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, February 15, 2012 at 7:00pm there were:

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

RESOLUTION 2012-091 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of the regular meeting of February 1, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

1. Ernest Masullo, Chief of Police RE: Letter of Recognition- Supervisor Dash acknowledged letter and recognized Lt. Michael E. Masullo, Patrolman Jeffrey Mayer, Patrolman Patrick Atler, Patrolman Joseph LaRosa, & Patrolman Gregory Szarowicz

2. Petition requesting waterlines & service on Inwood Ave.- Supervisor Dash met with residents and also with the Town Engineer- this area does not fall into the grant criteria, however residents may be willing to cover costs.

3. Sandra Brant, Director of Planning RE: Graycliff Conservancy, Inc. Cultural Landscape Treatment- Supervisor Dash read letter from Mrs. Brant and the Town Board decided to take action as follows:

RESOLUTION 2012-092 Graycliff Conservancy, Inc. Cultural Landscape Treatment – Issue Negative SEQR Declaration

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans has received an application for waterfront consistency from the Graycliff Conservancy, Inc. to undertake a Cultural Landscape Treatment, and

WHEREAS, in conformance with the policies and recommendations of the Town of Evans LWRP, the Town has reviewed the completed Waterfront Assessment Form and determined that the project is consistent with its LWRP, and

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

WHEREAS, the Town has conducted a Coordinated Review to solicit input from other involved agencies, and

WHEREAS, the Evans Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the Graycliff Cultural Landscape Treatment will not adversely affect the natural resources of the state and/or 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 Graycliff Cultural Landscape Treatment 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 A 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 – Feldmann, Cooper, Dash
NAYS – none

4. Sandra Brant, Minor Subdivision Review Committee RE: 9984 Southwestern Blvd.- Supervisor Dash read letter from Mrs. Brant and the Town Board decided to take action as follows:

RESOLUTION 2012-093 Louis A. Catalano Minor Subdivision-Issue Negative SEQR Declaration

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated February 10, 2012, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the
Louis A. Catalano Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Louis A. Catalano Minor Subdivision. (Addendum B SEQR Short Environmental Assessment Form), a division of SBL# 251.00-3-11.111, dividing a 5.89± acre parcel to create:

1. a 1.03± acre parcel with 198.43± feet of frontage on Cain Road & 177.80± feet of frontage on Southwestern Blvd.,
2. a 1.31 ± acre parcel with 120.00± feet of frontage on Cain Road and 225.46± feet of frontage on Hardpan Road (to be annexed to a .52± acre adjacent parcel, SBL# 251.00-3-10, owned by Louis & Myrta Catalano),
3. a .44± acre parcel with 128.00± feet of frontage on Southwestern Blvd., and
4. 3.11± acre parcel with 309.52± feet of frontage on Southwestern Blvd.

Petitioner: Louis A. Catalano, 9975 Hardpan Road, Angola, NY 14006.

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office.

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

RESOLUTION 2012-094 Approve Louis A. Catalano Minor Subdivision

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Louis A. Catalano Minor Subdivision, a division of SBL# 251.00-3-11.111, dividing a 5.89± acre parcel to create:

1. a 1.03± acre parcel with 198.43± feet of frontage on Cain Road & 177.80± feet of frontage on Southwestern Blvd.,
2. a 1.31 ± acre parcel with 120.00± feet of frontage on Cain Road and 225.46± feet of frontage on Hardpan Road (to be annexed to a .52± acre adjacent parcel, SBL# 251.00-3-10, owned by Louis & Myrta Catalano),
3. a .44± acre parcel with 128.00± feet of frontage on Southwestern Blvd., and
4. 3.11± acre parcel with 309.52± feet of frontage on Southwestern Blvd.

Petitioner: Louis A. Catalano, 9975 Hardpan Road, Angola, NY 14006.

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

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

RESOLUTION 2012-095 Approve Town Clerk Monthly Reports

Councilman Cooper moved and Supervisor Dash seconded, to approve the Town Clerk Monthly Reports as follows:

January 2012	$8,460.08
Interest January 2012	$1.86
Petty Cash	-0-
Water January 2012	$123,163.11
Interest January 2012	$21.14

Correction for shortage in December transfer $.03

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2012-096 Old Business

Councilman Cooper moved and Councilman Feldmann seconded to leave the following four items on Old Business:

1. PLL#3 of 2011- RE: Live Band/Special Event Licenses
2. Appt of full-time Patrolman
3. PBA Contract
4. Town Safety Officer

