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 #349 Enter 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: matters relating to collective negotiations under the Taylor Law and discussions relating to proposed, pending or current litigation

NOW THEREFORE BE IT RESOLVED: Jeff Swiatek, Labor Attorney and Ken Farrell, Town Attorney are 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 #350 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of September 1, 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 September 1, 2021 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 #5 of the year 2021, which will amend Town Code Chapter 70: Building Code Administration.

Copies of the Proposed Local will be available for inspection by any interested person after August 9, 2021 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

RESOLUTION 2021 #351 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

Nobody spoke regarding Proposed Local Law #5 of 2021

RESOLUTION 2021 #352 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 #353 Adopt Local Law #5 of 2021

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law Number 5 of the year 2021 regarding miscellaneous code revisions to Section 70-5: Building Permits, will provide necessary revisions and additions to the code; and

WHEREAS, the Evans Town Board held a Public Hearing on the proposed code amendments on September 15, 2021, which was properly advertised by the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law Number 5 of the year 2021 be and hereby is adopted as Local Law Number 5 of the year 2021; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Town Clerk's Office.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

Communications

William Smith, Minor Subdivision Review Committee RE: Minor Subdivision Review - dividing a 21.72± acre parcel on Newcomb Road to create two parcels; an 18.72± acre parcel and a 3.0± acre parcel located at 9196 Newcomb Road, Angola, NY, 14006, SBL# 236.00-4-8. Petitioner: Michael & Jennifer Hontz, 9196 Newcomb Road, Angola, NY 14006.

RESOLUTION 2021 #354 SEQR Negative Declaration - Hontz

Supervisor Hosler moved and Councilman Schraft 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 September 13, 2021, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Michael & Jennifer Hontz 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 Michael & Jennifer Hontz Minor Subdivision,
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 236.00-4-8, dividing a 21.72± acre parcel to create:

1. an 18.72± acre parcel with 888.61± feet of frontage on Newcomb Road, and
2. a 3.0± acre parcel with 369.06± feet of frontage on Newcomb Road.

Petitioner: Michael & Jennifer Hontz, 9196 Newcomb Road, Angola, NY

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 #355 Approval of Minor Subdivision - Hontz

Councilman George moved and Councilman Schraft seconded,

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, the proposed subdivision was also referred to the Erie County Department of Environment and Planning for review of the Agricultural Data Statement with the Erie County Agriculture and Farmland Protection Board in which no comment was offered, and

WHEREAS, notification was mailed to all addresses occurring on property within an agricultural district containing a farm operation, or on property within 500 feet of an active farm operation, with no comments being received, and

WHEREAS, in a letter dated September 13, 2021 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 Michael & Jennifer Hontz Minor Subdivision,

a division of SBL# 236.00-4-8, dividing a 21.72± acre parcel to create:

1. an 18.72± acre parcel with 888.61± feet of frontage on Newcomb Road, and
2. a 3.0± acre parcel with 369.06± feet of frontage on Newcomb Road.

Petitioner: Michael & Jennifer Hontz, 9196 Newcomb Road, Angola, NY 14006

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

William Smith, Minor Subdivision Review Committee RE: Minor Subdivision Review - dividing a 127.35± acre parcel on Newcomb Road, Angola, to create two parcels; a 15.35± acre parcel and a 112.00± acre parcel located at 9197 Newcomb Road, Angola, NY 14006, SBL# 236.00-4-9.1. Petitioner: Matthew Bubar, 11 Hemlock Hill Road, Orchard Park, NY 14127

RESOLUTION 2021 #356 SEQR Negative Declaration - Bubar

Councilman George moved and Supervisor Hosler 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 September 13, 2021, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Matthew Bubar 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 Matthew Bubar Minor Subdivision,
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 236.00-4-9.1, dividing a 127.35± acre parcel to create:

1. a 15.35± acre parcel with 1,266.54± feet of frontage on Newcomb Road, and

2. a 112.0± acre parcel with 283.54± feet of frontage on Newcomb Road.

Petitioner: Matthew Bubar, 11 Hemlock Hill Road, Orchard Park, NY 14127

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 #357 Approve Minor Subdivision - Bubar

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, in a letter dated September 13, 2021 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 Matthew Bubar Minor Subdivision,

a division of SBL# 236.00-4-9.1, dividing a 127.35± acre parcel to create:

1. a 15.35± acre parcel with 1,266.54± feet of frontage on Newcomb Road, and
2. a 112.0± acre parcel with 283.54± feet of frontage on Newcomb Road.

