Evans Town Board

At a ZOOM meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:	Mary Hosler	Supervisor
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2021 #430 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of November 17, 2021 be dispensed with and accepted as submitted by the Town Clerk.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Schraft	Aye
	Councilman George	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 December 1, 2021 at 7:10 P.M. via a virtual meeting (broadcast from Town Hall) with a livestream link and phone number posted on the Town of Evans website at www.townofevans.org, to consider the petition of Jennifer Easterbrook for a Special Use Permit for the operation of an in-home hair salon to be located at 6542 Hamilton Drive, Derby, NY 14047, SBL# 192.16-1-9. Questions and comments may be forwarded to the Planning Office via email at planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office will be included in the record of the Public Hearing. 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

RESOLUTION 2021 #431 Open the Public Hearing

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

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

Jennifer Easterbrook spoke regarding the project
Bill Henry, spoke in favor

RESOLUTION 2021 #432 Close the Public Hearing

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

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

RESOLUTION 2021 #433 SEQR Lead Agency - Easterbrook

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the Jennifer Easterbrook Special Use Permit for the operation of an in-home hair salon to be located at 6542 Hamilton Drive, Derby NY 14047, SBL# 192.16-1-9; and

WHEREAS, the Evans Town Board desires to be Lead Agency for the SEQR process regarding Special Use Permits.

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 Jennifer Easterbrook Special Use Permit;

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

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

RESOLUTION 2021 #434 SEQR Negative Declaration - Easterbrook

Supervisor Hosler moved and Supervisor George seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the Jennifer Easterbrook Special Use Permit for the operation of an in-home hair salon to be located at 6542 Hamilton Drive, Derby, NY 14047, SBL# 192.16-1-9, 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 for this property and has determined that the amendment 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 Jennifer Easterbrook Special Use Permit for the operation of an in-home hair salon to be located at 6542 Hamilton Drive, Derby, NY 14047, SBL# 192.16-1-9;

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #435 Approve Minor Subdivision - Easterbrook

Supervisor Hosler moved and Councilman George seconded;

WHEREAS, Jennifer Easterbrook has requested a Special Use Permit for the operation of an in-home hair salon to be located at 6542 Hamilton Drive, Derby, NY 14047, SBL# 192.16-1-9; and

WHEREAS, notice of the proposed Special Use Permit was duly advertised and notice provided in writing to all addresses occurring within 100-feet; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on December 1, 2021 for consideration of said Special Use Permit; and

WHEREAS, the Town of Evans Planning Board has recommended the issuance of a Special Use Permit of said property based on the following reasons:

- The action is not expected to 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:

1. All elements and dimensions of the project shall be constructed as represented on the submitted site plan.
2. Clients shall be accepted by appointment only with no walk-ins accepted.
3. Hours of operation will be Tuesday through Friday, 8am - 6pm and Saturdays from 8am - 12pm
   with no more than two clients at a time.
4. No more than two client vehicles parked in the driveway at a time and no on-street parking
   related to salon operations shall be permitted.

5. Any request for changes to these conditions must be submitted to the Planning Office and further reviewed by the Board.

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Jennifer Easterbrook for the operation of an in-home hair salon to be located at 6542 Hamilton Drive, Derby, NY 14047, SBL# 192.16-1-9, with the above noted conditions;

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 Schraft	Aye
Councilman George	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 December 1, 2021 at 7:10 P.M. via a virtual meeting (broadcast from Town Hall) with a livestream link and phone number posted on the Town of Evans website at www.townofevans.org, to consider the petition of the Duell Family and Montante Solar for a Special Use Permit for the development, construction and operation of a 4.8-megawatt solar photovoltaic system on an approximately 16-acre vacant portion of land located on the corner of Delamater & Burns Roads, Angola, NY, SBL# 221.00-4-1. Questions and comments may be forwarded to the Planning Office via email at planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office will be included in the record of the Public Hearing. 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

RESOLUTION 2021 #436 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.
VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

Mike Masullo spoke in favor
Bill Henry, spoke in favor
Ed Conboy, spoke in favor
Thomas Barney, spoke in opposition
Michelle Coleman, spoke in favor

RESOLUTION 2021 #437 Close the Public Hearing

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

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

RESOLUTION 2021 #438 SEQR Negative Declaration - Duell

Supervisor Hosler moved and Councilman George seconded;

