy and Town of Evans Local Waterfront Revitalization Program. The Overlay District will ensure that development will contribute to the community revitalization goals through an integrated design approach that creates a desirable sense of place and reflects the appropriate scale, image, functionality, and integration of building and open space.

The objectives of the Lake Erie Beach Commercial Overlay District are:

1. Promote the development of an identifiable commercial center for the Lake Erie Beach neighborhood.
2. Encourage both the redevelopment of existing buildings and new infill development through flexibility in zoning;
3. Encourage the appropriate design, scale, and mix of development that promotes the creation of a continuous, pedestrian-friendly commercial center;
4. Encourage the development of a vital commercial center that provides a variety of retail, entertainment, and personal service establishments that services the surrounding neighborhood as well as attracts and retains visitors;
5. Ensure compatibility between the existing built environment and new development.

B. Boundary. The Lake Erie Beach Commercial Overlay District shall encompass the land shown on the official Town of Evans Zoning Map, which generally includes land fronting Lake Shore Road from just north of Garfield Avenue to just south of Dawn Avenue in the Town of Evans, New York.

C. Applicability. These Overlay District regulations shall be superimposed over, and supplement, the underlying zoning district regulations. Each building and use shall conform to the standards required by the underlying zoning district and other provisions of this Chapter, as well as this Overlay District. The more stringent standard shall always prevail. Additionally, buildings and uses shall conform to the Lake Erie Beach Commercial Design Guidelines.

D. Permitted uses. The following uses are permitted in the Lake Erie Beach Commercial Overlay District, and shall apply above and beyond the uses permitted in the underling zoning district.

1. Principle structures and uses

    a. All principle structures and uses permitted in the Neighborhood Business District (§200-20B(1)) except for those identified in §200-20A E. as specifically prohibited.

    b. Bed and breakfast establishments, inns, and tourist homes.

c. Dwelling units located on upper floors or within a rear unit only. Dwelling units shall not occupy the first floor of a building fronting Lakeshore Road.

d. Museums and libraries.

e. Parks and other public buildings or spaces.

f. Neighborhood taverns located on the west side (lake side) of Lake Shore Road not exceeding 3,500 square feet.

g. Neighborhood taverns located on the east side (non-lake side) of Lake Shore Road not exceeding 1,000 square feet.

h. Public parking areas that can be used by the general public to park their vehicle and walk to nearby businesses and other attractions.

2. Accessory structures and uses

a. All accessory structures and uses permitted in the Neighborhood Business District (§200-20B(2)) except for those identified in §200-20A E. as specifically prohibited.

b. Outdoor dining, sitting, and display areas.

E. Prohibited uses. The following uses are specifically prohibited in the Lake Erie Beach Commercial Overlay District.

1. Drive-thru establishments or establishments consisting of a drive-thru.
2. Motor or recreational vehicle or heavy equipment sales, rental, service, washing, or storage establishments.
3. Gasoline stations or gasoline pumps.
4. Warehousing or storage facilities.
5. Wholesale establishments that are not open to or do not offer sales to the general public.

F. General requirements for new development.

1. For the purposes of the Lake Erie Beach Commercial Overlay District, "new development" shall be defined as any of the following:

a. Any new development or new building

b. The addition of any stand-alone building to an already developed site;

c. Alteration or addition to any existing building that increases the gross floor area by at least 50% or more than 5,000 square feet.

d. Alteration to an existing building where 50% or more of the original structure is demolished and rebuilt.

e. The construction of any new parking area or automobile use area.

2. Applications for site plan review submitted for any new development located within or proposed to be located within the Lake Erie Beach Commercial Overlay District shall conform to the site plan submittal and review requirements outlined in §200-42 of the Evans Town Code, and additionally shall also include the following:

a. A color rendering showing building elevations; and,

b. A description of the types of materials to be used on the exterior of the building.

3. Design and layout of the site and all buildings shall comply with the Town of Evans Lake Erie Beach Commercial Design Guidelines for newly developed sites.
4. Site layout
    a. Minimum lot size: None.
    b. Minimum lot width: 30 feet.
    c. Front setback: not to exceed 15 feet.
    d. Side setback: none required except a minimum of 25 feet is required when abutting a residential district.
    e. Rear setback: none required except a minimum of 25 feet is required when abutting a residential district.
5. Building design
    a. Maximum ground floor area: 20,000 square feet per building.
    b. Buildings shall be oriented towards Lake Shore Road and consist of at least one main entrance facing Lake Shore Road.
    c. The building materials that may be permitted by the Planning Board for use on the front façade of buildings include:
        i. Brick or brick veneer.
        ii. Stone or stone veneer.
        iii. Architectural or textured precast concrete or masonry.
        iv. Dryvit, EIFS, stucco, or other exterior texturing finish.
        v. Glass.
        vi. Architectural steel or metal.
        vii. Finished wood clapboard, shingle, vinyl, or cement board siding.
    d. The building materials not permitted on the front façade of a building include:
        i. Cinder block.
        ii. Metal, wood, or vinyl sheeting.
        iii. Plywood.
        iv. Asphalt shingles.
        v. Unfinished wood.
    e. The ground floor of the façade of a building facing Lake Shore Road shall consist of at least 40% fenestration (window and/or door area) that allows transparency into the structure.
    f. One or more of the following design elements: windows and doors, transoms, sign fascias, columns, cornices, wall or accent lighting, awnings or canopies, and changes in materials, texture, or plane, shall be incorporated into the front façade of the building to break up the massing of the building.

