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
	Michael Schraft	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn M. Krajacic	Town Clerk
	Sean Beiter	Counsel to the Town of Evans
	Bill Smith	Director of Planning & Community Dev.
	Doug Czora	Chief of Police
	Mary Holl	Supervisor's Office

RESOLUTION 2019 #324 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the meeting of July 17, 2019 and July 24, 2019 be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

Rezoning of a 0.56± acre parcel zoned Motor Service (MS) to General Business (GB) for the purpose of operating a dog day care, training and grooming facility to be located at 6777 Erie Rd. (a.k.a. NYS Route 5) at the corner of Revere Drive, Derby, NY. SBL# 192.20-6-1.1. Petitioner: Catalano Motors/Michael Argentieri, 8327 Erie Rd., Angola, NY 14006

RESOLUTION 2019 #325 Authorize Town Clerk to Advertise Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, Catalano Motors has requested that the Town Board of the Town of Evans rezone a 0.56± acre parcel located at 6777 Erie Rd. at the corner of Revere Drive, Derby, NY, SBL #192.20-6-1.1, from Motor Service (MS) to General Business (GB) for the purpose of operating a dog day care training and grooming facility, and

WHEREAS, in a letter dated August 2, 2019, the Evans Planning Office has requested that the Town Board set a public hearing regarding the request of Catalano Motors.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorize the Town Clerk to advertise for a public hearing to be held on September 4, 2019 at 7:10pm for the consideration of said Rezoning request.

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

Minor Subdivision Review - dividing a 38.55+ acre parcel at 8699 Lake Shore Road, known as SBL# 235.09-5-5.11, to create an 12.85± acre parcel on Lake Shore Road, and a 25.70± acre parcel on Lake Shore Road. Petitioner: Old Lake Shore Development, LLC, 2721 Transit Road, Suite 114, Elma, NY 14059

RESOLUTION 2019 #326 SEQR - Old Lake Shore Development

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Evans Town Board desires to be the Lead Agency for the SEQR process, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated July 31, 2019, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the

Old Lake Shore Development, LLC 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 of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

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 Old Lake Shore Development, LLC Minor Subdivision.

(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 235.09-5-5.11, dividing a 38.55+ acre parcel to create:

1. a 12.85± acre parcel with 220.84± foot of frontage on Lake Shore Road, and

2. a 25.70± acre parcel with 417.40± foot of frontage on Lake Shore Road.

Petitioner: Old Lake Shore Development, LLC, 2721 Transit Rd., Suite 114, Elma, NY 14059.

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

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

RESOLUTION 2019 #327 Approve Minor Subdivision - Old Lake Shore Development

Councilman Macko moved and Supervisor Hosler 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 Old Lake Shore Development, LLC Minor Subdivision, a division of SBL# 235.09-5-5.11, dividing a 38.55+ acre parcel to create:

1. a 12.85± acre parcel with 220.84± foot of frontage on Lake Shore Road, and

2. a 25.70± acre parcel with 417.40± foot of frontage on Lake Shore Road.

Petitioner: Old Lake Shore Development, LLC, 2721 Transit Rd., Suite 114, Elma, NY 14059.

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

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

PUBLIC HEARING

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on August 7, 2019 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #8 of the year 2019 which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) - Provision for Official Zoning Map, for the purpose of rezoning a vacant parcel located on Erie Road (SBL#206.07-1-26.1) near the corner of Minuteman Trail, Derby, NY 14047 from General Business (GB) to Multi-Family Residential (MFR-4) on the Town's official map. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am-4pm, Wednesday from 9am-5pm and the Town's website www.townofevans.org. 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
Lynn M. Krajacic
Town Clerk

RESOLTUION 2019 #328 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

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

The following spoke at the public hearing:
Neither in Favor or Opposed: Richard Graf

RESOLUTION 2019 #329 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

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

RESOLUTION 2019 #330 Lead Agency - Schunk Enterprises LLC

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, Schunk Enterprises LLC has requested the rezone of a 5.14± acre vacant parcel from General Business (GB) to Multi-family (MFR-4) for the purpose of building 4 single-story townhouse buildings and 2 two-story apartment buildings located on Erie Road near the corner of Minuteman Trail, known as SBL# 206.07-1-26.1; and

WHEREAS, the Evans Planning Board unanimously recommended approval of the above-referenced petition for rezone at their July 10, 2019 Planning Board meeting as set forth in Proposed Local Law #8 of the year 2019; and

