Evans Town Board

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

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

RESOLUTION 2022 #365 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: Pending litigation

NOW THEREFORE BE IT RESOLVED: Town Attorney Ken Farrell, Defense Council and Claims Attorney are invited to attend the Evans Town Board Executive Session.

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

RESOLUTION 2022 #366 Accept Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the October 5, 2022 meeting be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

William B. Smith, Evans Minor Subdivision Review Committee RE: Minor Subdivision Review - dividing a 45.0± acre parcel to create 3 parcels; a 12.94± acre parcel and an 8.66± acre parcel both with frontage on Cain Road and a 23.39± acre parcel with frontage on Cain and Hardpan Roads, Angola NY, SBL# 251.00-4-17.11. Petitioner: Eric J. and Louis W. Small, 4772 Abbott Road, Orchard Park, NY 14127

RESOLUTION 2022 #367 SEQR Negative Declaration - Small

Councilman Schraft 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, and

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

WHEREAS, in a letter dated October 14, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Eric J. and Louis W. Small 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 considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Eric J. and Louis W. Small, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 251.00-4-17.11, dividing a 45.0± acre parcel to create:

1. a 12.94± acre parcel with 511.97± feet of frontage on Cain Road,
2. an 8.66± acre parcel with 350± feet of frontage on Cain Road, and
3. a 23.39± acre parcel with 729.31± feet of frontage on Cain Road and 752.95± feet of frontage on Hardpan Road.

Petitioner: Eric J. and Louis W. Small, 4772 Abbott 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 Reitz	Aye
Councilman Macko	Aye
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 Wednesday, October 19, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #3 of the year 2022 pertaining to the addition of Chapter 166 to restrict the acts of smoking and vaping in and around Town-owned buildings, parks, recreation areas and playgrounds. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website www.townofevans.org on or after October 7, 2022. 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 and/or In-Person Public Hearing to be held aforesaid.

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

RESOLUTION 2022 #368 Open the Public Hearing

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

There was nobody wishing to speak in favor or opposition

RESOLUTION 2022 #369 Close the Public Hearing

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

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

RESOLUTION 2022 #370 Lead Agency - Proposed Local Law #3 of 2022

Councilman Reitz moved and Councilman Schraft seconded

WHEREAS, the Evans Town Board wishes to amend the Town Code with the addition of Chapter 166 to prohibit the acts of smoking and vaping of tobacco or cannabis in and around Town-owned buildings, parks, recreation areas and playgrounds; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #3 of the year 2022,

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

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

RESOLUTION 2022 #371 SEQR Negative Declaration - Proposed Local Law #3 of 2022

Councilman Reitz moved and Supervisor Hosler seconded

WHEREAS, the Evans Town Board wishes to amend the Town Code with the addition of Chapter 166 to prohibit the acts of smoking and vaping of tobacco or cannabis in and around Town-owned buildings, parks, recreation areas and playgrounds; 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 proposed amendment will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Local Law #3 of 2022.

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

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

RESOLUTION 2022 #372 Adopt Local #3 of 2022 - Smoking

Councilman Reitz moved and Councilman Schraft seconded

WHEREAS, the Evans Town Board held a public hearing on October 19, 2022 for consideration of Proposed Local Law #3 of the year 2022 to amend the Town Code with the addition of Chapter 166 to prohibit the acts of smoking and vaping of tobacco or cannabis in and around Town-owned buildings, parks, recreation areas and playgrounds; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #3 and recommended the code amendment for approval by 4 to 1 vote at their September 28, 2022 public meeting; and

WHEREAS, the Planning Department has submitted a full statement of the proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M and deemed a matter of local concern; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #3 of the year 2022, as amended, be adopted as Local Law #3 of the year 2022.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	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 Wednesday, October 19, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #4 of the year 2022 which will amend Town Code Chapter 200-21B(1) regulating permitted uses and structures in the General Business (GB) District to include cannabis business activity. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website www.townofevans.org on or after October 7, 2022. 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 and/or In-Person Public Hearing to be held aforesaid.