6. Parking and Loading
    a. The Planning Board may approve the reduction in the number of off-street parking spaces required in §200-27 for a site by up to 10% in order to encourage the development and redevelopment of smaller lots, minimize the amount of impervious area on a site, promote mixed use developments, and encourage the walkability of the area.
    b. Parking shall not be located within a front yard fronting Lake Shore Road, only within a side or rear yard. Where a parking area is located within the front yard of a street other than Lake Shore Road, it shall be set back a minimum of 10 feet.
    c. Where side yard parking exists along Lake Shore Road, it shall be set back a minimum of 10 feet beyond the front of the building.
    d. Side and rear setbacks for parking areas shall be a minimum of 15 feet when abutting a residential district.
    e. Shared driveways and cross-access driveways are encouraged and shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed.
7. Landscaping
    a. The front yard shall consist of one or more of the following:
        i. An outdoor dining, seating, or display area;
        ii. Pedestrian use area; or,
        iii. A mix of landscaping and hardscaping.
        iv. The front yard shall not be used for parking, displaying, or the movement of vehicles and shall not consist of an asphalt surface, except for permitted access drives.
    b. The Planning Board may waive or modify the landscaping requirements of this section and of section §200-28 of the Town Code to encourage the development and redevelopment of smaller lots.
    c. The use of landscaping, decorative fencing, and/or masonry wall shall be incorporated along the front of any parking area located within the side yard along Lake Shore Road to soften its view from the public right-of-way.
    d. Additional landscaping shall be included within or along the frontage of parking areas located within the front or side yards of streets other than Lake Shore Road to soften the appearance of the parking area.
8. Lighting
    a. The maximum height for light standards, as measured from the finished grade, shall be 15 feet.
    b. Site lighting shall not produce glare onto adjoining residential properties.
9. Accessory structures
    a. Refuse dumpsters, recycling containers, or trash collection areas shall be fully enclosed by opaque fencing or masonry wall.

b. Ground mounted HVAC units shall be screened from view on Lake Shore Road by means of fencing, landscaping, or other design elements compatible to the building.

c. Roof mounted HVAC units shall be properly located or screened from view on Lake Shore Road by means of building parapets or other architectural elements compatible with the building.

10. Pedestrian facilities

a. Where a public sidewalk along Lake Shore Road doesn't exist, one shall be provided, consisting of a minimum width of 5 feet, along the entire Lake Shore Road frontage of a lot, to be located within the Lake Shore Road right-of-way.

b. Bike racks shall be incorporated within the site.

G. General requirements for redevelopment

1. For the purposes of the Lake Erie Beach Commercial Overlay District, "redevelopment" shall be defined as any of the following:

a. Modifications to off-street parking, loading, and stacking areas and structures that add more than 10 spaces.

b. The alteration or addition to any existing building that increases the gross floor area by at least 10% or 1,000 square feet, up to 50% and 5,000 square feet, of an existing structure.

c. Alteration to an existing building where less than 50% of the original structure is demolished and rebuilt.

2. Applications for site plan review submitted for any redevelopment located within or proposed to be located within the Lake Erie Beach Commercial Overlay District shall conform to the site plan submittal and review requirements outlined in §200-42 of the Evans Town Code, and additionally shall also include the following:

a. A color rendering showing building elevations if changes to the building façade are proposed; and,

b. A description of the types of materials to be used on the exterior of the building if changes to the building exterior are proposed.

3. Design and layout of the site and all buildings shall comply with the Town of Evans Lake Erie Beach Commercial Design Guidelines.

4. Site and building layout and design. In order to encourage the redevelopment of existing buildings and sites without placing undue hardship on property and business owners, applications for site plan review for any redevelopment located within the Lake Erie Beach Commercial Overlay District must meet all the requirements listed under §200-20A G.5 - §200-20A G.12 and must further meet at least five performance criteria standards listed under §200-20A G.13 (additional performance criteria). The Planning Board will determine, during site plan review, if the applicant has satisfactorily met both the requirements of site and building design as well as the performance criteria of site and building design.

5. Site layout

a. Minimum lot size: None.

b. Minimum lot width: 30 feet.

c. Front setback: not to exceed 15 feet.

d. Side setback: none required except a minimum of 25 feet is required when abutting a residential district.

e. Rear setback: none required except a minimum of 25 feet is required when abutting a residential district.

f. The Planning Board may waive the requirements for front, side, and rear setbacks if it feels that preexisting conditions prevent the site from meeting the required setbacks or that the applicant cannot feasibly attain the minimum or maximum setbacks with the redevelopment of the site.

6. Building design

a. Maximum ground floor area: 20,000 square feet per building. The Planning Board may waive the requirements for maximum building size if it feels that preexisting conditions prevent the building from meeting the required maximum ground floor area or that the applicant cannot reasonably expand their existing business while meeting the maximum ground floor area requirement.

b. The building materials that may be permitted by the Planning Board for use on the front façade of buildings include:

i. Brick or brick veneer.

ii. Stone or stone veneer.

iii. Architectural or textured precast concrete or masonry.

iv. Dryvit, EIFS, stucco, or other exterior texturing finish.

v. Glass.

vi. Architectural steel or metal.

vii. Finished wood clapboard, shingle, vinyl, or cement board siding.

c. The building materials not permitted on the front façade of a building include:

i. Cinder block.

ii. Metal, wood, or vinyl sheeting.

iii. Plywood.

iv. Asphalt shingles.

v. Unfinished wood.

7. Parking and Loading

a. The Planning Board may approve the reduction in the number of off-street parking spaces required in §200-27 for a site by up to 10% in order to encourage the development and redevelopment of smaller lots, minimize the amount of impervious area on a site, promote mixed use developments, and encourage the walkability of the area.

b. Any redevelopment that includes modification to the parking area shall comply with the following:

i. Front setback: 10 feet

ii. Side and rear setbacks for parking areas shall be a minimum of 15 feet when abutting a residential district.

c. Shared driveways and cross-access driveways are encouraged and shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed.

8. Landscaping

a. The Planning Board may waive or modify the landscaping requirements of this section and of section §200-28 of the Town Code to encourage the development and redevelopment of smaller lots.

b. Where a parking area is located within the front yard along Lake Shore Road or is located within a side yard consisting of a front setback along Lake Shore Road of less than 10 feet, the use of landscaping, decorative fencing, and.or masonry wall shall be incorporated along the front of any parking area located along Lake Shore Road to soften its view from the public right-of-way.

9. Lighting

a. The maximum height for light standards, as measured from the finished grade, shall be 15 feet.

b. Site lighting shall not produce glare onto adjoining residential properties.