WHEREAS, the Town Board of the Town of Evans desires to be the Lead Agency for the SEQR process regarding said rezone;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #8 of the year 2019;

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

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

RESOLUTION 2019 #331 SEQR - Schunk Enterprises LLC

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, Schunk Enterprises LLC has requested the rezone of a 5.14± acre vacant parcel from General Business (GB) to Multi-family (MFR-4) for the purpose of building 4 single-story townhouse buildings and 2 two-story apartment buildings located on Erie Road near the corner of Minuteman Trail, known as SBL# 206.07-1-26.1; and

WHEREAS, the Evans Planning Board unanimously recommended approval of the above-referenced petition for rezone at their July 10, 2019 Planning Board meeting as set forth in Proposed Local Law #8 of the year 2019; and

WHEREAS, the Town Board of the Town of Evans has declared Lead Agency for the SEQR process, and

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the rezoning of this property will not result in any significant impacts to the environment.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the Schunk Enterprises LLC rezone of a 5.14± acre vacant parcel from General Business (GB) to Multi-family (MFR-4) for the purpose of building 4 single-story townhouse buildings and 2 two-story apartment buildings located on Erie Road near the corner of Minuteman Trail, known as SBL# 206.07-1-26.1.

(Addendum B 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 BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #332 Adopt Local Law 8

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, Schunk Enterprises LLC has requested the rezone of a 5.14± acre vacant parcel for the purpose of building 4 single-story townhouse buildings and 2 two-story apartment buildings located on Erie Road near the corner of Minuteman Trail, known as SBL# 206.07-1-26.1, from General Business (GB) to Multi-family (MFR-4); and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on August 7, 2019 for consideration of the Rezone application and caused notice to be given as required by law; and

WHEREAS, notice of the proposed Amendment was duly advertised and notice provided in writing to owners of land immediately adjacent to the land affected by said amendment extending 500 feet therefrom and of that directly opposite thereto extending 500 feet from the street frontage of such opposite land to be rezoned; 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 project will constitute the use of an underutilized property and provide the opportunity for market-rate housing in the Town.

· The action will not result in any significant adverse impacts, and

WHEREAS, the Planning Board would also like to recommend that the following conditions be placed on the approval of this action:

· Any future development of this parcel to be rezoned is subject to a full site plan application submittal, review and approval by the Planning Board.

· Any landscaping, drainage, parking, lighting, setback, building heights and any other design elements shall follow the requirements of Evans Town Code.

· If the applicant determines during the site plan approval process that the project is no longer feasible, the parcel will be returned to a General Business Zoning District, and

WHEREAS, the Town Board of the Town of Evans has issued a SEQR negative declaration for this action.

NOW THEREFORE BE IT RESOLVED, that Proposed Local Law # 8 of the year 2019, as amended, which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law, and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) - Provision for Official Zoning Map, for the purpose of rezoning the vacant parcel located on Erie Road near the corner of Minuteman Trail, known as SBL# 206.07-1-26.1, from General Business (GB) to Multi-family (MFR-4) on the Town's official zoning map be adopted as Local law #8 of the year 2019;

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 Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

LEGAL NOTICE TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on August 7, 2019 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the sale of the south side of South Park, 25' x 120', affixed to 6788 Wellington Drive LLC and 6826 Erie Road, LLC

Copies of the parcel as indicated on a tax map will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website www.townofevans.org.

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

Lynn M. Krajacic RMC, Town Clerk

RESOLTUION 2019 #333 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

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

The following spoke at the public hearing:
Favor: Ed Schneider

RESOLUTION 2019 #334 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

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

RESOLUTION 2019 #335 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 July 2019:

Town Clerk Report July	$82,280.34
Interest for July	$6.40
Greenspace Fee	$2100.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #336 Resignation of Town Attorney

Supervisor Hosler moved and Councilman Macko seconded,

BE IT RESOLVED, that the Evans Town Board hereby accepts the resignation of Town Attorney Thomas Farley, Jr., effective August 2, 2019.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

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pg 78

RESOLUTION 2019 #337 Abolish the Office of Town Attorney

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS The Town of Evans has had the office of Town Attorney first created by resolution in 1935; and

WHEREAS New York State Town Law requires a town to have a resident serve as Town Attorney so long as the Office of Town Attorney exists; and

WHEREAS New York State Attorney General opinion holds that a Town may not have a non-resident serve as Town Attorney if there is a resident attorney, even if any such resident attorney does not accept the position; and

WHEREAS the Town of Evans can only have a non-resident attorney provide legal services to the town is to abolish the office of Town Attorney;

NOW THEREFORE, BE IT RESOLVED that the Office of Town Attorney for the Town of Evans is hereby abolished; and

BE IT FURTHER RESOLVED that the Town of Evans shall be permitted to have legal services provided to it by Counsel to the Town of Evans.

