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, March 6, 2013 there were:

PRESENT:	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ABSENT:	Dennis M. Feldmann	Councilman
ALSO PRESENT:	Jonica B. DiMartino	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
	Edward Michalski	Highway Superintendent
	Patrick Conrad	Parks & St. Pt. Marina
	Sandra Brant	Director of Planning
	Julie Roach	Seniors Dept. Head
	Diana Cafferty	Supervisor's Dept.
	Rob Klavoon	Wendel Duchscherer
ABSENT:	James Guarino	Water Dept.
EXCUSED:	Ernest Masullo	Police Chief

Approve Minutes

Deputy Town Clerk has two weeks to finish the minutes from the meeting of one week ago, February 27, 2013.

Communications

Supervisor Dash read the communication from Sandra Brant, Chairman of the Evans Planning Board requesting that a public hearing be scheduled for the issuance of a Special Use Permit for a motor vehicle sales service facility to be located at 7312 Erie Road.

RESOLUTION 152 Schedule PH for the issuance of a Special Use Permit for We Care Auto at 7312 Erie Rd., Derby

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: in a letter dated February 28, 2013, the Planning Office has requested that the Town Board set a public hearing regarding the petition of We Care Auto for a special

use permit for the operation of a motor vehicles sales and service facility to be located at 7312 Erie Road, Derby, NY 14047, SBL#206.00-5-14

NOW THEREFORE BE IT

RESOLVED: that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on April 3, 2013 at 7:10pm for the consideration of said special use permit, and

BE IT FURTHER

RESOLVED: that this matter be referred to the Planning Board for review and recommendation prior to the public hearing, and

BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Office and the Code Enforcement Office.

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

Privilege of the Floor on Meeting Agenda Items & Other Issues

1.)Ed Conboy, 8168 Hillside spoke regarding the proposed Sturgeon Point Marina concession stand rental agreement. He spoke about who was and was not involved with the solicitation of potential restaurants. He also spoke about a business that was demolished then rebuilt over an existing sewer line.

2.)Tom Tyler, 1436 Wisconsin Rd asked for some clarification of Proposed Local Law #3 of the year 2013.

3.)Dick Hammer, 1247 Backus Road asked why the appointment of the Assessor is still under Old Business.

7:10pm Public Hearing regarding Proposed Local Law #2 of the year 2013

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

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 March 6, 2013 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider adoption of Proposed Local Law #2 of the year 2013 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 three (3) properties situated in the Town of Evans as requested by Petitioner: Marguerite M. Hogg, 676 Cradle Avenue, Angola, NY 14006 to rezone a 98 +/- acre parcel located at 8746 Erie Road, Angola, NY 14006, SBL# 235.00-2-47 from Neighborhood Business (NB) to General Business (GB) for the purpose of operating a landscaping business and a restaurant, a 1.38 +/- acre portion of a parcel located at 8930 Erie Road, Angola NY 14006, SBL#235.00-2-6 from Mobile Home Residential (MHR-5) to General Business (GB) for the purpose of operating a hair salon, and a 2.55 +/- portion of vacant land located on Erie Road, Angola, NY 14006, known as SBL# 235.00-2-8 from Rural Residential (RR) to General Business (GB) to bring the existing mobile home sales lot into conforming zoning.

