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 #455 Approve Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the meetings of November 13, 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

William Smith, Director of Planning & Community Development RE: Rezone - proposed rezone of a 0.49± acre parcel located at 8926 Lake Shore Road, Angola NY from Waterfront Mixed Use (WMU) to Residential Two-Family (R-2), SBL# 234.16-2-24. Petitioner: Amy Vassallo, 8917 Sandrock Road, Eden, NY 14057.

RESOLUTION 2019 #456 Set Public Hearing - PPL #11 Vassallo

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, in a letter dated September 30, 2019, Amy Vassallo requested that the Evans Town Board rezone a 0.49± acre parcel located at 8926 Lake Shore Road, Angola, NY, SBL# 234.16-2-24, from Waterfront Mixed Use (WMU) to Residential Two-Family (R-2), and

WHEREAS, in a letter dated November 14, 2019, the Evans Planning Board has requested that the Town Board set a public hearing regarding the request of Amy Vassallo.

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 December 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

William Smith, Director of Planning & Community Development RE: Minor Subdivision Review - dividing a 2.0± acre parcel on South Creek Road, known as 1441 South Creek Road, SBL# 193.13-2-19, to create an 1.28± acre parcel on South Creek Road, and a 1.48± acre parcel on South Creek Road, Derby, NY 14047. Petitioner: Donna Rechin Schaefer, Executrix of the Estate of Patricia Rechin, 118 Meadow Drive, Beaver Falls, PA 15010

RESOLUTION 2019 #457 SEQR Lead Agency

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

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

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

WHEREAS, in a letter dated November 18, 2019, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Estate of Patricia Rechin 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 Estate of Patricia Rechin Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 193.13-2-19, dividing a 2.0± acre parcel to create:

1. a 1.28± acre parcel with 90.95± feet of frontage on South Creek Road, and
2. a 0.72± acre portion to be annexed to an adjacent parcel with 84.30± feet of frontage on South Creek Road, known as1421 South Creek Road, SBL# 193.13-2-

20, to form a 1.48± acre parcel with 352.38± feet of frontage on South Creek Road, Derby, NY 14047.

Petitioner: Donna Rechin Schaefer, Executrix for the Estate of Patricia Rechin, 118 Meadow Drive, Beaver Falls, PA 15010

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 #458 SEQR Negative Declaration

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 Estate of Patricia Rechin Minor Subdivision, a division of SBL# 193.13-2-19, dividing a 2.0± acre parcel to create:

1. a 1.28± acre parcel with 90.95± feet of frontage on South Creek Rd., Derby, and
2. a 0.72± acre portion to be annexed to an adjacent parcel with 84.30± feet of frontage on South Creek Road, known as1421 South Creek Road, SBL# 193.13-2-20, to form a 1.48± acre parcel with 352.38± feet of frontage on South Creek Road, Derby, NY 14047.

Petitioner: Donna Rechin Schaefer, Executrix for the Estate of Patricia Rechin, 118 Meadow Drive, Beaver Falls, PA 15010

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 #459 Evans Water System Improvements

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town of Evans is undertaking a major Water System Improvements Project to address the current lack of adequate water capacity to meet peak demands and provide sufficient fire protection; and

WHEREAS, the Water System Improvements will involve the construction of a new Elevated Water Tank on Greninger Road, as well as new Water Main running along Greninger Road to Southwestern Blvd, and new Pump Station on Eden-Evans Center Road; and

WHEREAS, the new Elevated Water Tank, Pump Station and Water Main will provide the Town of Evans with effective water storage and firefighting capabilities; and

WHEREAS, the Town Board of the Town of Evans wishes to declare Lead Agency status and conduct a coordinated review of the Water System Improvements Project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for the Water System Improvements Project.

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 #460 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:

138 Lancaster Avenue, SBL# 250.17-9-54
39 Long Beach Lane SBL# 249.20-3-13
6884 Revere Drive, SBL# 192.20-6-21
0 Rosewood Avenue, SBL# 250.17-7-4
0 South Creek Road SBL# 193.13-2-13 was previously known as SBL# 193.00-1-17
9838 Utica Street SBL# 250.17-4-30
0 Poplar Avenue SBL# 250.07-3-51
0 Poplar Avenue SBL# 250.07-3-52
146 Potomac Avenue SBL# 250.17-7-18.1
273 Dawn Avenue SBL# 250.14-2-21

; and

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

138 Lancaster Avenue, SBL# 250.17-9-54
39 Long Beach Lane SBL# 249.20-3-13
6884 Revere Drive, SBL# 192.20-6-21
0 Rosewood Avenue, SBL# 250.17-7-4
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0 Poplar Avenue SBL# 250.07-3-51
0 Poplar Avenue SBL# 250.07-3-52