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

RESOLUTION 2019 #338 Appointment of Town Counsel

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans has abolished the Office of Town Attorney by resolution at the Town Board Meeting of August 7, 2019; and

WHEREAS, the Town of Evans shall be permitted to have legal services provided to it by Counsel to the Town of Evans;

NOW THEREFORE, BE IT RESOLVED, the Evans Town Board hereby appoints Sean Beiter, Esq. from Goldberg Segalla as Counsel to the Town of Evans at a flat rate of $1000 per week as set forth in the retainer agreement; and

FURTHER BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute the retainer agreement, which has been reviewed by the Evans Town Board.

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

RESOLUTION 2019 #339 Appointment of Part Time Police Officer

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, there is an opening for a part-time Police Officer in the Evans Police Department; and

WHEREAS, Vincent Tobia meets the requirements needed to become a part-time police officer; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Vincent Tobia to the position of part-time police officer with the Evans Police Department, effective immediately; and

FURTHER, BE IT RESOLEVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the Evans Police Benevolent Association collective bargaining agreement.

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

RESOLUTION 2019 #340 Appointment of Interim Stormwater Management Officer

Councilman Macko moved and Councilman Schraft seconded,

BE IT RESOLVED, the Town Board hereby appoints David Johnson from Clark Patterson Lee as the interim Stormwater Management Officer for the Town of Evans.

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

RESOLUTION 2019 #341 Authorize Officer to Instruct the NYS Marine Patrol Vessel Operator Course

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Douglas Czora for Patrolman Michael Kauzala to instruct, at the request of the N.Y.S. Parks, Recreation and Historic Preservation, the Marine Patrol Vessel Operator Course from September 16, 2019 to September 20, 2019 in Lake George, NY, with lodging and meals to be paid for by the N.Y.S. Parks, Recreation and Historic Preservation.

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

RESOLUTION 2019 #342 Engineering & Architectural Services

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, the Town of Evans hereby accepts the engineering and architectural services proposal from Clark Patterson Lee for the Senior Center Roofing Project, not to exceed $21,500;

FURTHER BE IT RESOLVED, that Supervisor Mary Hosler is authorized to execute the above referenced proposal agreement, upon review of Counsel for the Town of Evans.

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

RESOLUTION 2019 #343 Table Resolution

Supervisor Hosler moved and Councilman Schraft seconded to Table the resolution for Engineering Services for the Sturgeon Point Marina Breakwall Rehabilitation project.

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

RESOLUTION 2019 #344 Penn Power Emergency Generator Agreement Renewal

Councilman Macko moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the Town of Evans enter into an agreement (renewal) with Penn Power Systems for maintenance and inspection of the emergency generator located at 8787 Erie Road from September 1, 2019 to August 31, 2020 in the amount of $778.00 annually, upon the approval of the Counsel to the Town of Evans.

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

RESOLUTION 2019 #345 Table Resolution

Supervisor Hosler moved and Councilman Macko seconded to Table the resolution for the Social Media Policy.

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

RESOLUTION 2019 #346 Approve Request from the Assessor to Attend Training

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS; the Assessor Jeneen Hill request permission to attend the New York State Assessors' Association Annual Conference and Assessment Seminar; and

WHEREAS; said annual conference and assessment seminar will be held in Lake Placid, New York from September 22, 2019 to September 25, 2019; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Assessor Jeneen Hill to attend said conference and all appropriate and reasonable expenses shall be paid by the Town and in part reimbursable by New York State Office of Real Property for continuing education.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

Resolution 2019 #347 Suspend the Rules of Order for Additional Resolutions

Supervisor Hosler moved and Councilman Schraft seconded to Suspend the Rules of Order for consideration of an additional resolution

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #348 BENLIC

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the Town of Evans, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT

RESOLVED, that Town of Evans hereby officially requests that BENLIC acquire the following property:

139 Rosewood Ave. SBL#250.17-7-3
0 Chestnut Lane SBL# 249.20-2-3
0 Shorecliff Rd. SBL# 249.20-2-37
0 Sturgeon Point Road SBL# 205.03-1-15.1