10. Accessory structures

a. Refuse dumpsters, recycling containers, or trash collection areas shall be fully enclosed by opaque fencing or masonry wall.

b. Ground mounted HVAC units shall be screened from view on Lake Shore Road by means of fencing, landscaping, or other design elements compatible to the building.

c. Roof mounted HVAC units shall be properly located or screened from view on Lake Shore Road by means of building parapets or other architectural elements compatible with the building.

11. Performance criteria. In order to allow for existing establishments to remain without undue hardship to conform to new regulations while allowing for flexibility to improve the quality of their appearance and function, applications for site plan approval for renovations to or redevelopment of existing development must additionally incorporate five (5) of the following design components into their development.

a. Provide at least one side setback of 0 feet.

b. Incorporate at least 40% fenestration (window and/or door area) that allows transparency into the structure along the ground floor of the façade of a building facing Lake Shore Road.

c. Where an existing building does not currently have a front entrance on the ground floor facing Lake Shore Road, provide a front entrance on the ground floor facing Lake Shore Road that is accessible to the general public.

d. Incorporate design elements such as windows and doors, transoms, sign fascias, columns, cornices, wall or accent lighting, awnings or canopies, and changes in

materials, texture, or plane into the front façade of the building to break up the massing of the building.

e. Remove any parking or other automobile use areas from within a front yard fronting Lake Shore Road and replace any asphalt with landscaping or pedestrian use areas, except for permitted access drives.

f. Set back any parking area located within the front yard of a street other than Lake Shore Road a minimum of 10 feet.

g. Where excessively wide driveways or curb cuts exist (greater than 30 feet), reduce the width of the driveway or curb cut and replace existing asphalt with grass or landscaped areas.

h. Where side yard parking exists along Lake Shore Road, provide a minimum 10-foot setback beyond the front of the building.

i. Provide one or more of the following within the front yard:

   i. An outdoor dining, seating, or display area;

   ii. Pedestrian use area; or,

   iii. A mix of landscaping and hardscaping.

j. Provide additional landscaping within or along the frontage of parking areas located within the front or side yards of streets other than Lake Shore Road to soften the appearance of the parking area.

k. Incorporate seasonal planting pots, window boxes, and hanging baskets; fountains; and/or sculptures to the front of the building to add seasonal landscaping to the area.

l. Incorporate bike racks and other bicycle facilities within the site.

m. Where a public sidewalk along Lake Shore Road doesn't exist, one shall be provided, consisting of a minimum width of 5 feet, along the entire Lake Shore Road frontage of a lot, to be located within the Lake Shore Road right-of-way.

n. Incorporate accent lights on the front of buildings to project additional light onto the front of the building and into the front setback area in order to promote the vitality of the business area at night. Lighting shall produce flashing or other distracting illumination and shall not be so bright as to distract driver safety.

H. General requirements for building façade or site renovations (or other improvements that do not require site plan review as outlined in §200-42A).

1. For the purposes of the Lake Erie Beach Commercial Overlay District, "building façade or site renovations" is defined as

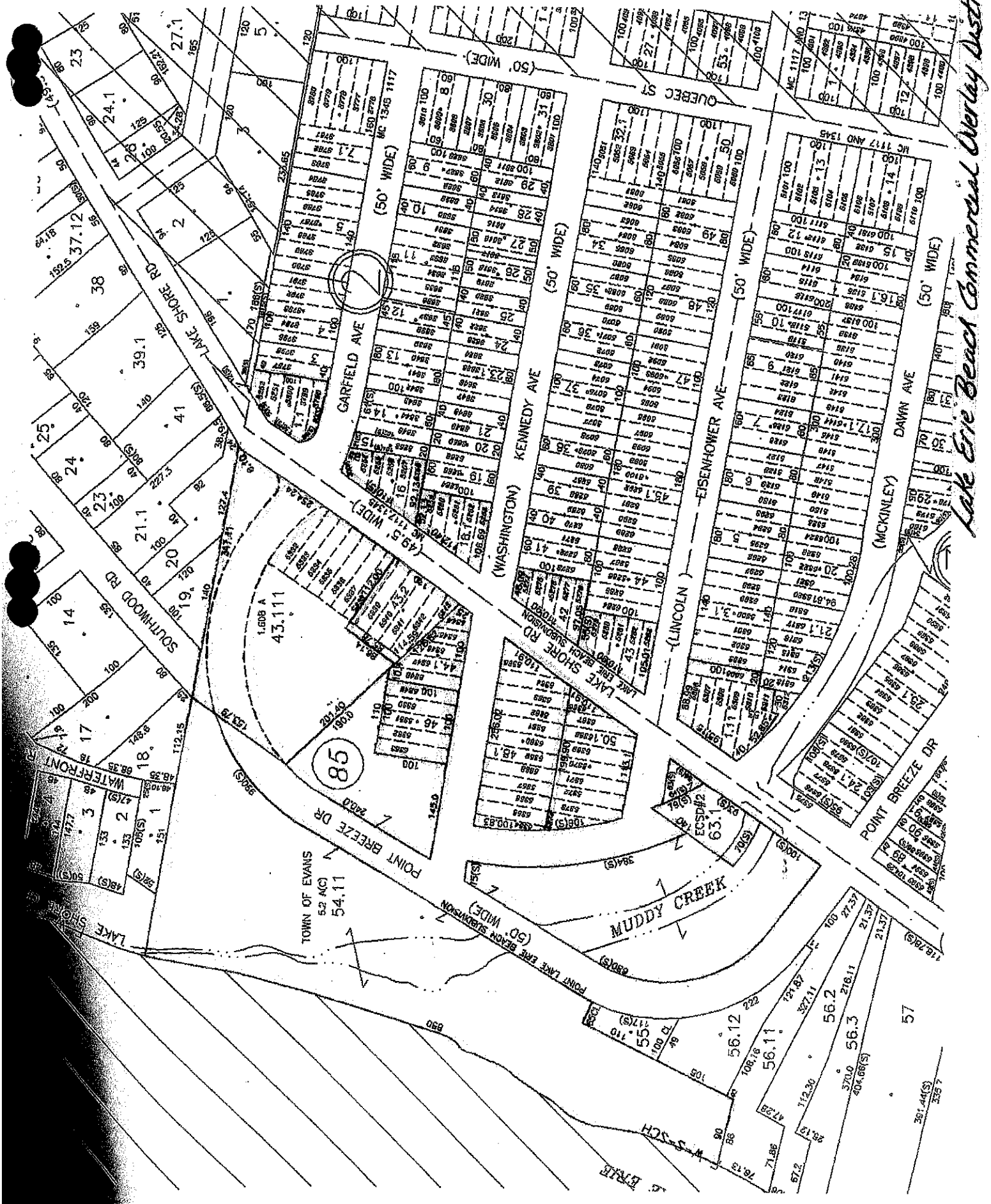
   a. Any modification to off-street parking, loading, and stacking areas and structures that adds 10 or fewer spaces.