WHEREAS, Montante Solar and the Duell Family have requested a Special Use Permit for the purpose of constructing and operating a 4.8-megawatt solar photovoltaic system on an approximately 16-acre portion of the vacant parcel located at the corner of Delamater & Burns Roads (SBL# 221.00-4-1); and

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

WHEREAS, the Planning Department conducted a coordinated review with all involved and interested agencies for the purpose of making a determination of significance under SEQR regulations; and

WHEREAS, the Town of Evans Planning Board has reviewed and approved the Site Plan Development Application and have found no apparent significant environmental concerns, and has recommended the issuance of a SEQR negative declaration; and

WHEREAS, the Town Board of the Town of Evans has reviewed the Project and has determined that the project 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 Montante Solar and Duell Family Special Use Permit for the purpose of constructing and operating a 4.8-megawatt solar photovoltaic system on an approximately 16-acre portion of the vacant parcel located at the corner of Delamater & Burns Roads (SBL# 221.00-4-1).

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #439 Approve Special Use Permit - Duell

Councilman George moved and Councilman Schraft seconded, as amended;

WHEREAS, Montante Solar and the Duell Family have requested a Special Use Permit for the purpose of constructing and operating a 4.8-megawatt solar photovoltaic system on an approximately 16-acre portion of the vacant parcel located at the corner of Delamater & Burns Roads (SBL# 221.00-4-1); and

WHEREAS, notice of the proposed Special Use Permit was duly advertised and notice provided in writing to owners of land immediately adjacent to the Project extending 100-feet therefrom and of that directly opposite thereto extending 100-feet from the street frontage; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on December 1, 2021 for consideration of said Special Use Permit, and

WHEREAS, the Town of Evans Planning Board has recommended the issuance of a Special Use Permit of said property based on the following reasons:

- The project is in accordance with the Town's zoning regulations.
- The project is consistent with the Evans-Angola Comprehensive Plan.
- The project promotes the use of clean energy in the Town.
- The project will constitute the use of underutilized property.
- The project is not expected to result in any significant adverse impacts; and

WHEREAS, the Town Board of the Town of Evans has issued a SEQR negative declaration for the Project; and

WHEREAS, the Board would like to place the following conditions on the approval of this action:

- Completion of the project shall be consistent with all elements of the approved site plan, and subject to the final review and approval of the Code Enforcement Officer, Town Engineer and Planning Director.
- Implementation and maintenance of the submitted Landscaping Plan shall be subject to review, approval and regular monitoring by the Planning Director and Code Enforcement Officer to ensure continued compliance with the requirements of Section 200-73 of the Town Code.
- The Construction Mitigation Plan shall be adhered to, including mud and dust controls, to be monitored and enforced by the Code Enforcement Officer.
- Approval and execution of the Payment in Lieu of Taxes (PILOT) Agreement between the Town of Evans, Lake Shore Central School District, Erie County and Burns Rd Solar, LLC.
- Approval and execution of the Host Community Agreement between the Town of Evans and Burns Rd Solar, LLC.

- Approval and execution of the Decommissioning Plan between the Town of Evans and Burns Rd Solar, LLC, including without limitation a decommissioning bond.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Montante Solar for the purpose of constructing and operating a 4.8-megawatt solar photovoltaic system on an approximately 16-acre portion of the vacant parcel located at the corner of Delamater & Burns Roads (SBL# 221.00-4-1) with the above-noted conditions; and

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 Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

RESOLUTION 2021 #440 Amend Resolution #425 ECWA Surcharge for 2022

Supervisor Hosler moved and Councilman Schraft seconded;

BE IT RESOLVED, resolution #2021-425 be amended that the Erie County Water Authority 2022 surcharge rate shall remain $4.40 per 1,000 gallons of water. It is noted that the $4.40 was the amount of the Erie County Water Authority surcharge in 2021, therefore there is no increase for 2022.

BE IT FURTHER RESOLVED, this rate includes the Home Owners Association.

