Evans Town Board

At a Regular Meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola New York there were:

PRESENT:	Jeanne Macko	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Jennifer Farrell	Town Attorney
	Mary Holl	Supervisor's Department
	Doug Czora	Police Chief
	Roberta Rappoccio	Community Dev & Planning
ABSENT:	Dennis Feldmann	Councilman

RESOLUTION 2017 #103 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the Agenda Meeting and the Town Board Meeting of February 1, 2017 and the Work Session of February 8, 2017 be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Aye
	Councilman Macko	Aye
	Supervisor Hosler	Aye

Communications

Supervisor Hosler reported that the Supervisor's December 2016 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

Supervisor Hosler read a communication from Roberta Rappoccio, Director of Community Development and Planning regarding Creature Comforts Pet Resort, LLC, for dog and cat boarding, daycare, training, grooming and bathing, located at 1437 Pontiac Road, Angola, NY.

RESOLUTION 2017 #104 Set Public Hearing for Renewal of Special Use Permit Creature Comforts Pet Resort, LLC

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, in a letter dated February 9, 2017, the Planning Office has requested that the Town Board set a public hearing regarding the petition of Richard Morse for a special use permit renewal for the continuing operation of a commercial kennel, known as Creature Comforts Pet Resort, LLC, for dog and cat boarding, daycare, training, grooming and bathing, located at 1437 Pontiac Rd., Angola, NY, SBL# 252.00-1-26.2

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on March 1, 2017 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 BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	Aye
	Supervisor Hosler	Aye

Privilege of the Floor

Ed Schneider had questions and comments regarding the new Local Waterfront Revitalization Plan (LWRP)

Cheryl St. George – asked about the Evans PBA negotiations and if the Board has met with the Erie County Sheriff's Department regarding the proposal submitted by the ETU.

Public Hearing

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 at 7:10 pm on February 15, 2017, at the Evans Town Hall, 8787 Erie Road, Angola, New York to consider renewal of a Special Use Permit for the purpose of storing and dispatching trucks at D&L Trucking and Excavating, 8563 Erie Road (a/k/a/ NYS Route 5), Angola, NY, 14006 (SBL# 235.06-1-13). Petitioner: David Laskowski, 8563 Erie Road, Angola, NY 14006.

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
Lynn Krajacic
Town Clerk

RESOLUTION 2017 #105 Open Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the Public Hearing.

VOTE RESULT: ADOPTED
AYES – Macko, Hosler
NAYS – none

There was no one wishing to speak in favor or against the D & L Special Use Permit

RESOLUTION 2017 #106 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the Public Hearing.

VOTE RESULT: ADOPTED
AYES – Macko, Hosler
NAYS – none

RESOLUTION 2017 #107 Approve Laskowski Special Use Permit Renewal

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, David Laskowski, dba D & L Trucking and Excavating is required to have a Special Use Permit for the purpose of storing and dispatching trucks, located at 8563 Erie Rd. (a.k.a. NYS Route 5), Angola, NY, a portion of SBL# 235.06-1-13, and

WHEREAS, David Laskowski has requested a renewal of said Special Use Permit, and

WHEREAS, the Town of Evans Planning Office and the Building Department have conducted a proper review of the application and the facility, have found that all conditions are being met, and have recommended the Special Use Permit be renewed for a two year period, and

WHEREAS, the negative SEQR declaration issued by the Evans Town Board on December 15, 2004 for the rezoning of said property is still sufficient and valid for this action, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing regarding said Special Use Permit renewal on February 15, 2017.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to David Laskowski, 8563 Erie Rd. (a.k.a. NYS Route 5), Angola, NY, a portion of SBL# 235.06-1-13, subject to the conditions set forth hereafter, and

BE IT FURTHER RESOLVED, that the following conditions, which are part of the existing Special Use Permit remain as such.