   b. Alteration or addition to an existing structure that increases the gross floor area by less than 10% or 1,000 square feet.

   c. Any modification or alteration to the front façade of an existing building.

   d. Any physical change to the front yard of a site fronting Lake Shore Road.

2. Site plan waiver. Building façade or site renovations that meet the provisions defined above will be required to go through the Site Plan Waiver process, as outlined in §200-42D. When deemed necessary, the Site Plan Waiver Committee may place the application before the Planning Board for their review.
3. Building design.
    a. The building materials that may be permitted by the Planning Board for use on the front façade of buildings include:
        i. Brick or brick veneer.
        ii. Stone or stone veneer.
        iii. Architectural or textured precast concrete or masonry.
        iv. Dryvit, EIFS, stucco, or other exterior texturing finish.
        v. Glass.
        vi. Architectural steel or metal.
        vii. Finished wood clapboard, shingle, vinyl, or cement board siding.
    b. The building materials not permitted on the front façade of a building include:
        i. Cinder block.
        ii. Metal, wood, or vinyl sheeting.
        iii. Plywood.
        iv. Asphalt shingles.
        v. Unfinished wood.
4. Landscaping
    a. Where a parking area is located within the front yard along Lake Shore Road or is located within a side yard consisting of a front setback along Lake Shore Road of less than 10 feet, the use of landscaping, decorative fencing, and/or masonry wall shall be incorporated along the front of any parking area located along Lake Shore Road to soften its view from the public right-of-way.


Lake Erie Beach Commercial Overlay District
QUEBEC ST
(50' WIDE)
GARFIELD AVE
(50' WIDE)
KENNEDY AVE
(WASHINGTON)
(50' WIDE)
EISENHOWER AVE
(LINCOLN)
(50' WIDE)
DAWN AVE
(MCKINLEY)
(50' WIDE)
LAKE SHORE RD
SOUTHWOOD RD
WATERFRONT RD
POINT BREEZE DR
MUDDY CREEK
TOWN OF EVANS
5.2 A(C)
54.11
ECSD#2
63.1
43.111
85

Dear Mr. Charles LaBarbera,

This is to inform you that we are opposed to the rezoning of Purvis Landing from a residential site to a recreational facility. In Grandview Bay there are two public beach areas, Bennett Beach as well as the Evans Town Park. We do not see the need for a third public area.

We have serious concerns about having our private beaches adjacent to a public recreational facility. We currently have a number of people each summer who mistakenly assume that beaches are public places and want to spend a day at the beach on our private properties. It is not illogical to think that if Purvis Landing is made public, this problem will increase. Unfortunately not everyone is respectful and litter and noise are additional concerns we have.

The Landing is currently not properly maintained. Debris and litter are a current and constant problem, along with an unsightly drainage pipe. We do not see the need for a third public area in Grandview Bay. We do not want our properties to be adjacent to a recreational faculty. Therefore we are publicly expressing our opposition to the rezoning of this parcel of land.

RECEIVED
DEC 14 2011
PLANNING DIVISION

Signatures opposed to Rezoning of Purvis Landing.

Name	Address
Carlton A Ulbrich & Molly B Ulbrich	8768 Lake Shore road.
Marjorie Plumb	8774 Lake Shore Rd.
Marilyn Branston	8784 Lakeshore Rd.
Cathy Snyder	8777 Lakeshore Road
William F. Miller	8794 Lake Shore Road.
Marilyn Geber	8778 Lake Shore Rd.

RECEIVED
DEC 14 2011
PLANNING DIVISION

Parcel A.: a .25+/- acre parcel, known as Purvis Landing site, located on the lakeside of Lake Shore Road, between Albeeville and Hickory Roads, Angola, NY 14006, from Residential Two-Family (R-2) to Recreational Facility (RF);

Parcel B.: 2.86 +/- acre parcel, known as the Joel Harvey Fishing Access Site, located at 6409 Lake Shore Road, Derby, New York, SBL#193.00-1-7.1
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York, being part of Lot N. 50, Township 9, Range 9 of the Holland Land Company's Survey, described as follows:

Beginning at the center line of South Creek Road, at the most northerly corner of lands of Thomas H. Reamsnyder; thence north 28° 17' west along South Shore Road, 214 feet; thence north 40° 22' west along said road, 393 feet; thence north 32° 55' west, 581.5 feet to the center line of Old Lake Shore Road; thence north 26° 30' east along the center line of the road, 339 feet to the center of Eighteen Mile Creek; thence up the center of said creek along the center thereof to lands of Reamsyder; thence south 55° 33' west, 400 to an iron stake in the Reamsnyder line; thence south 00° 17' east, 98 feet to an iron stake; thence south 8° 23' west, 86 feet to an iron stake; thence south 46° 53' west, 75 feet to the place of beginning.

Together with all the right, title and interest of the grantor in and to the easement reserved in Deed made by Charles E. Dolbow and Della May, his wife, to Erie County Sanitary Sewer District No. 2 and County of Erie dated July 15, 1963 and recorded January 23, 1964 in Liber 6968 of Deeds at page 435.

EXCEPTING that part thereof conveyed by deed recorded in Erie County Clerk's Office in Liber 6968 of Deeds, page 435.

EXCEPTING further that part conveyed to the County of Erie by deed recorded at Erie County Clerk's Office in Liber 10134 of Deeds at page 521.

Being the same premises conveyed by Charles E. Dolbow to Sara Jan Fiebelkorn by Deed dated and recorded May 25, 1967 in Liber 7354 of Deeds at page 353 in the Office of the Erie County Clerk at Buffalo, New York.

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.
From Multi-Family Residential (MFR-3) to Recreational Facility (RF).

Parcel C.: 8.8 +/- acre parcel located at 6413 Lake Shore Road, Derby, New York, SBL# 193.00-1-9
ALL THAT TRACT OR PARCEL OF LAND, situated in the T own of Evans, County of Erie and State of New York, being part of Lot no. 50 in Ninth Township and Ninth Range of the Holland Land Company's Survey - previously included in Lands of Charles E. Dolbow, Liber 4927 Page 307; and bounded as follows:

BEGINNING in the center of South Creek Road at the most north westerly corner of lands of Edward Ball and Dolores Ball, Liber 5243 Page 88; thence north 28° 17 minutes west along the South Creek Road 214 feet; thence north 40° 22 minutes west along said road 393 feet; thence north 32° 55 minutes west 581.5 feet to the center of the Old Lake Shore Road; thence north 26° 30 minutes east along the center of the Road 60 feet; thence south 42° 30 minutes east 400 feet; thence north 26° 30 minutes east and parallel to the Old Lake Shore Road 510 feet to the center of the Eighteen Mile Creek; thence along the center of said Creek to lands of Edward and Dolores Ball; thence south 55° 33 minutes west 400 feet to an iron stake in the Ball line; thence south 0° 17 minutes east 98 feet to an iron stake; thence south 8° 23 minutes west 86 feet to an iron stake; thence south 46° 53 minutes west 75 feet to the place of the beginning. Excepting therefrom 30 feet running along the southeasterly line thereof parallel and distance from the Ball line thirty (30) feet; to be used for drainage purposes only, by adjoining owners.

EXCEPTING AND RESERVING THEREFROM; a perpetual and non-exclusive easement running with land of the grantors, their heirs and assigns forever, said easement of egress and ingress over the lands westerly of the line parallel with Old Lake Shore Road of 510 feet as extended to the south line of lands hereinbeforre conveyed in this instrument, said easement and rights as described being to the use of a road and drive leading to the improvements on the property on Old Lake Shore Road not conveyed in this instrument from Multi-Family Residential (MFR-3) to Public Facility (PF)

Town of Evans

Miscellaneous Code Revisions

December 14, 2011

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1. Remove the definition of ***"CROPS"*** from Section 200-9D.

2. Remove the definition of ***"FARM WATER SUPPLY POND"*** from Section 200- 8.2D.

3. Remove the definition of ***"PROPERTY LINE"*** from Sections 200-8.2D., 200-9D. and 200-l5C.

4. Remove the definition of ***"POND"*** from Sections 200-8.2D. and 200-9D.

5. Remove the definition of ***"RUNOFF"*** from Sections 200-8.2D. and 200-9D.

6. Remove the definition of ***"FARM WATER SUPPLY POND"*** from Section 200-7.

7. Add a definition for ***"POND"*** in 200-7 to read:

   "Any man-made body of water (other than a store-bought, prefabricated type and decorative reservoir or basin) with a surface area greater than 100 square-feet and/or a depth greater than 18 inches. "

8. Remove the definitions of ***"VINEYARD"*** and ***"WINERY"*** from Sections 200-8.lD. and 200-8.2D.

9. Remove the definition of ***"COMMERCIAL FARM or LIVESTOCK OPERATION"*** from Sections 200-8.lD. and 200-8.2D.

10. Remove the definition of ***"KENNEL"*** from Section 200-8.2D.

11. Remove the definition of ***"PRIVATE KENNEL"*** from Section 200-7.

12. Add a definition for ***"PRIVATE KENNEL"*** to Section 200-9D. to read:

    "The keeping, breeding, raising, showing or training of four or more dogs over four months of age for personal enjoyment of the owner or occupant of the property."

13. Add a definition for ***"PRIVATE KENNEL"*** to Section 200-7 to read:

    "The keeping, breeding, raising, showing or training of three or more dogs over four months of age for personal enjoyment of the owner or occupant of the property, or as otherwise defined in Section 200-9D "

14. Add ***"Private kennels"*** to Section 200-8.2 B.(1) Principal structures and uses.

15. Remove ***"Private kennels"*** from Section 200-9 B.(1)(i)

16. Add ***"Private kennels, on a lot consisting of a minimum of 3 acres"*** to Section 200-9 B.(2)

17. Remove ***"Farmers market", "Wineries and retail sales of winery products in conjunction with an operating winery or vineyard", "Agritourism uses and activities", "Commercial livestock operations"*** and ***"Private kennels"*** from Section 200-8.1 B.(2)(h), (1) (m), (p) and (r) respectively, uses allowed by special use permit.

18. Remove ***"Winery retail sales in conjunction with an operating winery or vineyard"*** and ***"Private kennels"*** from Section 200-8.2 B.(2)(1) and (o), uses allowed by special use permit.

19. Revise Sections 200-8.1 B.(1)(b) and 200-8.2 B.(1)(b) to read ***"Wineries"***

20. Revise Sections 200-8.1B.(1)(a) and 200-8.2B.(1)(a) to read:

    "Agricultural. floricultural, aquaculture and horticultural pursuits, including but not limited to general farms and farm-related operations and industry, organic farming, greenhouses, plant nurseries, truck gardens, vineyards, dairy husbandry, animal husbandry and the raising of crops, bees, poultry, livestock and livestock products, together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits. "

21. Add ***"Farmers market", "Agritourism uses and activities"*** and ***"Private kennels"*** to Section 200-S.1B.(1) Principal Structures and uses.

22. Remove ***"Farms and other uses"*** from Sections 200-8.1C.(l) and 200-8.2C.(l).

23. Add ***"Principal structures and uses"*** to Sections 200-8.1 C.(l) and 200-8.2C.(1).

24. Revise Sections 200-8.1 B.(3)(c) and 200-8.2 B.(3)(c) to read:

    "Farm stands for the sale and display of agricultural products, provided that the stand shall not exceed 300 square feet in floor area and shall be set back at least 30 feet from any street line or property line, and that 50% of which has been produced on the premises or on other lands owned or leased by the applicant. No more than one stand per lot shall be permitted. Such stands, regardless of the zoning district in which they are located, must comply with Section 200-23F. (2) of this chapter."