CONVEYS THE FOLLOWING DESCRIBED PREMISES: SITUATE IN THE TOWNOF EVANS, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT NO 75, TOWNSHIP 8, RANGE 9 OF THE HOLLAND LAND COMPANY'S SURVEY, AND FURTHER DESCRIBED AS FOLLOWS: BEGINNING ON WEST LINE OF ERIE ROAD AS AN 83.0' WIDE ROAD, AT A POINT BEING190.0' NORTHERLY FROM THE SOUTH LINE OF ZEBRUN UNDER LIBER 7856 OF DEEDS AT PAGE 465 AND ON THE INTERSECTION OF THE WEST LINE OF ERIE ROAD (83.0' WIDE) AND THE NORTH LINE OF YVONNE T. & ROBERT S. JONES UNDER LIBER 10419 OF DEEDS AT PAGE 644; THENCE NORTHERLY ALONG THE WEST LINE OF ERIE ROAD (83.0' WIDE) A DISTANCE OF 35.0' TO THE PRINCIPAL POINT OF BEGINNING; THENCE NORTHERLY ALONG THE WEST LINE OF ERIE ROAD A DISTANCE OF 60.0' TO AN IRON PIPE; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 125.0' TO AN IRON PIPE;THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 83.84' TO AN IRON PIPE; THENCE WESTERLYAT AN INTERIOR ANGLE OF 82° 05' 11" A DISTANCE OF 176.95' TO AN IRON PIPE; THENCE SOUTHERLY AT AN INTERIOR ANGLE OF 97° 54' 49" AND PARALLEL TO ERIE ROAD (83.0' WIDE) A DISTANCE OF 119.47' TO AN IRON PIPE THAT IS 35.0' NORTHERLY FROM THE NORTH LINE OF JONES BY AFORESAID DEED AND THE SOUTHWEST CORNER OF SUBLOT 1 AS SHOWN ON A SURVEY MADE BY FREDERICK M. MANGUSO FOR THE ZEBRUN MINOR SUBDIVISION, PROJECT NO. 2004555 AND DATED OCTOBER 14,2004; THENCE EASTERLY ALONG THE NORTH LINE OF SUBLOT 1 AS SHOWN ON THE MANGUSO SURVEY AND AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 300.26' TO THE POINT OR PLACE OF BEGINNING CONTAINING 0.70 ACRES MORE OR LESS. THIS PARCEL OF LAND IS INTENDED TO CONVEY SUBLOT 2 OF A FREDERICK M. MANGUSO SURVEY TITLED THE ZEBRUN MINOR SUBDIVISION UNDER PROJECT 2004555 AND DATED OCTOBER 14 2004.

ALSO ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN THE TOWN OF EVANS, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 75, TOWNSHIP 8, RANGE 9 OF THE HOLLAND LAND COMPANY'S SURVEY AND FURTHER DESCRIBED AS FOLLOWS: BEGINNING ON WEST LINE OF ERIE ROAD AS AN 83.0' WIDE ROAD, AT A POINT BEING 190.0' NORTHERLY FROM THE SOUTH LINE OF ZEBRUN UNDER LIBER 7856 OF DEEDS AT PAGE 465 AND ON THE INTERSECTION OF THE WEST LINE OF ERIE ROAD AND THE NORTH LINE

OF YVONNE T. & ROBERT S. JONES UNDER LIBER 10419 OF DEEDSAT PAGE 644; THENCE NORTHERLY ALONG THE WEST LINE OF ERIE ROAD (83.0' WIDE) A DISTANCE OF 95.0' TO THE PRINCIPAL POINT OF BEGINNING; THENCE NORTHERLY ALONG THE WEST LINE OF ERIE ROAD A DISTANCE OF 98.09' TO AN IRON PIPE; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 125.0' TO AN IRON PIPE; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 98.09' TO A NORTHWEST CORNER OF SUBLOT 2 AS SHOWN ON A SYRVEY MADE BY FREDERICK M. MANGUSO FOR THE ZEBRUN MINOR SUBDIVISION, PROJECT NO. 2004555 AND DATED OCTOBER 14 2004; THENCE EASTERLY ALONG A NORTH LINE OF SUBLOT 2 AS SHOWN ON THE MANGUSO SURVEY AND AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 125.0' TO THE POINT OR PLACE OF BEGINNING CONTAINING 0.28 ACRES OF LAND MORE OR LESS. THIS PARCEL OF LAND IS INTENDED TO CONVEY SUBLOT 3 OF A FREDERICK M. MANGUSO SURVEY TITLED THE ZEBRUN MINOR SUBDIVISION UNDER PROJECT NO. 2004555 AND DATED OCTOBER 14 2004.

SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RIGHTS OF WAY AND/OR LEASES OF RECORD. TOGETHER WITH ALL RIGHT, TITLE AND INTEREST, IF ANY, OF THE PARTY OF THE FIRST PART IN AND TO ANY STREETS AND ROADS ABUTTING THE ABOVE DESCRIBED PREMISES TO THE CENTER LINES THEREOF.

And

ALL THAT TRACT OR PARCEL OF LAND SITUATED IN THE TOWN OF EVANS, COUNTY OF ERIE, STATE OF NEW YORK BEING PART OF LOT 74, TOWNSHIP 8, RANGE 9 OF THE HOLLAND LAND COMPANY'S SURVEY AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING A THE INTERSECTION OF THE SOUTH LINE OF LOT 75 AND NORTH LINE OF LOT 74 WITH THE WEST LINE OF ERIE ROAD (83.0' WIDE) ; THENCE WESTERLY ALONG THE SOUTH LINE LOT 75 AND NORTH LINE OF LOT 74 A DISTANCE OF 318.10' (THREE HUNDRED EIGHTEEN AND ONE TENTH FEET) TO A POINT; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF ERIE RAOD (83.0' WIDE) A DISTANCE OF 207.81' (TWO HUNDRED SEVEN AND EIGHT-ONE HUNDREDTHS FEET) TO A POINT; THENCE EASTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF LOT 75 AND NORTH LINE OF LOT 74 A DISTANCE OF 318.10' (THREE HUNDRED EIGHTEEN AND ONE TENTH FEET) TO THE WEST LINE OF ERIE ROAD (83.0' WIDE); THENCE SOUTHERLY ALONG THE WEST LINE OF ERIE ROAD (83.0' WIDE) A DISTANCE OF 207.81' (TWO HUNDRED SEVEN AND EIGHTY-ONE HUNDREDTHS FEET) TO THE POINT OR PLACE OF BEGINNING CONTAINING 1.38 ACRES MORE OR LESS

And

ALL THAT TRACT OR PARCEL OF LAND SITUATED IN THE TOWN OF EVANS, COUNTY OF ERIE, STATE OF NEW YORK BEING PART OF LOT 74, TOWNSHIP 8, RANGE 9 OF THE HOLLAND LAND COMPANY'S SURVEY AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF LOT 75 AND NORTH LINE OF LOT 74 WITH THE WEST LINE OF ERIE ROAD (83.0' WIDE) ; THENCE WESTERLY ALONG THE SOUTH LINE LOT 75 AND NORTH LINE OF LOT 74 A DISTANCE OF 318.10' (THREE HUNDRED EIGHTEEN AND ONE TENTH FEET) TO A POINT; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF ERIE RAOD (83.0' WIDE) A DISTANCE OF 382.00' (THREE HUNDRED EIGHTY-TWO HUNDREDTHS FEET) TO A POINT ON THE SOUTH LINE OF RALPH S. HOGG, JR & MARGUERITE M. HOGG, UNDER LIBER 10214 OF DEEDS AT PAGE 473; THENCE EASTERLY ALONG THE SOUTH LINE OF RALPH S. HOGG, JR. AND MARGUERITE M. HOGG UNDER LIBER 10214 OF DEEDS AT PAGE 413 A DISTANCE OF 318.10' (THREE HUNDRED EIGHTEEN AND ONE TENTH FEET) TO THE WEST LINE OF ERIE ROAD (83.0' WIDE) AT THE SOUHTEAST CONER OF RALPH S. HOGG, JR. AND MARGUERITE M. HOGG BY AFORESAID DEED; THENCE NORTHERLY ALONG THE WEST LINE OF ERIE ROAD (83.0' WIDE) A DISTANCE OF 382.00' (THREE HUNDRED EIGHTY-TWO HUNDREDTHS FEET) TO THE POINT OR PLACE OF BEGINNING CONTAINING 2.55 ACRES MORE OR LESS

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 recommending the rezoning.

RESOLUTION 153 Open the Public Hearing

Supervisor Dash moved and Councilman Cooper seconded to open the public hearing for the consideration of the adoption of Proposed Local Law #2 of the year 2013.