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

RESOLUTION 2022 #373 Open the Public Hearing

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

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

There was nobody wishing to speak in favor or opposition

RESOLUTION 2022 #374 Close the Public Hearing

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #375 Lead Agency - Proposed Local Law #4 of 2022

Councilman Schraft moved and Supervisor Hosler seconded

WHEREAS, the Evans Town Board wishes to amend Section 200-22(B)(1) of the Town of Evans Code to define permitted uses and provide regulations regarding the time, place and manner for Cannabis Business Activity within the General Business (GB) Zoning District; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #4 of the year 2022; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #376 SEQR Negative Declaration - Proposed Local Law #4 of 2022

Councilman Schraft moved and Supervisor Hosler seconded

WHEREAS, the Evans Town Board wishes to amend Section 200-22(B)(1) of the Town of Evans Code to define permitted uses and provide regulations regarding the time, place and manner for Cannabis Business Activity within the General Business (GB) Zoning District; 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 proposed amendment will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Local Law #4 of 2022; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #377 Adopt Local Law #4 of 2022 - Permitted Uses

Councilman Schraft moved and Councilman George seconded

WHEREAS, the Evans Town Board held a public hearing on October 19, 2022 for consideration of Proposed Local Law #4 of the year 2022, to amend Section 200-22(B)(1) of the Town of Evans Code to define permitted uses and provide regulations regarding the time, place and manner for Cannabis Business Activity within the General Business (GB) Zoning District; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #4 and recommended the code amendment for approval by unanimous vote at their September 28, 2022 public meeting; and

WHEREAS, the Planning Department has submitted a full statement of the proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M and has addressed their comments; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #4 of the year 2022, as amended, be adopted as Local Law #4 of the year 2022; and

BE IT FURTHER RESOLVED, a copy of this resolution be provided to the Planning Office

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
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 Wednesday, October 19, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #5 of the year 2022 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 1.2± acre parcel located at 8408 Lake Shore Road, Angola, NY 14006, SBL# 220.00-1-26, from Recreational Facility (RF) to Single Family Residential (R-1) 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 October 7, 2022. 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 and/or In-Person Public Hearing to be held aforesaid.

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

RESOLUTION 2022 #378 Open the Public Hearing

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

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

Ed Schneider spoke in opposition
Bill Henry spoke in opposition
Kimberly Johnson spoke in favor

RESOLUTION 2022 #379 Close the Public Hearing

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #380 Lead Agency - Proposed Local Law #5 of 2022

Councilman Schraft moved and Supervisor Hosler seconded

WHEREAS, Karen Erickson has requested that the Town Board of the Town of Evans rezone a 1.17± acre vacant parcel from Recreational Facility (RF) to Residential District One (R-1) for the purpose of constructing a single-family home at 8408 Lake Shore Road (SBL# 220.00-1-26); 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 #5 of the year 2022; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #381 SEQR Negative Declaration - Proposed Local Law #5 of 2022

Councilman Schraft moved and Supervisor Hosler seconded

WHEREAS, Karen Erickson has requested that the Town Board of the Town of Evans rezone a 1.17± acre vacant parcel from Recreational Facility (RF) to Residential District One (R-1) for the purpose of constructing a single-family home at 8408 Lake Shore Road (SBL# 220.00-1-26); 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 #5 of the year 2022; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #382 Adopt Local Law #5 of 2022 - Rezone - Erickson

Councilman Reitz moved and Supervisor Hosler seconded

WHEREAS, the Town Board of the Town of Evans held a public hearing on October 19, 2022 for consideration of the proposed rezone of a 1.17± acre vacant parcel from Recreational Facility (RF) to Residential District One (R-1) for the purpose of constructing a single-family home at 8408 Lake Shore Road (SBL# 220.00-1-26); and

WHEREAS, the Planning Board has reviewed the proposed Local Law #5 of 2022 and recommended the rezone for approval by a unanimous vote (with one abstention) at their September 28, 2022 public meeting for reasons that the action will constitute the use of an underutilized property and is not expected to result in any significant adverse impacts; and

WHEREAS, the applicant Karen Erickson was also required to obtain an area variance of approximately 64 feet from the required lot width of 90 feet along a dedicated street as a condition for approval of the rezone; and

WHEREAS, the Zoning Board of Appeals approved said area variance by unanimous vote at their October 5, 2022 public meeting, thereby bringing the lot into conformance with the R-1 District; and

