Evans Town Board

At the regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, April 3, 2013 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	Lynn M. Krajacic	Deputy Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Director of Community Develop.
	Scott Dill	Director of Finance
	Patrick Conrad	Parks & St. Pt. Marina
	Sandra Brant	Director of Planning
	Ernest Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Diana Cafferty	Supervisor's Dept.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Edward Michalski	Highway Superintendent & Overseer of DPW

RESOLUTION 2013-186 Approve Minutes

Councilman Dash moved and Councilman Feldmann seconded to approve the minutes of the March 20, 2013 Town Board meeting with corrections and the March 27, 2013 Work Session.

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

Communications

1.) Supervisor Dash read the communication from Robert A. Shepard, AIA, NCARB, LEED® AP Design Partner, Stieglitz Snyder Architecture regarding the rezoning of property located at the corner of Schuyler Road and George Nablo Parkway, Derby.

RESOLUTION 2013-187 Rezoning request North Evans Fire District

Councilman Dash moved Councilman Cooper seconded to refer the rezoning request communication from Mr. Shepard, on behalf of the North Evans Fire District, to the Planning Board for review and recommendation.

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash,
NAYS: None

Privilege of the Floor on Meeting Agenda Items & Other Issues

1.)Maureen Krause 9190 Meadow Lane, Angola New York commented and questioned the procedure to apply for the STAR Program.

2.)Edward J. Conboy Jr. 8168 Hillside Street, Angola New York spoke about the following:

-the minimum water bill amounts and quarterly surcharge from Erie County Water Authority

-the additions to the weekly recycling program.

7:10pm Public Hearing for the purpose of issuing a Special Use permit for We Care Auto at 7312 Erie Road, Derby

Supervisor Dash asked the Town Clerk to read the legal notice as follows:

LEGAL NOTICE OF PUBLIC HEARING
TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on April 3, 2013 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York for the purpose of considering the issuance of a Special Use Permit for the operation of a motor vehicle sales and service facility, known as We Care Auto to be located at 7312 Erie Rd., Derby, NY, SBL# 206.00-5-14. Petitioner: We Care Auto.

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

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

Supervisor Dash read a communication from Sandra Brant, Chairman of the Evans Planning Board prior to opening the Public Hearing.

RESOLUTION 2013-188 Open the Public Hearing

Supervisor Dash moved and Councilman Cooper seconded to open the public hearing for the consideration of the adoption of We Care Auto Special Use permit.

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash,
NAYS: None

1.)Willam Sturm, 7298 Erie Road, Derby New York spoke in favor about the issuance of the Special Use Permit and also:

-commented and questioned the placement of snow on the property

-commented and questioned the placement and burning of garbage on the property

2.)Edward J. Conboy Jr., 8168 Hillside Street, Angola New York spoke in favor

-commented that he is happy a vacant building is being used

There being no other persons present wishing to speak, the Public Hearing was closed.

RESOLUTION 2013-189 Close the Public Hearing

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

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-190 We Care Auto Repair Special Use Permit

Supervisor Dash moved and Councilman Cooper seconded

WHEREAS, We Care Auto Repair, Inc. has requested a Special Use Permit for the operation of an auto repair facility, to be located at 7312 Erie Road (a.k.a. NYS Route 5), Derby, NY 14047, SBL# 206.00-5-14., and

WHEREAS, the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this property, and has determined that there will be no significant effect on the environment, and has recommended the issuance of a SEQR negative declaration.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans adopts these findings and issues a negative declaration in accordance with the SEQRA requirements for the We Care Auto Repair, Inc. Special Use Permit. (Addendum_A_ SEQR Short Environmental Assessment Form).

AND BE IT FURTHER

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

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-191 Special Use Permit We Care Auto Repair, Inc.

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, We Care Auto Repair, Inc. has requested a Special Use Permit for the operation of a motor vehicle sales and service facility, to be located at 7312 Erie Road (a.k.a. NYS Route 5), Derby, NY , and

WHEREAS, the Town Board of the Town of Evans conducted a public hearing on April 3, 2013 regarding said Special Use Permit, and

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

WHEREAS, the Evans Planning Board has conducted a thorough review of the application and has unanimously voted to recommend approval of said Special Use Permit, for the following reasons:

1. Upon review of the SEQR short form, we have identified no significant environmental concerns and recommend that a negative declaration be issued.
2. The action is consistent with the Town of Evans Comprehensive Plan.
3. The project will not result in any changes to the character of the surrounding community.
4. The project will constitute the use of an underutilized property with a viable business that will improve the value of the property.