Petitioner: Matthew Bubar, 11 Hemlock Hill Road, Orchard Park, NY 14127

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 #358 SEQR Negative Declaration

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, Michael J. Lester, Jr., Right Direction Auto, has requested a Special Use Permit for the purpose of continued operation of a Motor Vehicle Service Operation located at 6943 Erie Rd. (a.k.a. NYS Route 5), Derby, NY. SBL# 206.07-2-20./C, and

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

WHEREAS, the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this property and have found no apparent significant environmental concerns, and has recommended the issuance of a SEQRA negative declaration, and

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the issuance of a Special Use Permit 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 Michael J. Lester, Jr., Right Direction Auto, Special Use Permit for the purpose of continued operation of a Motor Vehicle Service Operation located at 6943 Erie Rd. (a.k.a. NYS Route 5), Derby, NY. SBL# 206.07-2-20./C.
(Addendum A 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 Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

RESOLUTION 2021 #359 Town Clerk's Reports

Supervisor Hosler moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of August 2021:

Town Clerk Report	$41,805.86
Interest	$ 1.08
Greenspace Fee	$ 2,100.00
Petty Cash	$ 650.00

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

RESOLUTION 2021 #360 Appointment of Police Lieutenant

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, a vacancy exists in the position of Lieutenant for the Town of Evans Police Department; and

WHEREAS, multiple interviews with were conducted of the qualified civil service candidates for the position of Police Lieutenant;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Patrolman Michael Kauzala to the rank of Lieutenant for the Town of Evans Police Department, effective on 09/16/2021.

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

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

RESOLUTION 2021 #361 Appointment of Part Time Police Officer

Councilman George moved and Councilman Schraft seconded,

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

WHEREAS, Evan Bonczar is currently a New York State DCJF certified Police Officer with the Village of Gowanda Police Department, and

WHEREAS, Evan Bonczar has successfully interviewed and meets all the qualifications required to be a Part-Time Police Officer with the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby appoints, Evan Bonczar, effective immediately, to the position of Part-Time Police Officer 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 and Evans Police Benevolent Association collective bargaining agreement.

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

RESOLUTION 2021 #362 Award Bid for Sturgeon Point Marina - Beachfront Erosion Control Project

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, bids were solicited for the Sturgeon Point Marina - Beachfront Erosion Control Project in the Town of Evans; and

WHEREAS, bids were received and opened on September 7, 2021 at 2:00 P.M., in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by Union Concrete and Construction Corporation, 435 Meyer Road, West Seneca, NY 14224; and

WHEREAS, Clark Patterson Lee has reviewed and discussed the bid from Union Concrete and Construction Corporation and have confirmed the company's understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by Union Concrete and Construction Corporation was $91,975.00, which includes a $15,000.00 contingency.

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Sturgeon Point Marina - Beachfront Erosion Control Project to Union Concrete and Construction Corporation, 435 Meyer Road, West Seneca, NY 14224.

BE IT FURTHER RESOLVED, that Supervisor Mary Hosler is authorized to execute any necessary contract documents regarding said bid award upon the approval of the Town Counsel.

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

RESOLUTION 2021 #363 NYS Department of Transportation Funds for Shoreline Trail Beaches Phase 4

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town Board desires to pursue funding from the NYS Department of Transportation (NYSDOT) for Phase Four of the Shoreline Trail: Beaches Section - a multi-use pathway extending 1.8 miles along the Lake Shore Road right-of-way and connecting the waterfront hamlets of Grandview Bay and Lake Erie Beach (the "Project"); and

WHEREAS, the proposed Project will help to achieve numerous goals of the Evans-Angola Comprehensive Plan and Local Waterfront Revitalization Strategy by improving access and mobility, traffic safety, and quality of life, as well as promoting community and economic development; and

WHEREAS, the Town Board commits to providing the required local matching 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 NYSDOT in an amount not to exceed $2,666,888 (80% of the total project cost of $3,333,610), and enter into and execute a Project Agreement with the State for such financial assistance to the Shoreline Trail: Beaches Section - Phase Four; and

BE IT RESOLVED, that upon approval of the application for financial assistance that the Town make available $666,722 in matching funds to satisfy the requirements of the funding program; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the NYSDOT Transportation Alternatives Program.

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

RESOLUTION 2021 #364 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	9/16/2021
ABSTRACT NO.	16
VOUCHER NO.	9307 - 9406
CHECK NUMBERS	83086 - 83162
APPROVED AT	Board Meeting
DATE	9/15/2021
GENERAL	$316,962.39
PART TOWN	$906.88
HIGHWAY DB	$129,952.93
WATER	$10,373.20

CAPITAL PROJECTS	$549.22
SPECIAL DISTRICTS	$110,093.62
DEBT SERVICE	
TOTAL	**$568,838.24**

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

RESOLUTION 2021 #365 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Wednesday, October 6, 2021 at 6pm for a Work Session and a Town 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

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 September 15, 2021 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 #5 of the year 2021, which will amend Town Code Chapter 70: Building Code Administration.