WHEREAS, the Planning Department submitted a full statement of the proposed action to the Erie County Division of Environment and Planning pursuant to GMU Section 239-M, which was deemed a matter of local concern; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #5 of the year 2022, 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 1.17+ acre parcel located 8408 Lake Shore Road (SBL# 220.00-1-26) from Recreational Facility (RF) to the

Residential One District (R-1) on the Town's official zoning map be adopted as Local Law # 5 of the year 2022; and

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

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	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 Wednesday, October 19, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the petition of Nicholas Delmont, Delkore Auto Group, LLC for a Special Use Permit for the operation of an Auto Repair Shop business to be located at 9984 Southwestern Blvd (a.k.a. US Route 20), Angola, NY 14006, SBL# 251.00-3-46.2. 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 a Zoom and/or In-person Public Hearing to be held aforesaid.
By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk

RESOLUTION 2022 #383 Open the Public Hearing

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

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

There was nobody wishing to speak in favor or opposition

RESOLUTION 2022 #384 Close the Public Hearing

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

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

RESOLUTION 2022 #385 Lead Agency - Special Use Permit - Delkore Auto

Councilman Macko moved and Supervisor Hosler seconded

WHEREAS, the applicant, Delkore Auto Group, LLC., is requesting a Special Use Permit to operate an auto repair shop from the existing structure located in the Motor Service (MS) District at 9984 Southwestern Boulevard, Angola, NY 14006, (SBL# 251.00-3-46.2); and

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

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Special Use Permit; and

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

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

RESOLUTION 2022 #386 SEQR Negative Declaration - Special Use Permit - Delkore Auto

Councilman Macko moved and Supervisor Hosler seconded

WHEREAS, Delkore Auto Group, LLC. is requesting a Special Use Permit to operate an auto repair shop from the existing structure located in the Motor Service (MS) District at 9984 Southwestern Boulevard, Angola, NY 14006, (SBL# 251.00-3-46.2); 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 proposed action will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for the proposed 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 Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

RESOLUTION 2022 #387 Approval of Special Use Permit - Delkore Auto

Councilman Reitz moved and Supervisor Hosler seconded

WHEREAS, Delkore Auto Group, LLC. is requesting a Special Use Permit to operate an auto repair shop from the existing structure located in the Motor Service (MS) District at 9984 Southwestern Boulevard, Angola, NY 14006, (SBL# 251.00-3-46.2); and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on October 19, 2022 for consideration of said Special Use Permit, and

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

WHEREAS, the Town of Evans Planning Board has recommended the issuance of a Special Use Permit for reasons that the action is consistent with the current zoning of the parcel and 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 the Special Use Permit:

1. Prior to issuance of the SUP, a site visit with the Code Enforcement Officer must be conducted to determine any further requirements for operating the proposed auto repair shop.
2. No installation of the two proposed overhead doors shall occur unless an updated site plan is submitted and approved which properly demonstrates adequate turning radius for vehicles on the site.

3. The site must be maintained in accordance with the site plan as approved by the Town of Evans Planning Board on September 28, 2022 and conditions as approved by the Town Board.
4. Parking of any vehicles on the property will be limited to the designated spaces as shown on the plan.
5. No storage of automotive parts, accessories or scrap parts shall be permitted outside of the building unless contained within the fenced in dumpster area.
6. Under no circumstances shall cars be parked in the required 20-foot parking setback or in the NYS Department of Transportation Right-of-way.
7. Only minor car and truck repairs shall be conducted on the site per definition of "Gasoline, Motor Fuel Service Station" per Section 200-7 B. of the Town Code.
8. All site lighting shall be shielded from Route 20 and adjacent properties and dark sky compliant.
9. Screening in the form of fencing or planting will be installed and properly maintained along the western property line per Section 200-28 D. (12) of the Town Code.
10. The Special Use Permit shall be for a one (1) year period. Applicant may apply for renewal.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Delkore Auto Group, LLC. to operate an auto repair shop from the existing structure located in the Motor Service (MS) District at 9984 Southwestern Boulevard, Angola, NY 14006, (SBL# 251.00-3-46.2) with the above-said 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 Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

Communications Cont'd

RESOLUTION 2022 #388 Approval of Minor Subdivision - Small

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, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, an Agricultural Data Statement with the Erie County Agriculture and Farmland Protection Board was not required, as no active farms are recorded within 500 feet of the property, and

WHEREAS, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Eric J. and Louis W. Small Minor Subdivision,

a division of SBL# 251.00-4-17.11, dividing a 45.0± acre parcel to create:

1. a 12.94± acre parcel with 511.97± feet of frontage on Cain Road,
2. an 8.66± acre parcel with 350± feet of frontage on Cain Road, and
3. a 23.39± acre parcel with 729.31± feet of frontage on Cain Road and 752.95± feet of frontage on Hardpan Road.