25. Amend Sections 200-8.1C.(8)(b.)[2], 200-8.2C.(8)(a)[2] and 200-9C.(3)(a)[1] as follows:

    "From any lot line: 5 feet"

26. Revise Section 200-8.1.A. to read:

"Intent. It is the intent of this district to maintain the rural tradition and character of the Town and stabilize land values through the preservation of rural and agricultural uses and to provide protection from uses adverse to the continuation of agricultural uses. In accordance with the Town of Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins, valuable agricultural, open space, scenic views and conservation and environmentally sensitive areas should be identified and protected from the undesirable impacts of growth and development. That plan recognizes agriculture and open space as an integral part of the Town to be safeguarded from loss and destruction. Farming and farm-related industries provide income and jobs for residents. Activities that preserve farmland complement efforts to protect open space, scenic vistas and wildlife habitat. Preserving agricultural uses discourages urban sprawl, promotes wiser suburban development and controls public costs, resulting in a more economical allocation of public services, thereby controlling the value of land and the tax base. Protecting agricultural uses, farmland and open space also extends the history, tradition and ethics of the Town. It is the intent of this district to maintain the integrity of agricultural uses, promote agriculture as a component of the local economy, help farmers continue viable business activities under current economic conditions, and preserve open space and the rural character of the Town. This law is intended to put the recommendations of the Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins into action. Furthermore, within this district any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, shall not constitute a private nuisance. "

27. Revise Section 200-8.2.A. to read:

"Intent. It is the intent of this district to maintain the rural tradition and character of the Town through the preservation of rural residential uses, agricultural uses and open space and to provide an area of transition between more intensive agricultural activities in the Town and developed areas. In accordance with the Town of Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins, valuable agricultural, open space, scenic views, and conservation and environmentally sensitive areas should be identified and protected from the adverse impacts of growth and development. It is the intent of this district to protect the rural character of the Town, preserve open space resources, maintain the integrity of agricultural uses and promote agriculture as a component of the local economy. This law is intended to put into action the recommendation of the Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins. Furthermore, within this district any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, shall not constitute a private nuisance."

28. Revise Section 149-5.C. of the Property Maintenance code to read:

"It shall be the responsibility of any person, either owner, occupant, lessee, agent and/or tenant, of premises or property, as defined herein, to shovel or remove snow and ice from all sidewalks on or abutting his or her premises within 12 hours after the cessation of snowfall or frozen precipitation. Snow or ice shall not be deposited on any public street or road, nor shall any snow be plowed across any street, highway, or private property or be stockpiled within 10 feet of any fire hydrant within the Town of Evans. Fire hydrants shall be cleaned enough to make them visible."

29. Add a definition for ***"ANNEXATION"*** to Section 178-5. to read:

"Upon the prior written approval of the Code Enforcement Office, the Planning Office and the Assessor's Office to assure compliance with the provisions hereof, the division of any parcel of land into two (2) parcels and the combination of a portion of the property so divided with an adjoining parcel provided that in consequence of such division and combination no lot is created which conflicts with any provision or portion of the Master Plan, Official Map or Zoning Local Law, if such exists, and is not a subdivision as defined in §1115 of the Public Health Law, or any amendment, renumbering or replacement thereof and further provided that the property so augmented by such addition and the property so diminished must be described in a deed recorded in the Erie County Clerk's Office showing the dimensions of the lots so established."

30. Remove the definition of ***"SUBDIVISION"*** from Section 178-5.

31. Add a definition for ***"SUBDIVISION"*** to Section 178-5. to read:

"The division of any parcel of land as of the effective date of this chapter into two (2) or more lots, plots, sites or other divisions of land for immediate or future sale or transfer or for building development with or without the creation of one (1) or more new streets, excluding an annexation as defined in this chapter."

617.20
Appendix C
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Town of Evans

2. PROJECT NAME: Lake Erie Beach Commercial Overlay District

3. PROJECT LOCATION:
Municipality: Town of Evans County: Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Land fronting Lake Shore Rd, from just north of Barfield Ave to just south of Dawn Ave.

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

6. DESCRIBE PROJECT BRIEFLY:
The creation of a zoning overlay district for the Lake Erie Beach Neighborhood Commercial Area

7. AMOUNT OF LAND AFFECTED:
Initially 5 +/- acres Ultimately 5 +/- acres

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

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

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) name and permit/approvals:

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

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: Town of Evans Date: 8/25/11

Signature: Sandra L. Braut, Director of Planning

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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency) DECEMBER 14, 2011

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

EVANS TOWN BOARD — Name of Lead Agency

12-14-11 — Date

Francis J. Pordum — Print or Type Name of Responsible Officer in Lead Agency

Supervisor — Title of Responsible Officer

Francis J. Pordum — Signature of Responsible Officer in Lead Agency

Sandra L. Brant, Director of Planning — Signature of Preparer (If different from responsible officer)

617.20
Appendix C
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Evans Town Board

2. PROJECT NAME: Rezoning of Purvis Landing

3. PROJECT LOCATION:
Municipality: Town of Evans County: Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
On Lake Shore Rd; on the lake side between Albeeville and Hickory Rds.

