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, May 1, 2013 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn Stoessel	Deputy 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.
ABSENT:	Edward Michalski	Highway Superintendent & Overseer of DPW
EXCUSED:	Rick Hanavan	Wendel Duschscherer
	Rob Klavoon	Wendel Duschscherer

RESOLUTION 2013-221 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded to approve the minutes of the April 17, 2013 Town Board meeting.

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

Communications

1.) Supervisor Dash read the communication from Sandra L. Brant, Director of Planning for the requesting a public hearing be set for a Special Use Permit for the purpose of operating a commercial kennel for a dog boarding, daycare and training facility located at 8061 Southwestern Boulevard, Angola. Petitioner: Susan Schmitt

RESOLUTION 2013-222 Request for Public Hearing for a Special Use Permit, 8061 Southwestern Blvd, Angola, petitioner: Susan Schmitt

Councilman Dash moved Councilman Feldmann seconded

WHEREAS, in a letter dated April 26, 2013, the Planning Office has requested that the Town Board set a public hearing regarding the petition of Susan Schmitt for a special use permit for the purpose of operating a commercial kennel for a dog boarding, daycare and training facility located at 8061 Southwestern Boulevard, Angola, NY 14006. SBL# 222.00-3-14.

NOW THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Clerk to advertise for a public hearing to be held on June 5, 2013 at 7:10pm for the consideration of said special use permit, 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: Feldmann, Cooper, Dash,
NAYS: None

2.) Supervisor Dash read the communication from Sandra L. Brant, Director of Planning requesting a public hearing be set for a Special Use Permit for William and Victoria Kurek for the purpose of continuing the operation of a commercial kennel for a dog daycare and boarding facility 1759 Sturgeon Point Road, Derby.

RESOLUTION 2013-223 Request for Public Hearing for a Special Use Permit renewal for William and Victoria Kurek 1759 Sturgeon Point Road, Derby

Supervisor Dash moved Councilman Cooper seconded

WHEREAS, in a letter dated April 26, 2013, the Planning Office has requested that the Town Board set a public hearing regarding the petition of William & Victoria Kurek for a special use permit renewal for the continuing operation of a commercial kennel for a dog daycare and boarding facility located at 1759 Sturgeon Point Road, Derby, NY 14047. SBL# 207.00-4-66.

NOW THEREFORE BE IT

RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on June 19, 2013 at 7:10pm for the consideration of said special use permit renewal, and

BE IT FURTHER

RESOLVED, that this matter be referred to the Planning Office to determine the need for Planning Board 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: Feldmann, Cooper, Dash,
NAYS: None

3.) Supervisor Dash read a communication from Clinton Soeman of the Angola Control Fire Council requesting the Town Board pass a resolution to allow them to pursue changing the name of the Angola Fire Control to Evans Fire Control.

Communication was referred to the Town Attorney at Chief of Police

Councilman Cooper clarified that the council being referred to is the Fire Chief's Council, not the Town Council.

Privilege of the Floor on Meeting Agenda Items & Other Issues

1.)Ed Conboy Jr., 8168 Hillside Drive, Angola questioned if the Supervisor was responsible for the quarterly report in the Pennysaver and also questioned the rates that were printed in the quarterly report.

Committee and Department Head Reports

Councilman Cooper reported that he attended the North Evans Fire Company's 86th annual installation dinner and congratulated the newly elected officers and the officers of the Ladies Auxiliary. He also announced the Boys & Girls Club of Lake Shore are beneficiaries of Quiz A Palooza featuring Dennis George, the Quizmaster on Friday May 17th, at the North Evans Fire hall, doors open at 6:00pm, hosted by the North Evans Ladies Auxiliary. Councilman Cooper extended congratulations to Supervisor Dash on his son Eric becoming an Eagle Scout.

Supervisor Dash extended his congratulations to the North Evans Fire Company and Ladies Auxiliary on the installation of their officers. Announced that on this Saturday at 9:00am will be opening day at Evans Youth Baseball and encourages all to come support them.

RESOLUTION 2013-224 Old Business

Supervisor Dash moved and Councilman Feldmann seconded to keep the Appointment of Assessor on Old Business.

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

RESOLUTION 2013-225 Removal of Proposed Local Law #4 off Old Business

Supervisor Dash moved and Councilman Feldmann seconded to remove Proposed Local Law #4 of 2013 from Old Business for action tonight.