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

RESOLUTION 2021 #441 Approve 2022 Parks/Pools/Marina Department Fees

Councilman Schraft moved and Supervisor Hosler seconded;

RESOLVED, that the attached rates be approved for the calendar year 2022 for the Town of Evans Parks Department; and

FURTHER BE IT RESOLVED, that effective immediately, the Parks & Recreation Department is hereby directed to advertise the 2022 Parks Fees;

BE IT FURTHER RESOLVED, that all boat slip and dry docks fees shall be due to the Parks Department by March 1, 2022.

BE IT FURTHER RESOLVED, that relocation day for same sized slips shall be March 5, 2022.

BE IT FURTHER RESOLVED, that Shelter/Pavilion Reservation day shall be March 5, 2022.

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

RESOLUTION 2021 #442 Appointment of Full Time Court Clerk

Councilman George moved and Supervisor Hosler seconded;

RESOLVED, effective Monday, November 22, 2021, the Town Board of the Town of Evans does hereby accepts Town Justice Glascott's appointment of Maggie Fetterly as Clerk to Town Justice Glascott, for the remainder of the 2021 year, with salary and benefits as set forth in the IBEW #41 collective bargaining agreement; and

FURTHER, BE IT RESOLVED, a copy of this resolution be given to the HR/Payroll Department.

FURTHER, BE IT RESOLVED, this resolution is passed nunc pro tunc.

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

RESOLUTION 2021 #443 Advertise for Proposed Local Law #3 of 2021 - Cannabis

Councilman Schraft moved and Supervisor Hosler seconded;

BE IT RESOLVED that the Town Clerk of the Town of Evans be authorized to advertise for a Public Hearing on Proposed Local Law #6 of 2021. The proposed local law seeks to Opt Out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites under New York Cannabis Law Article 4. The Public Hearing is scheduled for Wednesday, December 15, 2021 at 7:10pm local time.

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

RESOLUTION 2021 #444 Suspend the Rules of Order

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

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

RESOLUTION 2021 #445 Appointment of Full Time Dispatcher

Supervisor Hosler moved and Councilman Schraft seconded;

WHEREAS, there is an opening for a full time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, Laura Pasternak is currently on the Erie County Civil Service List and meets the qualifications required to be a Public Safety Dispatcher;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby appoints Laura Pasternak, effective December 18, 2021 to the position of full time Police Dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law.

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

RESOLUTION 2021 #446 Enter Agreement with Clark Patter Lee for Drainage Study

Councilman Schraft moved and Supervisor Hosler seconded;

WHEREAS, the Town of Evans has a long history of working to address flooding issues along its several Lake Erie tributaries; and

WHEREAS, the Town desires to conduct a comprehensive study of the Muddy Creek and Fern Brook watersheds as well as areas along Beach Rd; and

WHEREAS, the proposed Study will also provide a summary of findings and recommendations previously provided by Erie County Department of Environment and Planning and NYS Department of Environmental Conservation on issues surrounding the Big Sister Creek watershed; and

WHEREAS, the attached scope of work and cost estimate was provided by Principal Associate Steven Tanner of the Town's engineering firm Clark Patterson Lee; and

WHEREAS, the Town Board and members of the Evans Drainage Committee have reviewed and provided feedback on the attached scope of work and cost estimate; and

WHEREAS, the Town Board commits to providing the required funds to ensure the timely implementation of the proposed Drainage Study; and

WHEREAS, according to the State Municipal Law (104-b) and the Town of Evans procurement policy the Town solicited proposals on January 20, 2016, resolution #2016-77, for general engineering and planning services, and after evaluating all the proposals, hired Clark Paterson Lee for the aforementioned services and

NOW, THEREFORE BE IT RESOLVED, that Mary Hosler, as Supervisor of the Town of Evans, is hereby authorized and directed to enter into and execute a project agreement with Clark Patterson Lee in an amount not to exceed $87,000 to perform the study.

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

RESOLUTION 2021 #447 Execution of Chief of Police Contract

Councilman George moved and Supervisor Hosler seconded;

WHEREAS, Resolution #2021-259 appointed Gregory Szarowicz as Town of Evans Chief of Police, effective June 25, 2021; and

WHEREAS, pursuant to that appointment, salary, benefits and terms have been negotiated and set into the Chief of Police employee contract;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board hereby approves the above referenced employee contract; and

FURTHER, BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute the contract, upon review of the Town Attorney.