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

6. DESCRIBE PROJECT BRIEFLY:
Rezoning from Residential-Two-Family (R-2) to Recreational Facility (RF) - as recommended by the Town's LWRP Amendment

7. AMOUNT OF LAND AFFECTED:
Initially .35 acres Ultimately .25 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:

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) name and permit/approvals:

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

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: Evans Town Board Date: 5/19/11

Signature: Sandra L. Grant, Director of Planning

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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

EVANS TOWN BOARD
Name of Lead Agency

12/14/11
Date

Francis J. Pordum
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Francis J. Pordum
Signature of Responsible Officer in Lead Agency

Sandra L. Draut, Director of Planning
Signature of Preparer (If different from responsible officer)

Appendix C
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Evans Town Board

2. PROJECT NAME - Rezoning of the Joel Harvey Fishing Access Site

3. PROJECT LOCATION:
Municipality Town of Evans County Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
6409 Old Lake Shore Rd, Derby, NY - adjacent to 18-Mile Creek

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

6. DESCRIBE PROJECT BRIEFLY:
Rezoning from Multi-Family Residential (MFR-3) to Recreational Facility (RF) - as recommended by the Town's LWRP Amendment

7. AMOUNT OF LAND AFFECTED:
Initially 2.86 acres Ultimately 2.86 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:

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) name and permit/approvals:

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

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: Evans Town Board Date: 5/19/11

Signature: Sandra L. Brant, Director of Planning

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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

EVANS TOWN BOARD
Name of Lead Agency

12-14-11
Date

Francis J. Pordum
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Francis J. Pordum
Signature of Responsible Officer in Lead Agency

Sandra L. Grant, Director of Planning
Signature of Preparer (if different from responsible officer)

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Evans Town Board

2. PROJECT NAME: Rezoning of EC50±2-owned property

3. PROJECT LOCATION:
Municipality: Town of Evans County: Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
6413 Lake Shore Rd. adjacent to the Joel Harvey Fishing Access Site

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

6. DESCRIBE PROJECT BRIEFLY:
Rezoning from Multi-family Residential (MFR-3) to Public Facility (PF) - as recommended by the Town's LWRP Amendment

7. AMOUNT OF LAND AFFECTED:
Initially 8.8 acres Ultimately 8.8 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: Fishing Access Site

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) name and permit/approvals:

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

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: Evans Town Board Date: 10/24/11

Signature: Sandra L. Brant, Director of Planning

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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency) Page 6 of 8

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

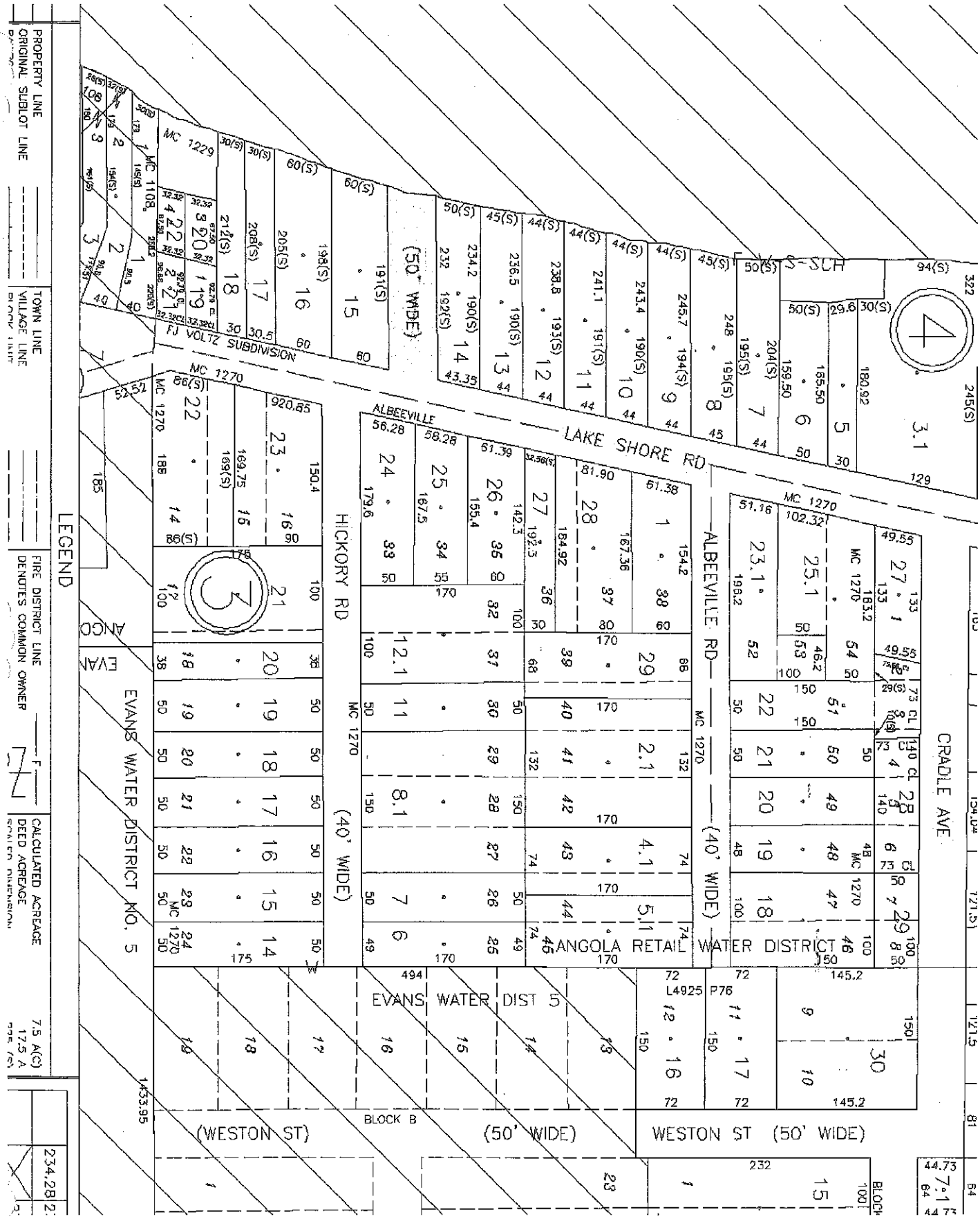
PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