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

RESOLUTION 2013-226 Adoption of Proposed Local Law #4 of the year 2013 as Local Law #4 of the year 2013 and Negative SEQR declaration

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Evans Town Board wishes to adopt proposed Local Law No. 4 of the year 2013 regarding Town Code revisions to Zoning Sections 200-12, 200-34, 200-8.1, 200-8.2, 200-9 and 200-16 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 April 17, 2013 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 #4 of the year 2013, regarding revisions to Town Code Zoning Section 200-12, 200-34, 200-8.1, 200-8.2, 200-9 and 200-16 will not have a significant impact on the environment and, therefore, issues a Negative SEQR Declaration

AND BE IT FURTHER

RESOLVED: that this now be adopted as Local Law #4 of the year 2013.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye

Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-227 Closing of Holland Road

Councilman Feldman moved and Councilman Cooper seconded,

WHEREAS, Paperghost Productions has requested the closing of Holland Road to thru traffic for the purpose of filming of a movie; and

WHEREAS, it is the Chief of Police' recommendation to close Holland Road between Erie Road and Hardpan Road with conditions as contained in the attached correspondence dated April 23, 2013; therefore be it

RESOLVED, that the Town Board of the Town of Evans hereby authorizes the closing of Holland Road to thru traffic while PaperGhost Productions are filming on location of Friday May 17, 2013 from 7pm to 11:30pm and Thursday, May 23, 2013 from 6pm to 9:30pm

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

RESOLUTION 2013-228 Appointment of Crossing Guard

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED; that Terrance Cooke, Derby Road, Derby NY is hereby appointed Crossing Guard with the Evans Police Department to be scheduled by the Chief of Police at the rate of $20.00 per diem, pending successful completion of background investigation.

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

RESOLUTION 2013-229 Adoption of Town Employee Criminal and Sex Offender Record Check

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVE, that effective April 17, 2013 all employees hired as of this date, full time, part time, and all persons serving on Advisory Boards, will be required to sign a release form authorizing a criminal and sex offender record check by the Town of Evans Police Department; and

BE IT FURTHER RESOLVED, that all paper work will be filed with the Finance Department at the time of hire. The Finance Department will forward the form to the Police Department at

which time the record check will be completed and returned to the Finance Department. It will be the responsibility of the Finance Department to implement this procedure. No employee will begin employment with the Town of Evans until a satisfactory record check has been completed.

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

RESOLUTION 2013-230 SEQR declaration for Proposed Local Law #4 of the year 2013

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Evans Town Board held a Public Hearing on April 17, 2013 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.4 of the year 2013, regarding revisions to Town Code Zoning Sections 200-12, 200-34, 200-8.1, 200-8.2, 200-9 and 200-16 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 A)

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 the Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

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

RESOLUTION 2013-231 Audit of Bills

Councilman Cooper moved Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract May 1, 2013:

Date: 4/17/2013
Abstract No. 8
Voucher No. 589-689
Prepaid: 20,21

General	$137,573.72
Part Town	1,781.13

Highway DA	0
Highway	25,866.71
Water	6,924.67
Capital Projects	0
Special Districts	136,961.06
Debt Service	0
Community Development	0
	$329,107.29

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

RESOLUTION 2013 -232 Adjournment

Supervisor Dash moved and Councilman Cooper seconded to adjourn to a Demolition Hearing of a property Thursday, May 2, 2013 at 6:30 pm then to Wednesday, May 8, 2013 for a Town Board Work Session at 6:15pm, then to Wednesday May 15, 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,

Lynn Stoessel
Deputy Town Clerk

Jonica B. DiMartino, RMC
Town Clerk

PROJECT I.D. NUMBER

617.20 Addendum A
Appendix C May 1, 2013

SEQR

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 Neighborhood Zoning Revisions

3. PROJECT LOCATION:
Municipality Town of Evans County Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Lake Erie Beach Neighborhood, bound by the area shown on the attached map.

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

6. DESCRIBE PROJECT BRIEFLY:
Revise the Town's Zoning Code for the R-2 zoning District to reduce the min. lot area, min. lot width, and min. floor area for a residence within the Lake Erie Beach Neighborhood (zoning revisions attached).

7. AMOUNT OF LAND AFFECTED:
Initially 680 +/- acres Ultimately 680 +/- 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: Town of Evans Date: 2/8/13

Signature: Sandra K. Grant

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 TOWN BOARD
Name of Lead Agency

KEITH E DASH
Print or Type Name of Responsible Officer in Lead Agency

SUPERVISOR
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

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

Keith E. Dash 5/1/13
Date

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 Board of the Town of Evans
2. PROJECT NAME: Zoning 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:
Town Code revisions - minor changes to Section 200 - Zoning (200-34, 200-8.1, 200-8.2; 200-9 and 200-16)
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
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:
NA
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 Board of the Town of Evans Date: 2/8/13
Signature: Sandra L. Grant

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 TOWN BOARD — Name of Lead Agency
5/1/13 — 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. Brant, Dir. of Planning — Signature of Preparer (if different from responsible officer)