Evans Town Board

At a Work Session 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 Assistant
ABSENT:	Dennis Feldmann	Councilman

RESOLUTION 2017 #238 Issue a SEQR Negative Declaration for Kwilos Minor Subdivision

Supervisor Hosler moved Councilman Macko 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 April 14, 2017, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Joseph & Sharon Kwilos 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 Joseph & Sharon Kwilos Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 220.00-4-22, dividing a 55.28± acre parcel to create:

1. a 5.0± acre parcel with 200.00± feet of frontage on Church Road, and
2. a 50.28 ± acre parcel with 1050.06± feet of frontage on Eden Evans Center Road and 203.26± feet of frontage on Church Road.

Petitioner: Joseph & Sharon Kwilos, 7678 Erie Road, Derby, NY 14047.

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #239 Approve the Joseph & Sharon Kwilos Minor Subdivision

Supervisor Hosler moved Councilman Macko 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 Joseph & Sharon Kwilos Minor Subdivision, a division of SBL# 220.00-4-22, dividing a 55.28± acre parcel to create:

1. a 5.0± acre parcel with 200.00± feet of frontage on Church Road, and
2. a 50.28 ± acre parcel with 1050.06± feet of frontage on Eden Evans Center Road and 203.26± feet of frontage on Church Road.

Petitioner: Joseph & Sharon Kwilos, 7678 Erie Road, Derby, NY 14047.

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #240 Authorize Town Clerk to Re-Advertise Notice for Public Hearing for Proposed Local Law #5

Supervisor Hosler moved Councilman Macko seconded,

WHEREAS, the Town Board meeting scheduled for Wednesday, May 17, 2017 at 7:00pm has been cancelled and the public hearing previously scheduled for May 17, 2017 is to be rescheduled;

THERFORE, 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, June 7, 2017 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #5 regarding miscellaneous code revisions to Evans Town Code Section 144: Peddling and Soliciting.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #241 Authorize Town Clerk to Re-Advertise Notice for Public Hearing for Proposed Local Law #6

Councilman Macko moved Supervisor Hosler seconded,

WHEREAS, the Town Board meeting scheduled for Wednesday, May 17, 2017 at 7:00pm has been cancelled and the public hearing previously scheduled for May 17, 2017 is to be rescheduled;

THERFORE, 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, June 7, 2017 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #6 regarding miscellaneous code revisions to Evans Town Code Section 147: Plumbing.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #242 Authorize Town Clerk to Re-Advertise Notice for Public Hearing for Proposed Local Law #7

Councilman Macko moved Supervisor Hosler seconded,

WHEREAS, The Broadway Group, LLC has requested that the Town Board of the Town of Evans rezone a 0.96± acre parcel located at 6889 Erie Road (a.k.a. NYS Route 5), SBL#206.07-2-15, from Motor Service (MS) to General Business (GB) for the purpose of operating a single tenant retail store, and

WHEREAS, in a letter dated April 27, 2017, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of The Broadway Group, LLC.; and

WHEREAS, the Town Board meeting scheduled for Wednesday, May 17, 2017 at 7:00pm has been cancelled and the public hearing previously scheduled for May 17, 2017 is to be rescheduled;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #7 of the year 2017, to be held on June 7, 2017 at 7:10 for the consideration of said Rezoning; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #243 Signage Fee Waiver

Councilman Macko moved Supervisor Hosler seconded,

BE IT RESOLVED, that per Town of Evans Code 200.29 Sign Regulations, Fee Schedule, that the Town Board does hereby grant a waiver of the signage fee to the Frederick Garrasi III Memorial Fund to have a three (3) double-sided interchangeable letter message board signs (4ft L x 2ft W x 3.5ft H) in front of Evans Bank, 6840 Erie Road, Derby, New York, Ferber Automotive Corporation, 8120 Erie Road, Angola, New York and M&D Auto Repair, 9579 Southwestern Boulevard, Angola, New York for the 2017 Frederick Garrasi II Memorial 5K Run. The signs will be displayed through June 11, 2017.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #244 Budget Transfers Highway Department

Councilman Macko moved Supervisor Hosler seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Highway Department to make the following budget transfer for the removal of trees within the Town:

Transfer From:

DB.5110.401.04	Supplies - Resurfacing	$2,000.00

Transfer To:

DB.5110.400.02	Service Contract - Tree Removal	$2,000.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #245 Title Change

Supervisor Hosler moved Councilman Macko seconded,

WHEREAS, Town of Evans' Building Safety Inspector Jeneen McSkimming has completed and passed the required training for Code Enforcement Officer through the New York State Department of State.

NOW, THEREFORE, BE IT RESOLVED that based on the above training, Jeneen McSkimming's title is hereby changed from Building Safety Inspector to Code Enforcement Officer for the Town of Evans, at no additional compensation.