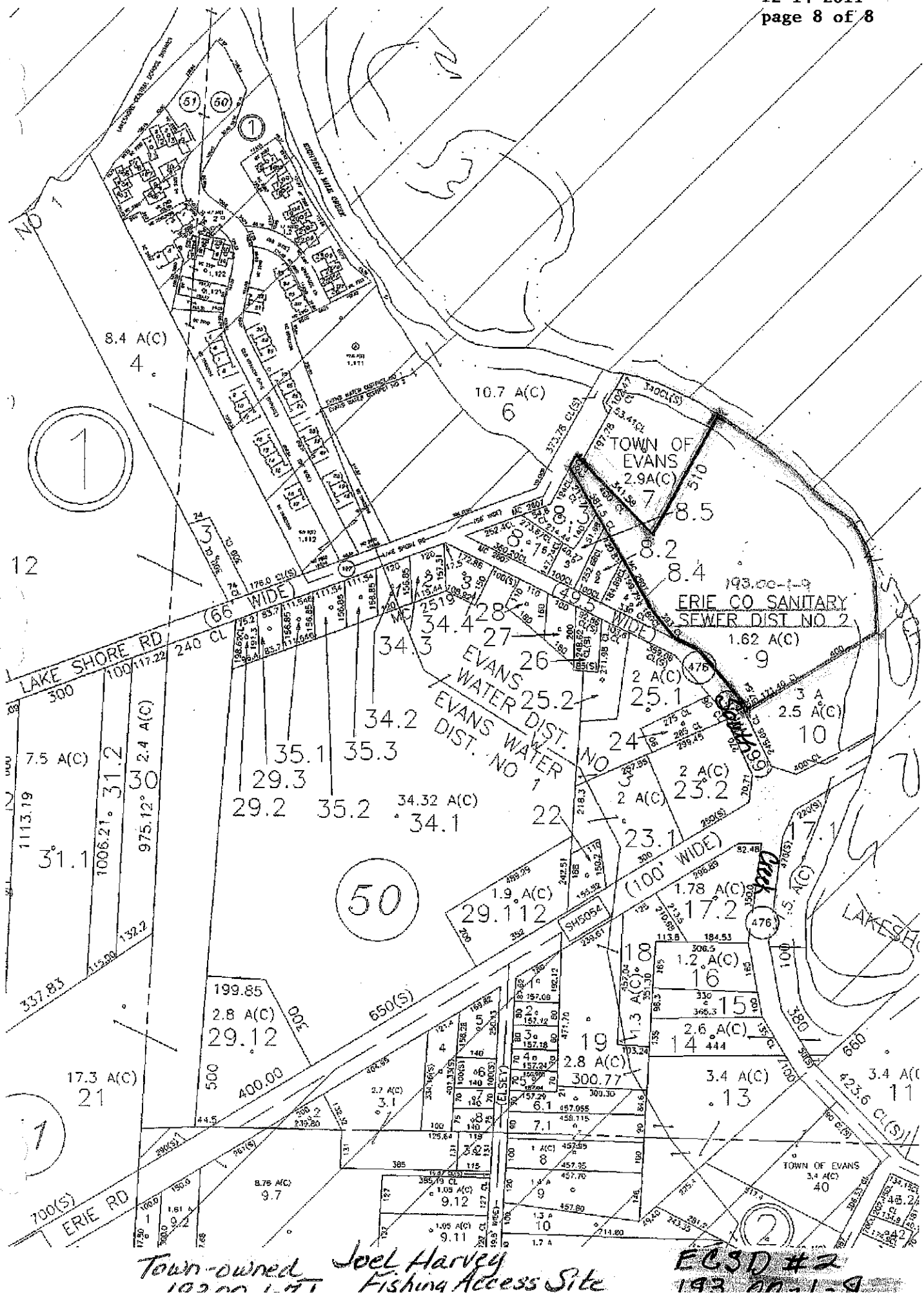
☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

EVANS TOWN BOARD — Name of Lead Agency
12-14-11 — Date
Francis J. Pordum — Print or Type Name of Responsible Officer in Lead Agency
Supervisor — Title of Responsible Officer
Francis J. Pordum — Signature of Responsible Officer in Lead Agency
Sandra L. Brant, Director of Planning — Signature of Preparer (If different from responsible officer)



Purvis Landing
Town-owned - No SBL#


LAKE SHORE RD
(66' WIDE)
ERIE RD
ELSEY
Creek
TOWN OF EVANS
2.9A(C)
7
8.5
8.2
8.4
193.00-1-9
ERIE CO SANITARY SEWER DIST NO 2
1.62 A(C)
9
EVANS WATER DIST. NO 1
EVANS WATER DIST. NO 1
8.4 A(C)
4
10.7 A(C)
6
7.5 A(C)
31.1
2.4 A(C)
30
31.2
29.2
29.3
35.1
35.2
35.3
34.1
34.2
34.3
34.4
34.32 A(C)
25.2
25.1
23.2
23.1
2 A(C)
3 A
2.5 A(C)
10
1.9 A(C)
29.112
1.78 A(C)
17.2
1.2 A(C)
16
2.6 A(C)
14
444
1.3 A(C)
18
3.4 A(C)
13
3.4 A(C)
11
423.6 CL(S)
17.3 A(C)
21
199.85
2.8 A(C)
29.12
500
400.00
337.83
1113.19
975.12°
1006.21°
650(S)
700(S)
2.7 A(C)
3.1
8.76 A(C)
9.7
1.05 A(C)
9.12
1.05 A(C)
9.11
2.8 A(C)
300.77
19
6.1
7.1
TOWN OF EVANS
3.4 A(C)
40
SHS054
50
1
2
3
12
510
476
Town-owned
Joel Harvey
Fishing Access Site
ECSD #2
193.00-1-9

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

Addendum C
DECEMBER 14, 2011

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Evans Town Board

2. PROJECT NAME: Ordinance Amendment

3. PROJECT LOCATION:
Municipality: Town of Evans County: Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Throughout the Town

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

6. DESCRIBE PROJECT BRIEFLY:
Misc. revisions to the Town Code: Sections 200-Zoning, 178-Subdivision of Land and 149-Property Maintenance

7. AMOUNT OF LAND AFFECTED: Town-wide
Initially — acres Ultimately — acres

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

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

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) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☐ No If Yes, list agency(s) name and permit/approvals:
N/A

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: Evans Town Board Date: 10/24/11

Signature: Sandra L. Brautt, Director of Planning

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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

EVANS TOWN BOARD
Name of Lead Agency

12-14-11
Date

Francis J. Pordum
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Francis J. Pordum
Signature of Responsible Officer in Lead Agency

Landon L. Brant, Director of Planning
Signature of Preparer (If different from responsible officer)