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

RESOLUTION 2021 #448 Advertise Public Hearing for Building Demolitions

Councilman Schraft moved and Supervisor Hosler seconded;

BE IT RESOLVED, the Evans Town Board authorizes the Town Clerk to advertise for a public hearing to be held on Wednesday, December 15, 2021 at 7:10pm for the purpose of soliciting citizen input regarding demolition of the following properties;

8800 Southwestern Boulevard, Angola 14006
170 W Sterling Avenue, Angola 14006
172 W Sterling Avenue, Angola 14006
9687 Erie Road, Angola 14006
9073 Erie Road, Angola 14006
9625 Ivanhoe Street, Evans 14006
9813 Erie Road, Angola 14006
8291 Erie Road, Angola 14006
9096 Southwestern Boulevard, Angola 14006
170 Delavan Avenue, Angola 14006
566 Monroe Avenue, Angola 14006
7254 Erie Road, Angola 14006
1441 Sturgeon Point Road, Derby 14047
7018 Woodcliff Drive, Angola 14006
395 Herr Road, Angola 14006
497 Roanoke Avenue, Angola 14006
146 Potomac Avenue, Angola 14006
273 Dawn Avenue, Angola 14006; and

FURTHER, BE IT RESOLVED, that a certified copy of this resolution be given to the Town of Evans Code Enforcement and Assessor's Offices.

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

RESOLUTION 2021 #449 Audit of Bills

Councilman George moved and Councilman Schraft seconded that all properly audited bills be paid out of their respective accounts as follows:

	AUDIT OF BILLS
DATE	12/2/2021
ABSTRACT NO.	21
VOUCHER NO.	9707 - 9751
CHECK NUMBERS	83385 - 83423
APPROVED AT	Board Meeting
DATE	12/1/2021
GENERAL	$1,135,111.43
PART TOWN	$33,317.00
HIGHWAY DB	$113,456.22
WATER	$2,042.72

CAPITAL PROJECTS	$299,661.63
SPECIAL DISTRICTS	$26,450.21
DEBT SERVICE	
TOTAL	$1,610,039.21

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #450 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, December 15, 2021 at 6:00pm for a Work Session and the Regular Meeting to follow.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	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 RMC
Town Clerk

BD Land and Energy LLC
2805 Marshall Lake Drive
Oakton, Virginia 22124

November 30, 2021

Town of Evans Board
Town of Evans
8787 Erie Rd
Angola, New York 14006

Dear Town of Evans Board Members;

Our family would like to develop a solar energy farm in the Town of Evans on a portion of our land off of Delameter Road adjacent to the railroad tracks and the existing National Grid sub-station. We think this project would help the community we grew up in by putting some of our currently vacant land to environmentally friendly productive use via the generation of clean energy in a responsible, relatively low impact fashion. In addition to providing enhanced revenue to the Town of Evans, we also seek to provide a good example of addressing the climate crisis that hopefully may capture the imagination of some of our young residents as they plan their futures. To do this, we request your support to approve our Type 1 Solar Photovoltaic System project being designed by our local partner, Montante.

Our family has owned, worked, and cherished this land for almost 50 years. We know the land quite well. After considering several options for the use of our land, we came to believe it is an outstanding location for an environmentally friendly Solar Farm because:

- it abuts a National Grid substation and right of way, as well as the railroad, along its entire southern side;
- the southern half gradually slopes away from Delameter Road and is mostly screened by trees and bushes, which will minimize visual impact to the Evans community;
- it is not prime farmland in its current condition.

We have a keen attachment to our land, which is one of the reasons we held off on signing any contracts with a Solar Farm developer until local regulations were in place to ensure the Solar Farm would be built with minimal impacts on the land and local watershed, and with an acceptable removal, decommissioning and restoration plan at the end of the project life, thereby protecting the land and community from abandoned equipment. We are pleased that the project is in full compliance with the forward-thinking Town of Evans Solar Law. In addition to the requirements in the Solar Law, Montante's design for the project reflects our lease agreement with Montante, which includes additional environmentally friendly aspects such as ensuring that no chemical pesticides or herbicides will be used during the construction or operation of the solar array.

We firmly believe building a Solar Farm on a portion of the property will result in environmental benefits to society. In addition to producing clean renewable power, the grasslands, meadows, bushes, trees and other vegetation that will remain on our property

outside of the Solar Farm, along with native pollinator friendly vegetation inside the Solar Farm fencing, will continue to sequester carbon dioxide and provide habitat for native insects and wildlife.