1. Placement of a railing or other demarcation acceptable to the Town Board along the rear (easterly) line of the 1.44± acre MS zoning district as shown on the site plan.
2. Planting of a staggered line of evergreen trees and/or evergreen shrubs no less than 4' high, ranging and spacing from 5-10' on-center depending on plant type, acceptable to the Town Board. Said trees and/or shrubs shall be planted along the south property line as the same abuts property known as SBL# 235.06-2-4 by January 1, 2008, to provide a visual barrier and buffer to future adjacent development.
3. Identify the designated snow storage area on the site plan.
4. The number of tractor-trailer units on the premises at any time shall be limited to no more than nine (9) to be located in an area as identified on the site plan.
5. The width and radius/curvature of the driveway and the driveway apron must be designed so trucks have the ability to make turns on to NYS Route 5 without encroaching into opposing travel lanes.
6. The northern access to this site shall not be shared with access to the motel or restaurant.
7. Engine idling shall not be permitted.
8. There shall be no outside storage of parts, equipment and debris. There shall be no storage of gasoline or fuel on the site unless in appropriate storage containers.
9. Only minor repairs on vehicles owned by the applicant shall be permitted. There shall be no painting, grinding or extensive repairs permitted on the site.
10. There shall be no docks, storage, loading/unloading or transferring of goods, merchandise or freight allowed on the site.
11. No new buildings may be constructed on site without Town permits and/or approvals.
12. The existing office shall be used for truck dispatching only.
13. The Special Use Permit shall be issued to the applicant, David Laskowski only, not to the property or the business, and shall not be transferable.
14. This Special Use Permit is granted for a two (2) year period, at which time it must be reviewed for renewal pursuant to Town Code, and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

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 at 7:10 pm on February 15, 2017, at the Evans Town Hall, 8787 Erie Road, Angola, New York to consider renewal of a Special Use Permit for the purpose of boarding up to five (5) dogs, and to include grooming, at the Golden Paws Pet Care Services facility located at 1759 Sturgeon Point Road., Derby, NY, 14047 (SBL# 207.00-4-66), and an amendment to the Special Use Permit to remove the present restriction limiting the facility to five (5) dogs. Petitioner: William & Victoria Kurek, 1759 Sturgeon Point Road, Derby, NY 14047.

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
Lynn Krajacic
Town Clerk

RESOLUTION 2017 #108 Open Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the Public Hearing.

VOTE RESULT: ADOPTED
AYES – Macko, Hosler
NAYS – none

Francis X Stock spoke in favor of the Kurek Special Use Permit

RESOLUTION 2017 #109 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the Public Hearing.

VOTE RESULT: ADOPTED
AYES – Macko, Hosler
NAYS – none

RESOLUTION 2017 #110 Approve Kurek Special Use Permit Renewal

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, William & Victoria Kurek have requested a Special Use Permit renewal, with an amendment, to remove the restriction limiting the facility to 5-dogs, which is a condition of their current Special Use Permit, located at 1759 Sturgeon Point Road, Derby, NY 14047, SBL# 207.00-4-66, and

WHEREAS, the original Special Use Permit was issued with the following conditions:

1. This Special Use Permit shall be for the boarding of up to 5 dogs and include grooming.
2. This Special Use Permit shall be for a two (2) year period. Applicant may apply for renewal.

WHEREAS, the Town of Evans Planning Office and the Building Department have conducted a proper review of the application and the facility and have recommended the Special Use Permit be amended and renewed for two years, and

WHEREAS, the negative SEQR declaration issued by the Evans Town Board on May 2, 2012 for the original Special Use Permit for said facility is still sufficient and valid for this action, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing regarding said Special Use Permit renewal, with an amendment on February 15, 2017.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal, with an amendment, to William & Victoria Kurek (Golden Paws Pet Care Services) removing the restriction limiting the facility to 5-dogs which is a condition of their current Special Use Permit located at 1759 Sturgeon Point Road, Derby, NY. SBL# 207.00-4-66.

BE IT FURTHER RESOLVED, that the above-said Special Use Permit be granted for a two (2) year period and may be renewed, 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 BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	Aye
	Supervisor Hosler	Aye

Committee & Department Head Reports

Councilman Macko announced the Easter Egg Hunt will be held on April 1, 2017 with a rain date of April 8, 2017 at the Evans Town Park and Summerfest will be held on June 11, 2017 at the Evans Town Park.

Supervisor Hosler will hold a meeting with Legislator Mills on the condition of County Parks in the Town of Evans and will be meeting with Senator Jacobs on the Marina issues.

Town Clerk Reports

RESOLUTION 2017 #111 Town Clerk's Reports

Supervisor Hosler moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of January 2017:

Town Clerk Report for January	$26,953.12
Interest for January	$1.06
Greenspace Fees transferred to Trust & Agency Account	$ 0

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #112 Advertise for RFP for Eliciting Consultant Proposals for the Updating of the LWRP

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans received funding from the New York State Consolidated Funding Application process for the year 2016-2017, and

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board authorizes the Town Clerk to advertise a Request for Proposals in the Dunkirk Observer for the purpose of eliciting proposals from consultants for the 2017 Update to the Local Waterfront Revitalization Program; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to the Supervisor's Office; and

BE IT FURTHER RESOLVED, that a copy of the proposal may be obtained from Evans Town Hall located at 8787 Erie Road, Angola, New York 14006; and