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

Ed Conboy, 8168 Hillside Street asked if the Department of Conservation and SPEDES permits will be followed because two of the parcels are larger than an acre.

There being no one else present wishing speak Supervisor Dash closed the public hearing.

RESOLUTION154 Close the Public Hearing

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

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

RESOLUTION 155 SEQR negative declaration for PLL #2 of the year 2013

Supervisor Dash and Councilman Cooper seconded,

WHEREAS: Marguerite M. Hogg has requested rezoning of a .98+/- acre parcel located at 8746 Erie Road, Angola, New York, SBL#235.00-2-47 from Neighborhood Business (NB) to General Business (GB) for the purpose of operating a landscaping business and a restaurant, a 1.38+/- acre portion of a parcel located at 8930 Erie Road, Angola, NY 14006, SBL#235.00-2-6 from Mobile Home Residential-5 (MHR-5) to General Business (GB) for the purpose of operating a hair salon, and a 2.55+/- acre portion of vacant land located on Erie Road, Angola, NY, known as SBL#235.00-2-8 from Rural Residential (RR) to General Business (GB) to bring the existing mobile home sales lot into conforming zoning, and

Whereas: this action is a unlisted SEQR action and a short Environmental Assessment form has been completed by the applicant, and

WHEREAS; the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this rezoning and has determined that the rezoning of these properties will not result in any significant impacts to 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 SEQR requirements for the Marguerite M. Hogg rezoning of a .98+/- acre parcel at 8746 Erie Road, Angola, NY, a 1.38+/- acre portion of a parcel located at 8930 Erie Road, Angola, NY 14006, and a 2.55+/- acre portion of vacant land located on Erie Road, Angola, NY 14006. (Addendum A SEQR Short Environmental Assessment Form).

AND BE IT FURTHER

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

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

RESOLUTION 156 Adopt PLL #2 as LL #2 of the year 2013

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: Marguerite M. Hogg has requested rezoning of a .98+/- acre parcel located at 8746 Erie Road, Angola, New York, SBL#235.00-2-47 from Neighborhood Business (NB) to General Business (GB) for the purpose of operating a landscaping business and a restaurant, a 1.38+/- acre portion of a parcel located at 8930 Erie Road, Angola, NY 14006, SBL#235.00-2-6 from Mobile Home Residential-5 (MHR-5) to General Business (GB) for the purpose of operating a hair salon, and a 2.55+/- acre portion of vacant land located on Erie Road, Angola, NY 14006, known as SBL#235.00-2-8 from Rural Residential (RR) to General Business (GB), and

WHEREAS: the Town Board of the Town of Evans has held a public hearing the above-said action, and

WHEREAS: the Town of Evans Planning Board has recommended the rezoning of said property based on the following reasons:

•The action is consistent with the Town of Evans Comprehensive Plan;

•The action is not expected to result in any significant adverse impacts; and

•The rezoning action will not result in any changes to the character of the surrounding community.

WHEREAS: the Town of Evans Planning Board also recommends that the following conditions be placed on the approval action:

•Any future development of these lands to be rezoned are subject to site plan review and approval by the Planning Board and any landscaping shall follow the requirements of Evans Town Code, and

WHEREAS: the Town Board has issued a SEQR negative declaration for this action.

NOW THEREFORE BE IT

RESOLVED: that Proposed Local Law #2 of the year 2013 regarding the above rezoning of SBL#235.00-2-47, SBL#235.00-2-47, SBL#235.00-2-6 and SBL#235.0002-8 be adopted as Local Law #2 of the year 2013, and

BE IT FURTHER

RESOLVED: that the rezoning be subject to the above-referenced condition, as recommended by the Planning Board, and

NOW THEREFORE BE IT

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:	Cooper, Dash
	NAYS:	none
	ABSENT:	Feldmann

Committee and Department Head Reports

Councilman Cooper reported that on April 6th fat Evans Center Volunteer Fire Hall from 9am – 2pm the 4th Annual Environmental Fair sponsored by the Evans Grange in cooperation with the Recycling and Conservation Committee Commission working with the Boy Scouts.