; and be it further

RESOLVED, that the Town of Evans has completed the required Standardized Inspector's Reports and Maintenance, Disposition and Reuse Plans (SIR/MDR plans) each property listed above and has attached the SIR/MDR plans to this resolution; and be it further

RESOLVED, that the Town of Evans agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property; and be it further

RESOLVED, that the Evans Town Board hereby agrees to the terms and conditions of the BENLIC Pay it Forward Policy, adopted October 23, 2015* and that pursuant to section 1610 of the New York Not-for-Profit Corporation Law will remit to BENLIC 50% of the real property taxes collected for a period of five years on all of the parcels identified herein for which, upon disposition of the parcel, net proceeds are negative

139 Rosewood Ave. SBL#250.17-7-3

0 Chestnut Lane SBL# 249.20-2-3
0 Shorecliff Rd. SBL# 249.20-2-37
0 Sturgeon Point Rd SBL# 205.03-1-15.1

; and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #349 Town Licenses

Supervisor Hosler moved and Councilman Schraft seconded,

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

Licenses

Highland Hose Volunteer Fire Co. - Live Band Special Event

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #350 Audit of Bills

Councilman Macko moved and seconded Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts.

AUDIT OF BILLS

DATE	8/8/2019
ABSTRACT NO.	14
VOUCHER NO.	5204 - 5315
CHECK NUMBERS	79802 - 79887
APPROVED AT	Board Meeting
DATE	8/7/2019
GENERAL	$215,080.40
PART TOWN	$38,313.07
HIGHWAY DB	$107,862.13
WATER	$4,697.92
CAPITAL PROJECTS	$0.00

SPECIAL DISTRICTS	$26,215.72
DEBT SERVICE	$0.00
TOTAL	$392,169.24

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #351 Adjournment

Supervisor Hosler and Councilman Schraft moved to adjourn to Wednesday August 21, 2019 at 6pm for a Work Session and 7pm for a Regular Town Board Meeting.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

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

Lynn M. Krajacic, RMC
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

8699 Lake Shore Road - Lot Split

Name of Action or Project:

Proposed split of one lot into two lots (Minor Subdivision)

Project Location (describe, and attach a location map):

8699 Lake Shore Road, Town of Evans, County of Erie, NY (Location Map attached)

Brief Description of Proposed Action:

The proposed action consists of the split of # 8699 Lake Shore Road (SBL # 235.09-5-5.11) into two separate lots with separate owners. Lot # 1 (Parcel A) will consist of 12.85 acres (1/3 of the original parcel) and Lot # 2 (Parcel B) will consist of 25.70 acres (2/3 of the original parcel) as shown on boundary survey maps prepared by Wm Schutt Associates and included within the application. The action has been defined broadly to include all required discretionary approvals and permits from involved regulatory agencies including the Town of Evans. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") since none of its impacts cross any of the thresholds for a Type 1 Action contained in 6 NYCRR Part 617.4.

Name of Applicant or Sponsor:	Telephone: 716-837-0833
Old Lake Shore Development, L.L.C. - Attn: Frank J. Campofelice	E-Mail: Frank@bcampo.com

Address:

2721 Transit Road, Suite 114

City/PO:	State:	Zip Code:
Elma	New York	14059

	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: Town of Evans - Minor Subdivision	☐	☑

3.a. Total acreage of the site of the proposed action? 38.55 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? 38.55 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?	☐	☑	☐