Copies of the Proposed Local Law will be available for inspection by any interested person after August 9, 2021 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

168350 September 3, 2021

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

Date 9-3-2021

Jan Harrington

Jan Harrington, Account Clerk

Signed before me this 8th day of September 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

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:
Michael + Jennifer Hontz Minor Subdivision

Project Location (describe, and attach a location map):
9196 Newcomb Rd., Angola NY 14006

Brief Description of Proposed Action:
Minor Subdivision - Dividing a 21.8+/- ac parcel to form two lots; an 18.8+/- ac lot with 897.48+/- foot of frontage on Newcomb Rd and a 3.0+/- ac lot with 369.06+/- foot of frontage on Newcomb Rd.

Name of Applicant or Sponsor:	Telephone: (716) 200-3315
Michael + Jennifer Hontz	E-Mail: JHONTZ123@gmail.com

Address:
9196 Newcomb RD.

City/PO:	State:	Zip Code:
ANGOLA	NY	14006

	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? 21.8+/- 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? 21.8+/- acres

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

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

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

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

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

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

Applicant/sponsor name: Michael & Jennifer Hontz Date: 9-7-21

Signature: Michael Jennifer Hontz

PRINT FORM

Agency Use Only [If applicable]

Project: Hontz Minor Subdivision

Date: 9/16/21

Short Environmental Assessment Form
Part 2 - Impact Assessment

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

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

PRINT FORM

Agency Use Only [If applicable]

Project: Hontz Minor Sub

Date: 9/16/21

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 any significant adverse impacts to the environment, as it is a only a minor subdivision of land.

☐ 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	September 16, 2021
Name of Lead Agency	Date
Mary K. Hosler	Supervisor, Town of Evans
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Mary K. Hosler	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

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:
Newcomb Road - Parcel split

Project Location (describe, and attach a location map):
9197 Newcomb Road, Evans, NY 14006

Brief Description of Proposed Action:
Subdivision of 127.10 acre parcel into 15.35 acre parcel and 111.75 acre parcel

Name of Applicant or Sponsor:	Telephone: (716) 432-2546
MATTHEW BUBAR	E-Mail: nybubar@gmail.com

Address:
11 Hemlock Hill Road

City/PO:	State:	Zip Code:
Orchard Park	NY	14127

	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:	X	

3.a. Total acreage of the site of the proposed action? 15 acres
b. Total acreage to be physically disturbed? < 1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 127 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?	☐	X	☐
b. Consistent with the adopted comprehensive plan?	☐	X	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES X	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO X	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO X	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	X	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	X	☐	
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 X	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO X	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO X	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO X	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	X	☐	
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 X	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: _____	X	☐	

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?	NO X	YES ☐
16. Is the project site located in the 100 year flood plain?	NO X	YES ☐
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	NO X	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: MATTHEW BUBAR Date: 5/14/21

Signature: Matthew P. Bubar

PRINT FORM

Agency Use Only [If applicable]

Project: Bubar Minor Subdivision

Date: 9/16/21

Short Environmental Assessment Form
Part 2 - Impact Assessment

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

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

PRINT FORM

Agency Use Only [If applicable]

Project: Bubar Minor Sub

Date: 9/16/21

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 any significant adverse impacts to the environment, as it is a only a minor subdivision of land.

☐ 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	September 16, 2021
Name of Lead Agency	Date
Mary K. Hosler	Supervisor, Town of Evans
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Mary K. Hosler	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

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:
RDA South

Project Location (describe, and attach a location map):
6943 Erie Rd, Derby, Ny, 14047

Brief Description of Proposed Action:
Our proposed Action is to put a few high end vehicles at front of the building for sale.

Name of Applicant or Sponsor:	Telephone: 716-536-3503
Michael J Lester JR	E-Mail: Lestmjo1@mail.buffalostate.edu

Address:
205J shadow lane

City/PO:	State:	Zip Code:
orchard park	NY	14127

	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 government Agency? If Yes, list agency(s) name and permit or approval: Department of Motor Vehicles VS-142	☐	☒

3. a. Total acreage of the site of the proposed action? .73 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? .73 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ 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?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
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?	NO	YES	
If No, describe method for providing potable water: _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
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?	☒	☐
16. Is the project site located in the 100-year flood plan?	☒	☐
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?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☒	☐
If Yes, explain the purpose and size of the impoundment:		
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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Michael J Lester JR Date: Monday May 17, 2021

Signature: Michael J Title: partner

PRINT FORM