Petitioner: Eric J. and Louis W. Small, 4772 Abbott Road, Orchard Park, NY 14127

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

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

Supervisor Hosler reported that the Supervisor's September 2020 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2022 #389 Erie County Community Development Block Grant

Supervisor Hosler moved and Councilman Macko seconded

WHEREAS, the Town of Evans held a public hearing on September 21, 2022 at 7:10 p.m. for the purpose of eliciting citizen input regarding the Town's Community Block Development Grant application; and

WHEREAS, the Town Board desires to pursue funding opportunities for the following projects,

hereafter known as "the Projects":

1. Senior Center Windows
2. Wendt Landing - Public Waterfront Access
3. Rural Transit

WHEREAS, the Town Board desires to apply for financial assistance from the Erie County Community Development Program through the Community Development Block Grant (CDBG); and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed Projects.

NOW, THEREFORE BE IT RESOLVED, that Mary Hosler, as Supervisor of the Town of Evans, is hereby authorized and directed to accept funds from the Erie County Community Development Program: CDBG, in an amount not to exceed $150,000, and enter into and execute a project agreement with Erie County for such financial assistance to complete the Projects; and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance the Town will make available up to $220,000 in matching funds, from the Town's municipal 2023 budget to satisfy the requirements of the funding program.

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

RESOLUTION 2022 #390 Execute Agreement with Eden Veterinary Clinic PLLC

Councilman Schraft moved and Councilman Reitz seconded,
WHEREAS, the Town of Evans, hereinafter referred to as the "Town", wishes to comply with the New York State Agriculture and Markets Law as it pertains to seized dogs; and

WHEREAS, the Eden Veterinary Clinic, PLLC, hereinafter referred to as the "Shelter", has personnel, animal shelters and proper facilities for the care and disposition of dogs or violation of New York State Laws or other ordinances, or seizure by the Town; and

WHEREAS, the term of this agreement shall commence on November 1, 2022 and be automatically and continuously renewed for each succeeding year until the "Town" or the "Shelter" provides written notice to the other, within (30) thirty days' prior notice of its desire to terminate the agreement; and

WHEREAS, Chief of Police Gregory Szarowicz and DCO Michael Franey have discussed and reviewed said agreement; and

WHEREAS, recommendation to enter into this agreement has been given by both Chief Szarowicz and DCO Franey;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute and any all documents regarding the agreement between the Town of Evans and Eden Veterinary Clinic, PLLC; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to prepare a certified copy of this resolution to be attached to the above referenced agreement

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #391 Execute Rural Transit Van Service

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, Rural Transit Service, Inc. continues to provide a valuable service to the residents of the Town of Evans;

BE IT RESOLVED, that the Supervisor of the Town of Evans is authorized to execute an agreement with Rural Transit Service, Inc. for van services for the 2023-2024 CDBG year, upon the approval of the Town Attorney for the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #392 Provisional Appointment of Assistant Code Enforcement Officer

Supervisor Hosler moved and Councilman Reitz seconded,

WHEREAS; the Town of Evans has canvased for the Civil Service position of Assistant Code Enforcement Officer off of a certified list; and

WHEREAS; no individual on the above referenced Civil Service list responded; and

WHEREAS; there is a continued vacancy for the position of Assistant Code Enforcement Officer; and

WHEREAS; the vacancy was posted, resumes received and interviews were conducted; and

WHEREAS; upon completion of said interviews for the open position in the Code Enforcement Office a recommendation has been made by Code Enforcement Officer Tony Fischione and Kelly Kent - HR, to provisionally appoint John Flading for the position of Assistant Code Enforcement Officer; and

NOW, THEREFORE, BE IT RESOLVED, that John Flading is hereby provisional appointed as Assistant Code Enforcement Officer for the Town of Evans effective October 24, 2022 at an annual salary of $55,941 and all terms and conditions of the IBEW Local #41 current collective bargaining agreement; and

FURTHER, BE IT RESOLVED, all relative issues rules and regulations will be understood to all parties' subject to Civil Service Law and the IBEW Local #41 collective bargaining agreement.