	NO	YES
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

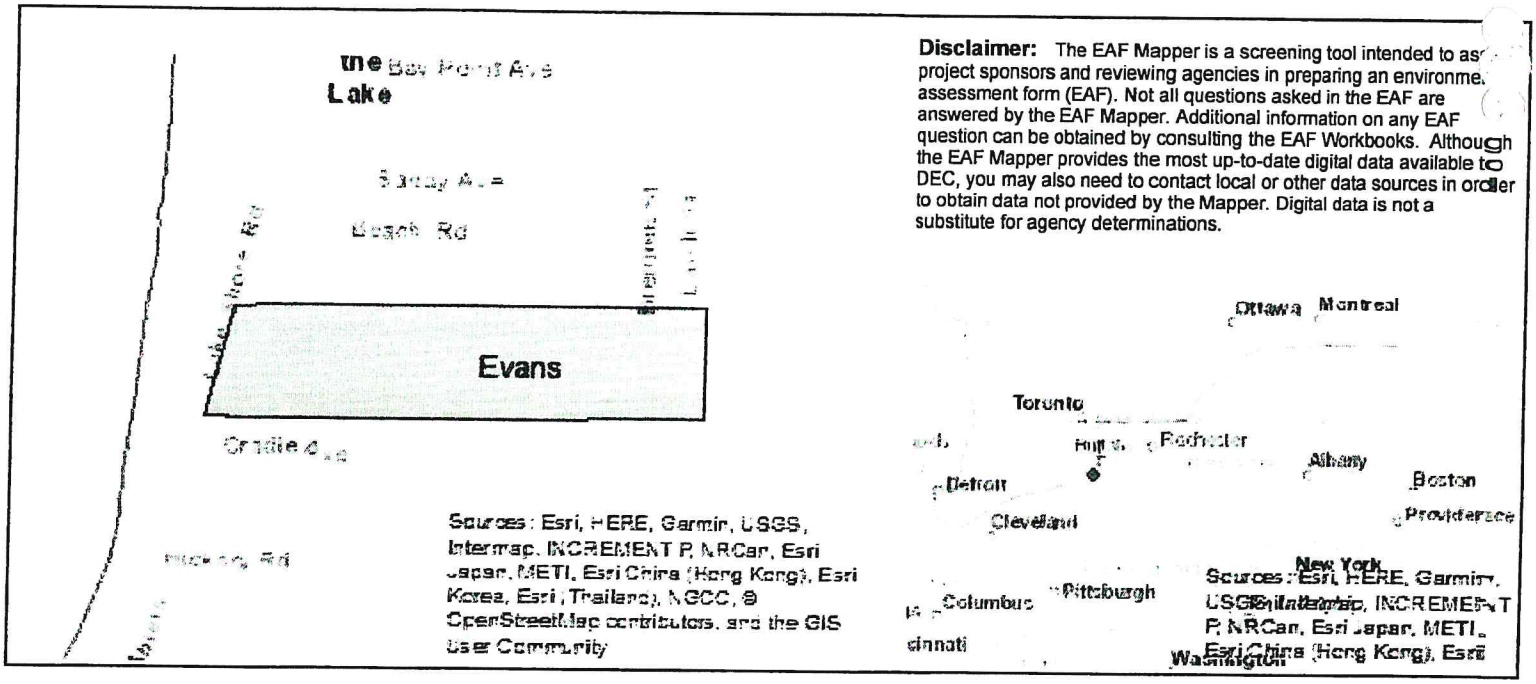
Applicant/sponsor name: William E. Schutt, P.E. (Consultant & Agent for Applicant) Date: June 11, 2019

Signature: _____

PRINT FORM

EAF Mapper Summary Report

Monday, October 01, 2018 3:37 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
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

Agency Use Only [If applicable]

Project: Old Lake Shore Dev Minor Subdivision

Date: August 7, 2019

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? N/A	☑	☐
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: OLS Dev Minor Sub
Date: August 7, 2019

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.

The proposed action will not result in a significant adverse environmental impact. The action is a minor subdivision and annexation.

☐ 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, NY	August 7, 2019
Name of Lead Agency	Date
Mary K. Hosler	Supervisor, Town of Evans, NY
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

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk



LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on **August 7, 2019 at 7:10 P.M.** at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the sale of the south side of South Park, 25' x 120', affixed to 6788 Wellington Drive LLC and 6826 Erie Road, LLC

Copies of the parcel as indicated on a tax map will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.town ofevans .org.

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
Lynn M. Krajacic RMC
Town Clerk

O-165623 July 20, 2019 -Adv.

Sheila McWillson, being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

July 20, 2019

Signed: Sheila McWillson

Sheila McWillson

Signed before me this 20th day of July 2019

Barbara J Musso

Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 4/4/23

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

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Signed before me this 20th day of July 2019

Barbara J Musso

Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/23

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on **August 7, 2019 at 7:10 P.M.** at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #8 of the year 2019 which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) – Provision for Official Zoning Map, for the purpose of rezoning a vacant parcel located on Erie Road (SBL#206.07-1-26.1) near the corner of Minuteman Trail, Derby, NY 14047 from General Business (GB) to Multi-Family Residential (MFR-4) on the Town's official map. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am-4pm, Wednesday from 9am-5pm and the Town's website www.townofevans.org. 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
Lynn M. Krajacic RMC
Town Clerk

O-165621 July 20, 2019 -Adv.