-Boy Scouts will be holding a Pancake Breakfast and Lunch items

Supervisor Dash reported that he attended on March 4th the Disability Committee meeting. Mrs. Pamela Marx was elected Chairman and Patrick Kramer as Secretary for the year 2013. The Committee is working to formulate an agenda so that the Town can be in compliance with State/Federal regulations and be able to service our residents that are temporarily or permanently disabled.

-He and Lori Szewczyk, Director of Community Development met with the Lake Shore Central School Board at their Work Session. Lori spoke about abatement initiatives and the State Legislature and how it will affect the Town and the Lake Shore Central School District and the commercial property initiatives. He also mentioned the possibility of shared municipal services.

RESOLUTION 157 Reports of the Town Clerk

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

February 2013 monthly report	$11,126.86
February 2013 interest	$1.39
February 2013 petty cash	$-0-
February 2013 water receipts	$163,307.45
February 2013 interest	$18.95

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-158 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 –	Cooper, Dash
NAYS –	none
ABSENT:	Feldmann

RESOLUTION 2013-159 Award proposal for the St. Pt. Marina concession stand

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS: the Town Board authorized the Town Clerk to advertise for proposals for restaurant concession at Sturgeon Point Marina; and

WHEREAS: said proposals were opened on February 11, 2013 in the office of the Town Clerk, and

WHEREAS: Connors Hot Dog Stand – T.E., Inc. D/B/A Connors Hot Dog Stand – William J. Connors, Sr., 8905 Lake Shore Road, Angola, NY 14006 submitted the lone responsible bid satisfactorily meeting specifications as advertised,

NOW THEREFORE BE IT

RESOLVED: that the sole responsible bid be and hereby is accepted by the Town of Evans in the following amounts:

2013 season $3,500.00
2014 season $3,600.00

2015 season $3,700.00
2016 season $3,800.00

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

RESOLUTION 2013-160 Appt of Parks Crew Chief

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED: that Patrick Conrad be appointed to the vacant position of Parks Crew Chief effective March 1, 2013; and

BE IT FURTHER

RESOLVED: that his salary be set per the IBEW Local 41 contract.

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

RESOLUTION 2013-161 Audit of Bills

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

Date: 03/06/2013
Abstract No. 5
Voucher No. 315-412
Prepaid:

GENERAL	$155,436.42
PART TOWN	$22,198.94
HIGHWAY DA	0
HIGHWAY	$43,892.24
WATER	$97,210.75
CAPITAL PROJECTS	$4,878.98
SPECIAL DISTRICTS	$28,848.27
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	0.00
TOTAL	$352,465.60

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-162 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Wednesday, March 13, 2013 at 6:30pm for an Agenda Meeting and 7pm for the regular Town Board meeting, 2013 then to Wednesday, March 20, 2013 at 6:15pm for a Work Session.

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

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: Marguerite M. Hogg

2. PROJECT NAME: Hogg Rezoning

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

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
8746 Erie Rd, Angola, NY 14006
8930 Erie Rd, Angola, NY 14006
SBL# 235.00-2-8

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

6. DESCRIBE PROJECT BRIEFLY:
Rezone 8746 Erie Rd. From NB to GB for a landscaping business and potential restaurant
Rezone a portion of 8930 Erie Rd from MFR-5 to GB for a hair salon
Rezone a portion of SBL # 235.00-2-8 from RR to GB to bring a mobile home sales lot into conformance with zoning

7. AMOUNT OF LAND AFFECTED:
Initially 4.91 acres Ultimately 4.91 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:
Generally commercial and Residential along Erie Rd with several vacant/open parcels

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: Melinda Gallman (POA) Date: Jan. 10, 2013

Signature: Melinda Gallman (POA)

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 Board of Town of Evans — Name of Lead Agency
3/6/13 — 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. Bront, Director of Planning — Signature of Preparer (If different from responsible officer)