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

RESOLUTION 2022 #393 Relevy Charges to 2023 Town & County Tax Bill

Councilman Macko moved and Councilman Schraft seconded,

BE IT RESOLVED, in accordance with New York State Town Law, Section 198, the Evans Town Board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below; and

BE IT FURTHER RESOLVED, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town of Evans Assessor's master computer assessment roll file:

TOTAL Unpaid Water Evans	$5,710.64
TOTAL Unpaid Water ECWA	$10,730.32
TOTAL Unpaid Water Surcharge ECWA	$8,815.56
TOTAL Clean-Up Charges	$73,678.75

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #394 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	10/20/2022
ABSTRACT NO.	19
VOUCHER NO.	11401 - 11482
CHECK NUMBERS	84805 - 84875
APPROVED AT	Board Meeting
DATE	10/19/2022
GENERAL	$73,278.13
PART TOWN	$96.84
HIGHWAY DB	$13,310.27
WATER	$1,018.00
CAPITAL PROJECTS	$573,041.88
SPECIAL DISTRICTS	$3,221.00
DEBT SERVICE	
TOTAL	$663,966.12

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #395 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to a Special Meeting on Wednesday, October 26, 2022 at 6:00pm for a Work Session for Budget purposes and then to Wednesday, November 2, 2022 at 6:00pm for a Work Session and the Regular Meeting to follow.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Councilman George	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
Town Clerk, RMC

OBSERVER

AFFIDAVIT OF PUBLICATION

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 1 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:
7 Oct 2022

Notice ID: Qf9PCnlWs7QXkqjd9ewY
Publisher ID: LTNEVN
Notice Name: Legal Notice LL#3 Smoking Vaping

PUBLICATION FEE: $24.50

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

7th day of October, A.D. 2022.

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/1/23

Legal Notice

TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on Wednesday, October 19, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #3 of the year 2022 pertaining to the addition of Chapter 166 to restrict the acts of smoking and vaping in and around Town-owned buildings, parks, recreation areas and playgrounds. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after October 7, 2022. 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 and/or In-Person Public Hearing to be held aforesaid. By Order of the Town Board of the Town of Evans Lynn M. Krajacic Town Clerk

Oct 7, 2022

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:
7 Oct 2022

Notice ID: EOU43V4DsmW9pMSmm8I8
Publisher ID: LTNEVN
Notice Name: Legal Notice LL#4 Cannabis

PUBLICATION FEE: $24.95

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

7th day of October, A.D. 2022.

Barbara J Musso
Notary Public

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

Legal Notice

TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, October 19, 2022 at 7:10 P.M.** via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #4 of the year 2022 which will amend Town Code Chapter 200-21B(1) regulating permitted uses and structures in the General Business (GB) District to include cannabis business activity. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after October 7, 2022. 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 and/or In-Person Public Hearing to be held aforesaid. By Order of the Town Board of the Town of Evans Lynn M. Krajacic Town Clerk

Oct 7, 2022

OBSERVER

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Observer
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PUBLICATION DATES:
7 Oct 2022

Notice ID: HMhLf3gOsj9Vb1U7aCAG
Publisher ID: LTNEVN
Notice Name: Legal Notice LL#5 Zoning

PUBLICATION FEE: $29.40

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

7th day of October, A.D. 2022.

Barbara J Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/1/23

Legal Notice

TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, October 19, 2022 at 7:10 P.M.** via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #5 of the year 2022 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 1.2± acre parcel located at 8408 Lake Shore Road, Angola, NY 14006, SBL# 220.00-1-26, from Recreational Facility (RF) to Single Family Residential (R-1) 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 October 7, 2022. 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 and/or In-Person Public Hearing to be held aforesaid. By Order of the Town Board of the Town of Evans Lynn M. Krajacic Town Clerk

Oct 7, 2022

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OBSERVER

AFFIDAVIT OF PUBLICATION

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 1 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:
7 Oct 2022

Notice ID: d7YvGXB2tuBe7vmpILdF
Publisher ID: LTNEVN
Notice Name: Legal Notice Public Hearing Delkore Auto Grp

PUBLICATION FEE: $20.05

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

7th day of October, A.D. 2022.