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

RESOLUTION 2017 #246 Enter Executive Session

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS: the Evans Town Board wishes to enter Executive Session and,

BE IT RESOLVED: that, the Public shall be excluded from discussion of and action hereinafter specified subject matter:

The general nature of the subject matter to be discussed as follows:
Employment History of a Particular Individual

THEREFORE BE IT RESOLVED Jennifer Farrell, Town Attorney and Lynn Krajacic, Town Clerk are invited to attend the Evans Town Board Executive Session. This resolution shall take effect immediately.

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

RESOLUTION 2017 #247 Close Executive Session

Councilman Macko moved and Supervisor Hosler seconded to close Executive Session.

VOTE RESULT:	ADOPTED	
	AYES:	Macko, Hosler
	NAYS:	None

RESOLUTION 2017 #248 Authorize Supervisor to Execute Documents

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, [redacted] was placed on a leave of absence; and

WHEREAS, [redacted] has now been cleared to return to work;

WHEREAS, [redacted] has alleged various claims against the Town of Evans;

NOW THEREFORE BE IT RESOLVED, that the Evans Town Supervisor be and hereby is authorized and directed to execute and all documents in connection with [redacted] return to work and resolution of the claims between the parties.

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

RESOLUTION 2017 #249 Adjournment

Councilman Macko moved and Supervisor Hosler seconded to adjourn the Work Session.

VOTE RESULT:	ADOPTED	
	AYES:	Macko, Hosler
	NAYS:	None

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.
Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

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

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Joseph & Sharon Kwilos

Name of Action or Project:
Minor Subdivision

Project Location (describe, and attach a location map):
1162 Eden Evans Center Road, Angola, NY 14006

Brief Description of Proposed Action:
Minor Subdivision of Parcel - dividing a 55.28 +/- acre parcel to create a 5.0+/- acre parcel and a 5.0+/- acre parcel located at 1162 Eden Evans Center Road, Angola, NY 14006 - SBL# 220.00-4-22

Name of Applicant or Sponsor:	Telephone:
Joseph Kwilos	E-Mail:

Address:
7678 Erie Road

City/PO:	State:	Zip Code:
Derby	New York	14047

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? 55.28+/- acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 55.28+/- acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☑ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☐	☑
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☑ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☑ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

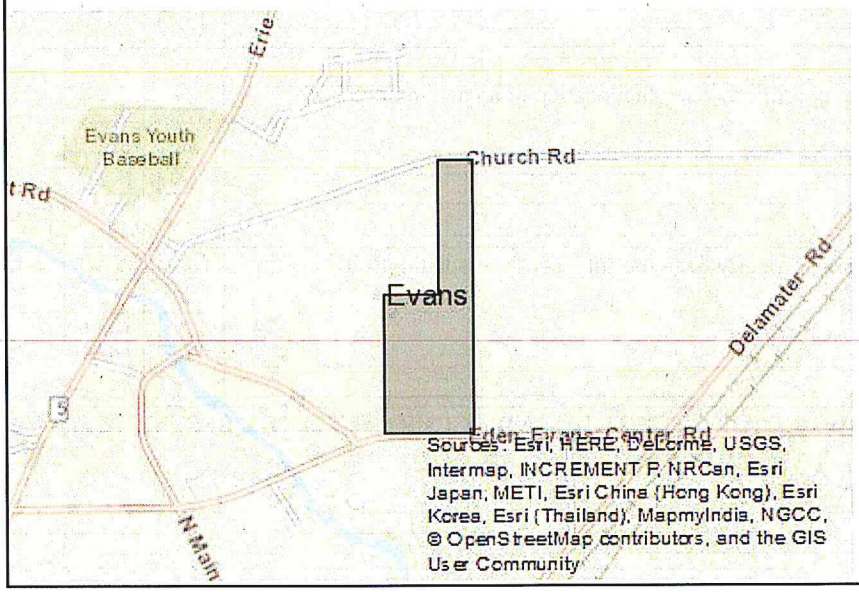
Applicant/sponsor name: Joseph Ruiter Date: 3-27-17

Signature: _____

PRINT FORM

EAF Mapper Summary Report

Friday, March 24, 2017 1:56 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Re: Kwilos

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

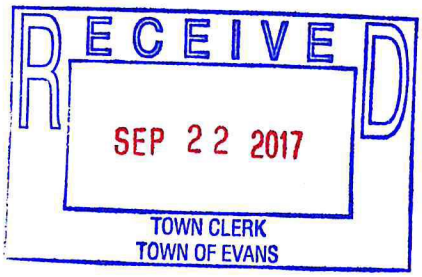
PRINT FORM

Agency Use Only [If applicable]

Project:	
Date:	

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.



☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ 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.

Town of Evans Town Board	April 20, 2017
Name of Lead Agency	Date
Mary K. Hosler	Supervisor, Town of Evans
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM