Evans Town Board

At a 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 #108 Executive Session

Supervisor Hosler moved and Councilman Schraft 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: employment history of a particular Individual relating to discipline.

NOW THEREFORE BE IT RESOLVED: Ken Farrell is invited to attend the Evans Town Board Executive Session.

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

RESOLUTION 2021 #109 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of February 3, 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

Communications

William B. Smith Director of Planning & Community Development RE: Rezone - Proposed rezone of a 3.9± acre parcel from Rural Agriculture (RA) to Light Industrial (LI) for the purpose of operating a Motor Vehicle Sales business located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12. Property Owner: Frank Gugino, 512 SE 9th Place, Cape Coral, FL 33990. Petitioner: Christian D. DelPrince, 11 Rosalind Dr., Angola, NY 14006.

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 February 17, 2021 at 7:10 P.M. via a Zoom Public Meeting to consider the adoption of Proposed Local Law #1 of the year 2021 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 3.9± acre parcel located at 1621 Eden Evans Center Road (corner of Eden Evans Center Road & US Route 20), (SBL# 236.00-1-12) Angola, NY 14006 from Rural Agriculture (RR) to Light Industrial (LI) 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 or Wednesday from 9am - 5pm and the Town's website www.townofevans.org on or after February 8, 2021. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department 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 Zoom Public Hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk

RESOLTUION 2021 #110 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

Daniel Michalczak - Opposed Angela Lauricella - Opposed

Peter Sorgi, Attorney for the applicant spoke about the project

RESOLUTION 2021 #111 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 #112 SEQR Lead Agency

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, Christian D. DelPrince has requested that the Town Board of the Town of Evans rezone a 3.9± acre parcel from Rural Agriculture (RA) to Light Industrial (LI) for the purpose of operating a Motor Vehicle Sales business located to be located at 1621 Eden Evans Center Road, Angola, NY, SBL# 236.00-1-12; and

WHEREAS, Christian DelPrince has a contract of sale with the current landowner, Mr. Frank Gugino, contingent upon his ability to rezone the property, and

WHEREAS, the Evans Planning Board unanimously recommended approval of the above-referenced petition for rezone at their January 27, 2021 Planning Board meeting keeping consistent with the Future Land Use of the parcel in accordance with the 2019 Evans-Angola Comprehensive Plan and as set forth in Proposed Local Law #1 of the year 2021; and

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

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #1 of the year 2021;

AND BE IF 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 #113 SEQR Negative Declarartion

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, Christian D. DelPrince requested the Evans Town Board rezone a 3.9± acre parcel from Rural Agriculture (RA) to Light Industrial (L-1) for the purpose of operating a Motor Vehicle Sales business to be located at 1621 Eden Evans Center Road, Angola, NY, SBL# 236.00-1-12; and

WHEREAS, Christian DelPrince has a contract of sale with the current landowner, Mr. Frank Gugino, contingent upon his ability to rezone the property, and

WHEREAS, the Evans Planning Board unanimously recommended approval of the above-referenced petition for rezone at their January 27, 2021 Planning Board meeting keeping consistent with the Future Land Use of the parcel in accordance with the 2019 Evans-Angola Comprehensive Plan and as set forth in Proposed Local Law #1 of the year 2021; 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 rezone of a 3.9± acre parcel from Rural Agriculture (RA) to Light Industrial (L-1 for the purpose of operating a Motor Vehicle Sales business located to be located at 1621 Eden Evans Center Road, Angola, NY, SBL# 236.00-1-12;

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 #114 Approval of Local Law #1 of 2020

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, Christian D. DelPrince requested the Evans Town Board rezone a 3.9± acre parcel from Rural Agriculture (RA) to Light Industrial (LI) for the purpose of operating a Motor Vehicle Sales business located to be located at 1621 Eden Evans Center Road, Angola, NY, SBL# 236.00-1-12; and

WHEREAS, Christian DelPrince has a contract of sale with the current landowner, Mr. Frank Gugino, contingent upon his ability to rezone the property, 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 Evans Town Board held a public hearing to consider Proposed Local Law #1 of the year 2021 on February 17, 2021 at 7:10pm via a Zoom Public meeting; 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; and
- The project will constitute the use of an underutilized property; and
- The action is not expected to result in any significant adverse impacts; and

WHEREAS, the Evans Planning Board recommends the following condition 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.
- The applicant must apply for a Special Use Permit prior to utilizing the parcel as a Motor Vehicle Sales business. Should one be approved, the applicant must follow any and all conditions set forth on said Special Use Permit.

WHEREAS, the Town Board of the Town of Evans approves the conditioned approval as recommended by the Evans Planning Board; 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 #1 of the year 2021, 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 3.9± acre parcel located at 1621 Eden Evans Center Road, Angola, NY, SBL# 236.00-1-12, from Rural Agriculture (RA) to Light Industrial (LI) on the Town's official zoning map be adopted as Local Law # 1 of the year 2021;

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #115 Advertise RFP for Lake Erie Beach Park Shoreline Management Study

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans is issuing a Request for Proposals (RFP) for the selection of a Planning and Engineering Services Firm to assist in conducting a comprehensive study to identify innovative and sustainable shoreline management solutions at Lake Erie Beach Park and the mouth of Muddy Creek.

WHEREAS, the proposals shall consist of qualifications, experience, financial proposals and staffing plan; and

WHEREAS, a full copy of the Request for Proposal shall be available at the Town of Evans Planning Department, 8787 Erie Rd, Angola, NY 14006 or by emailing wsmith@townofeavns.org.

NOW, BE IT RESOLVED, the Town Clerk shall advertise a Request for Proposals; and

BE IT FURTHER RESOLVED, that sealed proposals are due to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006 by 2:00 p.m. (local time) on Friday, March 5, 2021.

BE IT FURTHER RESOLVED, regarding the timeliness of this matter, this resolution is hereby approved nunc pro tunc.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #116 Appointment of Full-Time Police Officer

Councilman Schraft moved and Councilman George seconded,

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

WHEREAS, William Mackey meets the requirements needed to become a full-time police officer; and

NOW, THEREFORE BE IT RESOLVED, that effective immediately, William Mackey is hereby appointed as a full-time police officer, pending Civil Service approval; 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 Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #117 Erie County Environmental Management Council Re-Appointment

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Erie County Environmental Management Council (ECEMC) is composed of representatives from Conservation Advisory Committees (CAC's) in the County and 12 at-large appointments made by the County Executive; and

WHEREAS, members of the ECEMC advise the County Executive and County Legislature regarding a variety of environmental concerns; and

WHEREAS, the Council also facilitates networking among towns and villages and provides an interface between local conservation boards and the Erie County Department of Environment and Planning;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board hereby re-designates Paul Michalec as the Town's representative to the ECEMC, for an additional two-year term to expire on May 31, 2023.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #118 Appointment of Part Time Laborer - Highway Dept

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, there is an opening for a part-time laborer in the Town of Evans Highway Department;

NOW, THEREFORE BE IT RESOLVED, that effective immediately, Jeffrey Nolan is hereby appointed as a part-time laborer for the Town of Evans Highway Department at an hourly rate of $13.50 per hour.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #119 Agreement to Spend Town Highway Funds

Councilman Schraft moved and Councilman George seconded,

WHEREAS, the Town Board and the Superintendent of Highways are required by Highway Law Section 284 to enter into a written agreement stating the places ad manner in which the Highway Fund appropriations for repairs and improvements are to be expended: and

WHEREAS, in conjunction with the estimate submitted by the Highway Superintendent, the Highway Superintendent has submitted a proposed Highway Law Section 284 agreement to spend Town Highway Funds; and

WHEREAS, the Highway Superintendent has prepared an agreement to spend Town Highway Funds for the fiscal year commencing January 1, 2021, for general repairs and primary work, and permanent improvements subject to limitations set by NYS Capital Highway Improvement Program (CHIPS) funding;

NOW, BE IT RESOLVED, that the Town Board hereby approves said agreement to spend Town Highway Funds therefore, the Town Supervisor and Town Board Members are authorized and directed to execute said agreement as required by law in substantially the same form as annexed hereto.

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

RESOLUTION 2021 #120 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 Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2021 #121 Amend Resolution #2021-055

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, that Exhibit A is hereby amended as follows:

PT Laborer (up to 19.5 hours per week) rate of pay $13.50 without CDL
PT Laborer (up to 19.5 hours per week) rate of pay $14.50 with CDL

FURTHER, BE IT RESOLVED, the 1st year, 2nd year and 3rd year is hereby rescinded, therefore, there is no tier for the PT Laborer class.

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

RESOLUTION 2020 #122 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

David Johnson D/B/A Suncliff on the Lake - Refreshment & Live Band Commercial

Melody Meadows 2020 & 2021 - Mobile Home Development

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #123 Audit of Bills

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

	AUDIT OF BILLS
DATE	2/18/2021
ABSTRACT NO.	4
VOUCHER NO.	8302 - 8371
CHECK NUMBERS	82290 - 82345
APPROVED AT	Board Meeting
DATE	2/17/2021
GENERAL	$157,110.91
PART TOWN	$12,017.10
HIGHWAY DB	$41,343.59
WATER	
CAPITAL PROJECTS	$6,660.61
SPECIAL DISTRICTS	$15,457.98
DEBT SERVICE	
TOTAL	$232,590.19

difference of $7.76 because of deleted voucher

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #124 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Wednesday, March 3, 2021 at 6:00pm for a Work Session and Board 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

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Jan Harrington, 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 2-5-2021

Jan Harrington, Account Clerk

Signed before me this 5th day of February 2021

Barbara J Musso

Notary Public

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

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By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk
167516 February 5, 2021

Pt #1

2012-02-17

Debi Wilson

From: pinto@roadrunner.com
Sent: Sunday, February 14, 2021 1:37 PM
To: Planning Dept
Cc: Supervisor
Subject: 2/17/21 Public Hearing

Dear Town of Evans Planning Department.

I submit this information on behalf of resident Chris Burgin at 1583 Eden Evans Center Road and Tim Hayes at 1579 Eden Evans Center Road, to be included in the meeting minutes for the 2/17/21 public hearing.

While I do NOT oppose any change to the zoning of the parcel at 1621 Eden Evans Center Road, I have a notable concern as to storm water and question how the Town of Evans will correct the current deficiencies with how storm water is routed. Please take a moment to read this information. More importantly, it is clearly evident that a personal visit by a Erie County Water official and / or a member of the Town of Evans Planning Department conduct an inspection of the land / parcels as described herein in order to better understand this problem.

The homes from JamCo to Southwestern Blvd. have ALL experienced heavy storm water runoff in their back yards for well over a decade. Based upon information provided by Mollnar Construction, the land behind all of these homes is poorly configured to permit storm water to flow in any direction. As a result, the storm water floods properties behind 1579, 1576 and 1583. They ALL experience flooding at the rear of their property. The vacant land adjacent to 1583 Eden Evans Center Road also fills with storm water like a fish bowl. There is a storm water outlet (on the vacant parcel) near Eden Evans Center Road that permits the storm water filling up to drain beneath and to the opposite (North) side of Eden Evans Center Road.

In addition, the storm water outlet at the corner of this vacant parcel is normally cleaned out by Erie County Sewer every year. It's also very small in diameter therefore, the water can linger for days while it slowly drains beneath Eden Evans Center Road.

More importantly, the property on Southwestern Blvd. owned by the Rice family, was recently configured to block any storm water from flowing to Southwestern Blvd. We witnessed the blockage as demonstrated by the owner (Mr. Rice) of this property. The property owner purposely blocked the storm water path from flowing onto this property, further causing the storm water to back up to our property and the vacant lot next door to 1584 Eden Evans Center Road.

Any development of 1621 Eden Evans Center Road will incur this additional storm water flow from further West on Eden Evans Center Road. How is the Town planning to control the current flooding situation as described herein? How is the town planning to property drain storm water that is not only generated by a newly paved surface at 1621 Eden Evans Center Road, but the continued flow of storm water from further West on Eden Evans Center Road?

This problem is two-fold. We certainly welcome a personal inspection of 1621 Eden Evans Center Road, the storm water blockage at the residence of Mr. Rice, and the storm water outlet that plugs up every year next to 1583 Eden Evans Center Road. I also note that an aerial view of this storm water problem, from my property Westerly to Jam-Co may be a good starting point. We need your help to correct this storm water flow problem. Is is possible to create a large storm water ditch behind these properties? Can the County invest in a storm water pipeline, to control the storm water flow as it migrates to Southwestern Blvd.?

Thank you and we look forward to your response. I will provide a second email with pictures of the storm water and how the vacant lot next to my residence at 1583 Eden Evans Center Road fills with storm water after EVERY rain and especially during the Spring snow melting.

Submitted on behalf of the following property owners:
Chris Burgin; 1583 Eden Evans Center Road, Angola NY
Paul Pinto; 1583 Eden Evans Center Road, Angola NY
Tim Hayes; 1579 Eden Evans Center Road, Angola NY

Thank you.
Paul Pinto
Email: pinto@roadrunner.com
Cell: 716-949-9082

Re: PH

Debi Wilson

From: pinto@roadrunner.com
Sent: Monday, February 15, 2021 6:31 PM
To: Planning Dept
Cc: Supervisor
Subject: 1621 Eden Evans Center Road / Proposed Rezoning
Attachments: P4190012.JPG; P4190013.JPG; P4190014.JPG

Dear Evans Planning Department:

Please find the attached pictures from January 2016. The vacant lot adjacent to 1583 Eden Evans Center Road floods during normal rain and Spring thaw. While not visible in the pictures, there is a storm water receiver that has always posed problems for decades, at the corner of the vacant lot closest to Eden Evans Center Road.

Again, we need an onsite inspection of my property, the vacant lot, the water flooding behind ALL of the following properties:

1583 Eden Evans Center Road
1579 Eden Evans Center Road
1561 Eden Evans Center Road
The Property owned by Mr. Rice on Southwestern Blvd.

The parcel that is subject to the rezoning will flood, just as our properties flood, during any rain or snow melting. There is nowhere for the storm water to properly be routed or drained into a storm water retention pond, storm water sewer or ditch.

Please help us work together to discuss this problem at length, meet onsite and fully inspect all of the aforementioned properties. Otherwise, the parcel to be rezoned will bear the same burden especially since Mr. Rice has altered the path of storm water runoff.

Thank you and we look forward to your response.

Paul Pinto
pinto@roadrunner.com
716-949-9082

Submitted on behalf of:
Chris Burgin; 1583 Eden Evans Center Road
Tim Hayes; 1579 Eden Evans Center Road
Paul Pinto; 1583 Eden Evans Center Road