BE IT FURTHER RESOLVED, that proposals are due to the Evans Town Clerk's office by 10:00 a.m. on March 10, 2017, at which time the proposals will be publicly opened and read aloud.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #113 Schedule Public Hearing for Proposed Local Law #2 of 2017 Cross Walks

Supervisor Hosler moved and Councilman Macko seconded,

BE IT RESOLVED, that the Town Clerk is hereby authorized to post and publish the needed legal notice for a public hearing to be held Wednesday, March 1, 2017 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #2 of 2017 regarding miscellaneous code revisions to Town Code Chapter 193: Section 193-56 - Crosswalks.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #114 Request Reduction of Speed Limit on Versailles Rd Between Cain and Eden Evans Center

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans has received requests to reduce the speed limit on Versailles Road between Cain Road and Eden-Evans Center Road from 45 miles per hour to 35 miles per hour due to additional truck traffic; and

NOW, THEREFORE, BE IT RESOLVED, that the speed limit on Versailles Road between Cain Road and Eden-Evans Center Road be reduced from 45 miles per hour to 35 miles per hour.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #115 Pavilion Rental and Shelter Fees 2017

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, that the following Town of Evans pavilion and shelter fees will apply for the 2017 season:

TOWN PARK – PAVILIONS & SHELTERS

Pavilion #2 (Beachside)	$ 175.00
Pavilion #1 (Parkside)	$ 75.00
Small Shelters	$ 30.00
Two Small Shelters	$ 55.00
Three Small Shelters	$ 75.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #116 Advertise a Notice of Invitation to Bid for Sturgeon Point Dredging

Councilman Mackio moved and Supervisor Hosler seconded,

RESOLVED, that the Town Engineer is hereby authorized to prepare an invitation to bid for the dredging of Sturgeon Point Marina, Town of Evans, New York, and

BE IT FURTHER RESOLVED, that the specifications for the invitation to bid shall be available at the Office of the Engineer, Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203, beginning Tuesday, February 21, 2017; and

BE IT FURTHER RESOLVED, that the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED that the bids are due to the Town Clerk's office by 2:00 p.m. local time on Tuesday, March 14, 2017, at which time the bids will be publicly opened and read aloud.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	Aye
	Supervisor Hosler	Aye

RESOLUTION 2017 #117 Suspend the Rules

Supervisor Hosler moved and Councilman Macko seconded to suspend the rules of order for consideration of an additional resolution,

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	Aye
	Supervisor Hosler	Aye

RESOLUTION 2017 #118 Authorize Superintendent of Highway to Install Signs on Nettlecreek Drive

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the playground on Nettlecreek Drive is near the roadway; and

WHEREAS, there is additional pedestrian traffic near the playground on Nettlecreek Drive;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Superintendent of Highway is authorized to install two (2) signs on Nettlecreek Drive approaching the playground to alert drivers to the playground, one in the northbound lane and one in the southbound lane of Nettlecreek Drive.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	Aye
	Supervisor Hosler	Aye

RESOLUTION 2017 #119 Request Tonnage Limit be Reduced on Versailles Road Between Cain Road and Eden Evans Center Road

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans has received requests to reduce the tonnage limit on Versailles Road between Cain Road and Eden-Evans Center Road due to concerns of additional truck traffic and the impact upon the bridge at Pontiac Road;

NOW, THEREFORE, BE IT RESOLVED, that the tonnage limit be reduced on Versailles Road between Cain Road and Eden-Evans Center Road.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	Aye
	Supervisor Hosler	Aye

RESOLUTION 2017 #120 Audit of Bills

Councilman Macko moved Supervisor Hosler seconded that all properly audited bills be paid out of the respective accounts per the following abstract:

AUDIT OF BILLS

DATE	2/16/2017
ABSTRACT NO.	4
VOUCHER NO.	91 - 128
CHECK NUMBERS	75920 - 75955
APPROVED AT	Board Meeting
DATE	2/15/2017
GENERAL	$140,294.01
PART TOWN	$17,275.30
HIGHWAY DA	
HIGHWAY DB	$45,333.82
WATER	$8,083.06
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$169,502.10

DEBT SERVICE	
TA FUND	$1,719.18
SUBTOTAL	**$382,207.47**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #121 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, February 22, 2017 at 6pm for a Work Session and then to March 1, 2017 at 6pm for an Agenda Meeting, and the 7pm for the Town Board Meeting to follow.

VOTE RESULT: ADOPTED

AYES:	Feldman, Macko, Hosler
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 M. Krajacic
Town Clerk