We request your support to approve our Solar Farm Project. If you have any questions about this request, please contact me at the above address, by e-mail at michael@duellengineering.com, or 703-620-5600. Thank you for your time.

Sincerely,

Michael Duell
President
BD Land and Energy LLC

Cc: William Smith, Director of Planning and Community Development

November 17, 2021

William Smith
Director of Planning & Community Development
8787 Erie Road
Angola, New York 14006

Dear William,

Thank you for hosting the planning board meeting on the proposed Solar project and accepting comments from the public. During the meeting it was clear the proposed screening plan was lacking, thereby leading to the conditional approval.

I figured it would be helpful outlining some thoughts on this requirement. I would like to suggest something as follows:

- The screening should be no less than three rows deep, approximately 45ft in depth, and consist of 75% which shades year-round (not seasonal) with a preference to white pines and norway spruce. The screening should extend at least 50% (not the proposed 300') the length of the Northern and Western sections, each commencing at the North-Western corner, the most exposed section of the project. Thus, leaving the southern sections mainly covered by existing trees and exposed to the railroad tracks. I image a local nursery, such as Bella Terra or Turnbull would recommend at least this to shield the view from the project.

- The area to the North of the Project "the Northern Tract of the subdivided Duell Land" which has already precluded from development due to being in the watershed, should be required to return to a natural state. This will aid in the intention of shielding the project, save costs by eliminating extra new screening and allow the land to replace the vegetation clear-cut to the south. This land is annually cleared by a neighbor and the project should prohibit future clearing.

The purpose of this letter is to support the town in addressing the conditional approval granted needing an approved screening plan with neighbor input / approval.

Should you have any questions or wish to discuss further, please don't hesitate to contact me.

Sincerely,

Thomas Barney
8080 Delamater Rd
Angola, NY 14006

Lynn Wolf

From: William Smith
Sent: Wednesday, December 1, 2021 1:09 PM
To: Debi Wilson
Subject: FW: Montante-Road Solar Array - Revised Plans

From: Thomas Barney [mailto:tmbjr14@yahoo.com]
Sent: Tuesday, November 30, 2021 8:00 PM
To: William Smith <wsmith@townofevans.org>
Subject: Re: Montante-Road Solar Array - Revised Plans

Bill,

Thank you for sharing this second try at a plan to satisfy the conditional approval required by the neighbors. Unfortunately, there are still areas lacking before I could provide my concurrence with this plan.

First, the north western landscaping plan is only 15' wide. This almost necessitates a single row of evergreen trees. Specifically, there are 13 evergreen trees (7 spruce and 6 pines) along a 475' section of screening. That average of 36' between trees which are approximately 4' wide at planting (a 6' tree is about 4' wide) relates to about 32' of open space between trees (the drawing says 30') Thus, approximately 90% of the northern screening has no screening from evergreens. This plan has about $2,000 in trees and looks designed to manage to a low budget. I stick with my previous recommendation of 30' wide strip, not 15', and would triple the number of trees such that evergreens cover at least 50% of the area intended to be screened. I would also like to see 8-10 foot trees rather than 6' since the project height on day one is at least 8' high as shown on page 4. The cost of a 8-10' Spruce is roughly $200 a piece or about $30 more than a 6' tree. The other 475' of the northern edge has no screening which is already a reasonable concession on my part.

Second, what happened to the discussion on screening along Delamater, I don't see anything here representing that? The commentary on leaving existing vegetation untouched is silly as the existing vegetation on the northern edge is mostly hay which has been mowed, there are no living 4" trees.

They are getting closer but still have work to do and money to spend on product.

Happy to discuss ahead of the meeting tomorrow.