146 Potomac Avenue SBL# 250.17-7-18.1
273 Dawn Avenue SBL# 250.14-2-21

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 #461 Forestry Program Grant Application

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town Board desires to pursue funding opportunities to improve the quality of the community forest inside public right-of-ways, municipal lands and parks within the Town of Evans and Village of Angola; and

WHEREAS, the Town Board recognizes the importance of a healthy community forest in terms of creating wildlife habitat, improving air and water quality, increasing property values, revitalizing the local economy, promoting public health and safety, and improving quality of life for residents; and

WHEREAS, the New York State Department of Environmental Conservation's Urban and Community Forestry Program requires that a Tree Inventory and Management Plan be developed by the Town and Village every eight years in order to receive future funding for Community Forest Management; and

WHEREAS, the Town Board wishes to work with an ISA Certified Arborist to conduct a Tree Inventory and Community Forest Management Plan that defines best practices and policies for the Town and Village; and

WHEREAS, the Town Board desires to apply for financial assistance from New York State Department of Environmental Conservation's Urban and Community Forestry Program for the development of said Tree Inventory and Management Plan; and

WHEREAS, the Town Board commits to providing the required local matching share of funds to ensure the timely implementation of the proposed project.

NOW, THEREFORE BE IT RESOLVED, that Mary Hosler, as Supervisor of the Town of Evans, is hereby authorized and directed to accept funds from the New York State Department of Environmental Conservation in an amount not to exceed $50,000 and enter into and execute a project agreement with the State for such financial assistance to the Town of Evans; and

RESOLVED, that upon approval of the application for financial assistance that the Town make available up to $10,000 in matching funds, and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the New York State Department of Environmental Conservation's Urban and Community Forestry Program Grant application.

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

RESOLUTION 2019 #462 Suspend the Rules of Order

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

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

RESOLUTION 2019 #463 Planning Board Appointments

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, there are two vacancies on the Evans Planning Board due to the resignations of Theodore Catalano and John McEvoy; and

WHEREAS, Donald P. Schiedel, II meets the requirements needed to be a member of the Evans Planning Board, having 15 years' experience in market and business development, has worked with Architecture and Engineering Firms to foster development of capital improvement projects and is a life-long resident of the Town; and

WHEREAS, Lori Szewczyk meets the requirements needed to be a member of the Evans Planning Board, having worked for the Town of Evans for 14 years, her familiarization with the workings of municipal government, her vast knowledge of the Town of Evans and surrounding communities and is a long-time resident of the Town; and

WHEREAS, the Planning Director William Smith, on behalf of the Evans Planning Board, has recommended the appointment of Donald P. Schiedel, II to finish out Theodore Catalano's vacant seat which expires on December 31, 2021; and the appointment of Lori Szewczyk to finish out John C. McEvoy's vacant seat which expires on December 31, 2025; and

WHEREAS, Donald P. Schiedel, II and Lori Szewczyk have agreed to serve as members of the Evans Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Evans Town Board hereby appoints Donald P. Schiedel, II and Lori Szewczyk as members of the Evans Planning Board.

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

RESOLUTION 2019 #464 Audit of Bills

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

AUDIT OF BILLS	
DATE	11/21/2019
ABSTRACT NO.	22
VOUCHER NO.	5884-5953
CHECK NUMBERS	80310 - 80369
APPROVED AT	Board Meeting
DATE	11/20/2019
GENERAL	$1,163,111.98
PART TOWN	$1,405.99
HIGHWAY DB	$19,506.21
WATER	$0.00
CAPITAL PROJECTS	$100.00
SPECIAL DISTRICTS	$110,458.58
DEBT SERVICE	$0.00
TOTAL	**$1,294,582.76**

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

RESOLUTION 2019 #465 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Executive Session. This meeting adjourned in Memory of Kathleen Kait

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

RESOLUTION 2019 #466 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 upon hereinafter specified subject matter.

The general nature of the subject matter to be discussed as follows: pending litigation

NOW THEREFORE BE IT RESOLVED: Sean Beiter, Counsel for the Town of Evans and Lynn Krajacic, Town Clerk are invited to attend the Evans Town Board Executive Session.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Schraft Aye
Councilman Macko 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, 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

Estate of Patricia Rechin, Donna Rechin Schaefer Executor
Name of Action or Project:

1441 South Creek Rd, Derby, NY 14047
Project Location (describe, and attach a location map):

1441 South Creek Rd, Derby, NY 14047
Brief Description of Proposed Action:

Minor Subdivision of 1441 South Creek Rd., SBL# 193.13-2-19 to form two parcels: one 0.72+/-acre parcel to be annexed to 1421 South Creek Rd., SBL# 193.13-2-20 and one 1.28+/-acre parcel.