Barbara J. Musso
Notary Public

BARBARA J MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/2/23

Legal Notice

TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, October 19, 2022 at 7:10 P.M.** via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the petition of Nicholas Delmont, Delkore Auto Group, LLC for a Special Use Permit for the operation of an Auto Repair Shop business to be located at 9984 Southwestern Blvd (a.k.a. US Route 20), Angola, NY 14006, SBL# 251.00-3-46.2. 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 a Zoom and/or In-person Public Hearing to be held aforesaid. By Order of the Town Board of the Town of Evans Lynn M. Krajacic Town Clerk

Oct 7, 2022

TOWN OF EVANS

8787 Erie Road • Angola, New York 14006-9600 • www.townofevans.org

WILLIAM B. SMITH
Director of Planning and Community Development
Telephone: (716) 549-0945 / Fax: (716) 549-0456
wsmith@townofevans.org

PAID
SEP 02 2022
Lynn M. Rajacic
Evans Town Clerk

APPLICATION FOR MINOR SUBDIVISION

DATE: **FILE #** 22-30

TO BE COMPLETED BY APPLICANT

OWNER: NAME Eric J Small & Louis W Small
STREET ADDRESS 4772 Abbott Rd STATE NY
CITY/ZIP Orchard Park 14127 PH/FAX
CELL # 716-361-2342 EMAIL ADDR esmall@ericsmall.com

CONSULTANT: NAME
STREET ADDRESS STATE
CITY/ZIP PH/FAX
CELL # EMAIL ADDR

SUBDIVISION LOCATION 948 & 956 Cain Rd
ZONING DISTRICT SBL# 251.000-4-17.11 251.000-4-17.12 251.000-4-17.2

	ROAD NAME	FRONTAGE	ACRES
ORIGINAL LOT:	948, 956 + LL Cain Rd	1,591.28 feet	45 +/-
PROPOSED LOTS:			
LOT # 1	New 948 Cain	511.97 feet	12.94 +/-
LOT #2	New 956 Cain Rd	350 feet	8.66 +/-
LOT #3	New LL Cain Rd	729.31 feet	23.39 +/-
LOT #4			

APPLICATION SUBMITTAL APPOINTMENT 9-9-22 FEE (First Lot) $ 100.00
+$50 per each additional lot FEE TOTAL $ 200.00
(Non-Refundable – Payable to Town of Evans)

DATE RCVD: 9-9-22 MATERIALS CHKD BY:
REVIEWED BY: CKD BY:
PB WORK SESSION DATE: 09-14-22 PB MEETING DATE:
TOWN BOARD PUBLIC HEARING DATE: 10-5-22
TOWN BOARD RESOLUTION DATE: 10-5-22

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:
948 Cain and 956 Cain Reparceling

Project Location (describe, and attach a location map):
948 Cain and 956 Cain Rd, Evans, NY 14006

Brief Description of Proposed Action:
Redrawing of lot lines for sale of 956 Cain Rd to add additional acreage onto lot of 956 Cain. No construction is occuring as part of proposed action.

956 Cain Rd (251.00-4-17.2) will be expanded North and East from its current 1 acre to a size of 8.66 acres
948 Cain Rd (251.00-4-17.11) will be decreased to 12.94 acres
Parcel 251.00-4-17.12 situated between 948 and 956 Cain Rd will be be incorporated into the lots of 956 Cain and 948 Cain Rd
Vacant lot to be created from remaining land east of 956 Cain Rd with frontage on Hardpan Rd 23.39 acres

Name of Applicant or Sponsor:	Telephone: 716-361-2342
Eric J Small - Executor of the Estate of Louis E Small	E-Mail: nysdec@ericsmall.com

Address:
4772 Abbott Rd

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:	☑	☐

3. a. Total acreage of the site of the proposed action? 44.99 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? 44.99 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?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
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?	☑	☐

	NO	YES
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 new construction or modifications occuring. Does not apply.	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water:		
Existing houses already connected to existing private well supply	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment:		
Existing houses already connected to existing septic system	☐	☑

	NO	YES
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?	☑	☐
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?	☑	☐

	NO	YES
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 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: Eric Small Date: 9/8/2022

Signature: _____ Title: Executor of the Estate of Louis E Small

PRINT FORM