Thanks

> On Nov 30, 2021, at 9:54 AM, William Smith <wsmith@townofevans.org> wrote:
>
> Tom,
> Attached are the revised civil drawings from Montante. The updates to the landscape and screening plan can be found on pages 4 and 7. I will be conducting my review this afternoon.
>
> Best,
> Bill

William Smith
Director of Planning and Community Development
TOWN of EVANS
8787 Erie Road | Angola, NY 14006
P:(716) 549-0945 | F:(716) 549-0456
Email: wsmith@townofevans.org

<image001.png>

CONFIDENTIALITY NOTICE: This email transmission is confidential and is intended only for the person(s) named above. Its contents may also be protected by privilege, and all rights to privilege are expressly claimed and not waived. If you have received this email in error, please call us immediately and destroy the entire email. If this email is not intended for you, any reading, distribution, copying or disclosure of this email is strictly prohibited

<Burns Road Solar Array 11-30-21 Plan Set.pdf>

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

Name of Action or Project:
1305 Burns Rd Minor Subdivision

Project Location (describe, and attach a location map):
1305 Burns Rd, Town of Evans, NY (SBL: 221.00-4-1)

Brief Description of Proposed Action:
Proposed minor subdivision of ~45.39 acre parcel. Current parcel will be divided into almost two perfect halves. Northern half of parcel ~ 21.48 acres/ Southern half of parcel ~23.91 acres

Name of Applicant or Sponsor:	**Telephone:** 716-431-2003
TM Montante Solar Developments LLC	**E-Mail:** ksoscia@montante.com

Address: 2760 Kenmore Ave.,

City/PO: Buffalo	**State:** NY	**Zip Code:** 14150

	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.	[X]	[ ]
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 approval for minor subdivision required	[ ]	[X]

3.a. Total acreage of the site of the proposed action? 45.39 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? 21 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
[ ] Urban [X] Rural (non-agriculture) [ ] Industrial [ ] Commercial [X] Residential (suburban)
[ ] Forest [X] Agriculture [ ] Aquatic [X] Other (specify): Utility- National Grid easements & substation
[ ] 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			
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: _____	X	☐
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: _____	X	☐
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: _____	X	☐

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

Applicant/sponsor name: TM Montante Solar Developments LLC Date: 8/10/21

Signature: _____ Katie Soscia, Business Development Director

PRINT FORM

OBSERVER

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Observer
10 E SECOND ST
(716) 366-3000

I, JAN HARRINGTON, of lawful age, being duly sworn upon oath, deposes and says that I am the CLERK of Observer, a publication that is a "legal newspaper" as that phrase is defined for the city of DUNKIRK, for the County of CHAUTAUQUA, in the state of New York, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
19 Nov 2021

Notice ID: n5vDjpCyw62NlFbZxtJb
Publisher ID: LTNEVN
Notice Name: SpUsePermit-Duell MontanteSolar PH 2021-12-01

PUBLICATION FEE: $24.95

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this
22nd day of November, A.D. 2021.

Notary Public

SEAN M. SPRING, #01SP6214631
Notary Public, State of New York
Qualified In Chautauqua County
My Commission Expires Dec. 14, 2021

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 **December 1, 2021 at 7:10 P.M.** via a virtual meeting (broadcast from Town Hall) with a livestream link and phone number posted on the Town of Evans website at www.townofevans. org, to consider the petition of the Duell Family and Montante Solar for a Special Use Permit for the development, construction and operation of a 4.8-megawatt solar photovoltaic system on an approximately 16-acre vacant portion of land located on the corner of Delamater & Burns Roads, Angola, NY, SBL# 221.00-4-1. Questions and comments may be forwarded to the Planning Office via email at planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office will be included in the record of the Public Hearing. 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

Nov 19, 2021

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 December 1, 2021 at 7:10 P.M. via a virtual meeting (broadcast from Town Hall) with a livestream link and phone number posted on the Town of Evans website at www.townofevans. org, to consider the petition of Jennifer Easterbrook for a Special Use Permit for the operation of an in-home hair salon to be located at 6542 Hamilton Drive, Derby, NY 14047, SBL# 192.16-1-9. Questions and comments may be forwarded to the Planning Office via email at planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office will be included in the record of the Public Hearing. 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

Nov 19, 2021

OBSERVER

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PUBLICATION DATES:
19 Nov 2021

Notice ID: Lt3fyFz0kwaGSGIEAC5z
Publisher ID: LTNEVN
Notice Name: Sp Use Permit - Easterbrook PH 2021-12-01

PUBLICATION FEE: $23.17

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this
22nd day of November, A.D. 2021.

Notary Public

SEAN M. SPRING, #01SP6214631
Notary Public, State of New York
Qualified In Chautauqua County
My Commission Expires Dec. 14, 2021