Name of Applicant or Sponsor:	Telephone:
Estate of Patricia Rechin Donna Rechin Schaefer Executor	724-891-3207
	E-Mail: ddkos9598.yahoo.com

Address:
118 Meadow Drive

City/PO:	State:	Zip Code:
Beaver Falls, ~~PA 15010~~	PA	15010

	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? 20+/- 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? 20+/- 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?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
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: _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
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?	NO ☒	YES ✓	
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? Queen Snake	☒	✓
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)? ☐ NO ☐ YES If Yes, briefly describe: _____		

	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

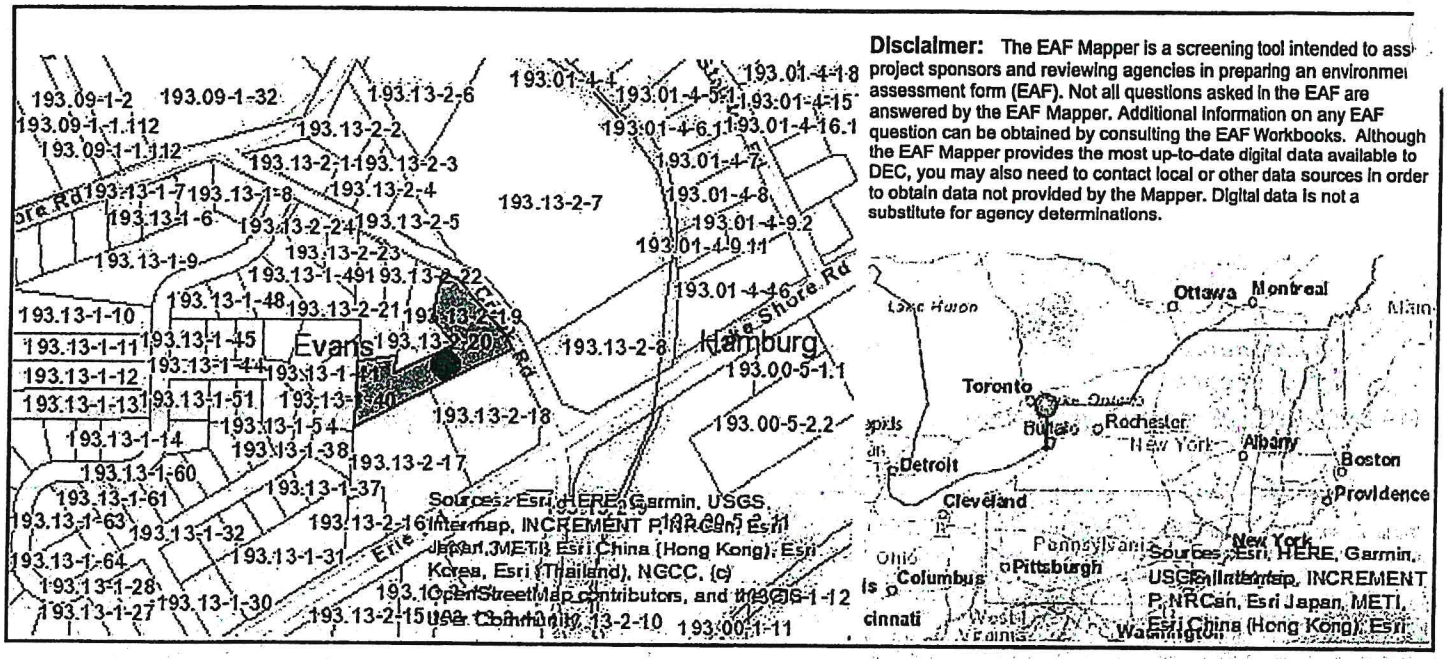
Applicant/sponsor name: DONNA Reehin Schaefer Date: 10/23/19

Signature: Donna Reehin Schaefer

PRINT FORM

EAF Mapper Summary Report

Wednesday, October 30, 2019 12:53 PM



Disclaimer: The EAF Mapper is a screening tool intended to ass project sponsors and reviewing agencies in preparing an environmei 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 or State Register of Historic Places or State Eligible Sites]	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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Queen Snake
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Rechin, Patricia, Estate of
SBL # 193.13-2-19