WHEREAS, the Planning Board also recommended the following conditions be placed on said Special Use Permit:

1. The site must be developed in accordance with the site plan as approved by the Evans Town Board.

2. For the purpose of sales, no more than 8 cars may be displayed or stored on the site, as shown on the site plan.
3. There will be an enclosed area for dumpster, tires and scrap material as located on the site plan.
4. Any painting, sandblasting, machine grinding or sanding must occur inside of the building, with a ventilation system designed in accordance with State and Federal standards.
5. No major auto body or collision repairs will be conducted on this site.
6. Snow shall not be pushed all the way to the rear of the property line. Snow storage for the southwestern portion of the property must be kept a minimum of 50 feet from the rear property line.
7. Snow from the northeast portion of the property shall be placed on the northwest portion of the property. Snow cannot be placed at the rear of the building due to the location of the on-site septic system.
8. All site lighting shall be shielded from Route 5 and adjacent properties.
9. This Special Use Permit shall be for a one (1) year period. Applicant may apply for renewal.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to We Care Auto Repair, Inc., to be located at 7312 Erie Road (a.k.a. NYS Route 5), Derby, NY , and

BE IT FURTHER

RESOLVED, that the nine (9) above-recommended conditions be placed upon said Special Use Permit,

AND BE IT FURTHER

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

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-192 Reports of the Town Clerk

Supervisor Dash moved and Councilman Feldmann seconded to accept the Town Clerk reports as submitted:

March 2013 monthly report	$19,871.72
March 2013 interest	$3.33
March 2013 petty cash	$-0-

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

Committee and Department Head Reports

Councilman Feldmann announced that the Lake Erie Beach Neighborhood Clean Up Day

Is Saturday, April 20, 2013 from 8am – 1pm. They will be accepting electronics, small amounts of building materials and tires off rims. Also a Good Will trailer will be there for donations. Volunteers are needed.

Councilman Cooper reported there were changes made to Recycling and new information sheets are available in the Supervisors Office and it will be published in the Pennysaver and on the website. Thanked the people of Evans on behalf of the Fire Departments Ladies Auxiliary for their support of the Lenten Fish Fries. Evans Environmental Fair will be April 6th from 9am – 2pm at the Evans Center Vol. Fire Co. and the Boy Scouts will be holding a fundraising pancake breakfast from 8am – 11am and a fundraising lunch from 11:30am – 1:30pm. There will be also an electronic waste collection. There will also be a can collection benefiting the Boys and Girls Club. Boys & Girls Club will be hosting a Chicken Bar B Que on April 11, 2013 from 4pm until sold out.

Supervisor Dash reported that on April 20, 2013 in conjunction with the beach cleanup the Erie County Water Quality Committee is sponsoring the Buffalo Niagara River Keepers Spring Cleanup. There is also a 2013 Earth Day Rain Barrel Painting Contest on Wednesday, April 24th at 3pm in the lobby of the Rath Building where they will announce the winners and the Lake Shore Central Art Department has entered one. Announced meetings with Mark Grisanti has yielded some profit with passage of the New York State budget and that the Town of Evans will be receiving $100,000.00 for dredging of the Sturgeon Point Marina and $32,000.00 in CHIPS Highway funds.

RESOLUTION 2013-193 Old Business

Supervisor Dash moved and Councilman Cooper seconded to keep the Appointment of Assessor and PLL #3 of the year 2013 (revision of Chapter 158 Rental or Unoccupied Premises) on Old Business.

VOTE RESULT: ADOPTED

AYES -	Feldmann, Cooper, Dash
NAYS -	none

RESOLUTION 2013-194 Appointment of member of Zoning Board of Appeals

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the term of office has expired for a position on the Zoning Board of Appeals,

NOW THEREFORE BE IT RESOLVED, that Andrew Yusiak of Angola, New York be appointed to a position on the Zoning Board of Appeals, with the term of office to expire on December 31, 2015.

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

RESOLUTION 2013-195 Agreement with the Boys & Girls Club of Lake Shore

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the Boys and Girls Club of Lake Shore Unit provides a valuable asset for the Youth of the Town of Evans; and

WHEREAS, the Town of Evans deems it appropriate to help defray the costs of the Boys and Girls Club,

NOW THEREFORE BE IT RESOLVED,
that the Supervisor is authorized to sign an agreement with the Boys and Girls Club of Lake Shore Unit for January 1, 2013 to December 31, 2013 at a cost not to exceed $500.00, upon the approval of the Town Attorney and the Director of Finance.