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

RESOLUTION 2012-097 Appt of part-time laborer

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans Water Department needs to replace an employee who is leaving,

NOW THEREFORE BE IT RESOLVED, that Richard Galfo, Jr. who resides at 33 Long Beach Lane, Angola, NY be appointed as a part time laborer at $12.50 per hour.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2012-098 Appt of laborers

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED; that the following be appointed to the position of laborer; to be called as needed; to be paid designated rate of pay:

William Ericson	587 Seneca Rd., Angola	$10.00hr.
Austin Smardz	263 North Main St., Angola	$ 7.50hr.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2012-099 Memorandum of Understanding with I.B.E.W. Local #41 & Evans Communication Assoc.

Councilman Feldmann moved and Councilman Cooper seconded,

BE IT RESOLVED: that the Supervisor of the Town of Evans is hereby authorized to enter into a memorandum of understanding with Local # 41 – IBEW and the Town of Evans Communication Association regarding health insurance coverage available to its union members, subject to approval of the Director of Finance and the Town Attorney.

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

RESOLUTION 2012-100 Approve Town Licenses

Supervisor Dash moved and Councilman Feldmann seconded,

Licenses:

1. David Jacobson D/B/A Pat's Pizzeria- Refreshment

2. Mobile Home Development
Triton Valley Derby & Angola

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
AYES – Feldmann, Cooper, Dash
NAYS – none

RESOLUTION 2012- 101Audit of Bills

Councilman Cooper moved and Supervisor Dash seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstracts brought forth on February 15, 2012

Date: 2/08/2012
Abstract No. 2
Voucher No. 92-226
Prepaid: 8-12

GENERAL	76,889.03
PART TOWN	5,642.70
HIGHWAY DA	0
HIGHWAY	28,054.10
WATER	87,017.41
CAPITAL PROJECTS	0.00

SPECIAL DISTRICTS	107,855.28
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	0.00
TOTAL	305,458.52

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

RESOLUTION 2012-102 Adjournment

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn to a Work Session on Wednesday, February 29, 2012 at 6:15pm then to an Agenda Meeting on Wednesday, March 7, 2012 at 6:30pm with the regular Town Board meeting immediately following at 7:00pm

VOTE RESULT: ADOPTED
AYES- Feldmann, Cooper, Dash
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

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: Graycliff Conservancy, Inc
2. PROJECT NAME: Graycliff Cultural Landscape Treatment

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

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
6472 Old Lake Shore Rd, Derby, NY 14047
Frank Lloyd Wright-designed Graycliff Estate

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

6. DESCRIBE PROJECT BRIEFLY:
Restoration of historic landscape/grounds

7. AMOUNT OF LAND AFFECTED:
Initially 8.5 +/- acres Ultimately 8.5 +/- 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:
Townhouse + Condo development to the north; vacant land to the south and single family home across the road.

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: Army Corps of Engineers and or NYS DEC

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: Sandra L. Brant, Graycliff Board Member Date: 1/11/12

Signature: Sandra L. Brant

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.

TOWN OF EVANS Name of Lead Agency	2-15-12 Date
Keith E. Dash Print or Type Name of Responsible Officer in Lead Agency	Supervisor Title of Responsible Officer
Keith E. Dash Signature of Responsible Officer in Lead Agency	Sandra L. Grant, Director of Planning Signature of Preparer (If different from responsible officer)

PROJECT I.D. NUMBER

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
Louis A. Catalano

2. PROJECT NAME
Louis A. Catalano Minor Subdivision

3. PROJECT LOCATION:
Municipality Town of Evans County Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
9984 Southwestern Blvd (aka U.S. Route 20) at the intersection of Hardpan + Cain Rds.

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

6. DESCRIBE PROJECT BRIEFLY:
Subdividing a 5.89+/- acre parcel to create a 1.03+/- acre parcel, a .44+/- acre parcel, a 3.11+/- acre parcel and a 1.31+/- acre parcel to be annexed to another adjacent existing .52+/- acre parcel.

7. AMOUNT OF LAND AFFECTED:
Initially 5.89 acres Ultimately 5.89 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) and permit/approvals

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

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

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

Applicant/sponsor name: Louis A. Catalano Date: 12-7-12

Signature: Louis A Catalano

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

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by 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 patterns, 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 CEA?
☐ Yes ☒ No

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 and 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:

Town of Evans
Name of Lead Agency

Keith E. Dash
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Keith E. Dash
Signature of Responsible Officer in Lead Agency

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

2-15-12
Date