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

RESOLUTION 2013-196 Surplus Vehicles

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, A 2008 Ford Crown Victoria VIN 2FAHP71V98X167896 AND A 2009 Ford Crown Victoria VIN 2FAHP71V39X102687 are declared surplus equipment and will be sold at auction with the proceeds to be deposited in the Police Department's A3120.423 account. Police Vehicle maintenance.

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

RESOLUTION 2013-197 Award of Dredging Services for Sturgeon Point Marina

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Town of Evans solicited Requests for Proposals from qualified contractors to provide dredging services at Sturgeon Point Marina, and

WHEREAS, proposals were opened on March 28, 2013, in accordance with the Request for Proposals previously authorized,

NOW, THERFORE BE IT RESOLVED, that the Evans Town Board authorizes award of the Dredging of Sturgeon Point Marina to Stock Services, 727 Bennett Road, Angola, NY 14006, with the work to be completed on an hourly basis as outlined in their proposal, with a maximum cost not to exceed $25,800, subject to approval of the Town Attorney and Director of Finance.

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

RESOLUTION 2013-198 Suspend the Rules for the conduct of business for Town Board meeting

Supervisor Dash moved and Councilman Cooper seconded, to suspend the rules of order for the conduct of business for Evans Town Board meeting for consideration of adoption of two resolutions regarding agreement with Rural/Metro Medical Services and authorize the advertising for requests for proposals for the use of a portion of the maintenance building at Sturgeon Point Marina.

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

RESOLUTION 2013-199 Agreement with Rural /Metro Medical Services

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans has a signed agreement with Rural/Metro Medical Services for ambulance service to the residents of the Town of Evans; and

WHEREAS, the agreement is in effect for one (1) year and the Town of Evans shall have the right to extend the agreement for five (5) additional successive one (1) year terms,

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the extension of the Rural/Metro Medical Services contract to April 30, 2014.

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

RESOLUTION 2013-200 Authorize the advertising of requests for proposals for a portion of the maintenance building at Sturgeon Point Marina

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, inquiries have been made of the Parks and Recreation Department of the Town of Evans for the use of a portion of the maintenance building situated at the Sturgeon Point Marina; and

WHEREAS, it has been determined that the use of such facilities would not negatively impact the operation of the Marina; and

WHEREAS, it is deemed to be in the best interest of the Town of Evans that investigation be had as to the possible uses to which such facilities may be put and the terms under which interested persons or parties may wish to obtain the use thereof;

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to advertise for requests for proposals for the use and occupancy of a portion of the maintenance building at the Sturgeon Point Marina which proposals are to include the terms of such use, the purpose of the same and the compensation to be offered for the opportunity to make use of the same in conformance with the information which will be available at the Town Clerks Office as of April 11, 2013, said requests for such proposals to be received by the Town Clerk's Office by or before 10:00 a.m. on April 16, 2013 at which time and place said proposals will be opened.

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

RESOLUTION 2013-201 Audit of Bills

Councilman Cooper moved Supervisor Dash seconded that all properly audited bills be paid out of their respective accounts per abstract April 3, 2013 brought forth:

Date: 3/20/2013
Abstract No. 6
Voucher No. 413-47+6
Prepaid:

General	$145,350.90
Part Town	7,287.09
Highway DA	0
Highway	79,543.60
Water	9,743.88
Capital Projects	0
Special Districts	100,716.50
Debt Service	0
Community Development	0
	$342,641.97

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

RESOLUTION 2013 -199 Adjournment

Supervisor Dash moved and Councilman Cooper seconded to adjourn to Wednesday, April 10, 2013 at 6:15pm for a Work Session then to Wednesday, April 17, 2013 for an Agenda meeting at 6:30pm and 7:00pm for the Town Board meeting.

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, RMC
Town Clerk

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
We Care Auto Repair Inc.

2. PROJECT NAME
WeCare Auto Repair Special Use Permit

3. PROJECT LOCATION:
Municipality Town of Evans County Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
7312 Erie Road, Derby, NY 14047

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

6. DESCRIBE PROJECT BRIEFLY:
Motor Vehicle Sales and Service

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

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☒ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☒ Other - Vacant Land
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: We Care Auto Repair Inc. Date: 2/23/2013

Signature: Judy A. Clark, President

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

4-4-13
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)