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:	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #352 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the September 21, 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, Director Planning & Community Development RE: Special Use Permit - recommend for approval to the Evans Town Board a Special Use Permit for the operation of an auto repair shop in an existing building in the Motor Service district. Project Location - 9984 Southwestern Boulevard, Angola, NY 14006, SBL# 251.00-3-46.2. Petitioner: Nick Delmont, Delkore Auto Group, LLC.

RESOLUTION 2022 #353 Authorize to advertise for Public Hearing

Councilman Schraft moved and Councilman Macko seconded

WHEREAS, in a letter dated September 29, 2022, the Planning Director has requested that the Town Board set a public hearing regarding the petition of Nick Delmont, dba Delkore Auto Group, LLC, for a Special Use Permit for the operation of an auto repair shop within an existing building owned by the Catalano family, located at 9984 Southwestern Blvd. (a.k.a. U.S. Route 20), Angola, NY, SBL# 251.00-3-46.2.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on October 19, 2022 at 7:10pm for the consideration of said Special Use Permit, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Board for review and recommendation prior to the public hearing, and

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

William B. Smith, Director Planning & Community Development RE: Amendment to Evans Town Code with the addition of Chapter 166 to restrict the acts of smoking and vaping use in and around Town-owned buildings, parks, recreation areas and playgrounds.

RESOLUTION 2022 #354 Advertise for a public hearing Proposed local law #3 of 2022

Councilman Macko moved and Supervisor Hosler seconded

WHEREAS, the proposed code amendment was prepared by the Evans Code Review Committee and subsequently reviewed by the Evans Planning Board; and

WHEREAS, the Evans Planning Board held a public meeting on September 28, 2022 and voted to recommend, by a 4-1 vote, approval of the Proposed Local Law #3, the addition of Chapter 166 to restrict the acts of smoking and vaping use in and around Town-owned buildings, parks, recreations areas and playgrounds; and

WHEREAS, the recommendation is contingent on the review of the Town of Evans Chief of Police; and

WHEREAS, in a letter dated October 3, 2022, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #3 of the year 2022, to be held on October 19, 2022 at 7:10p.m. for the consideration of said Code Amendment,

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

William B. Smith, Director Planning & Community Development RE: Amendment to Evans Town Code Section 200-21B (1) of Town Code regulating permitted uses and structures in the General Business (GB) District to include cannabis business activity.

RESOLUTION 2022 #355 Advertise for a public hearing Proposed local law #4 of 2022

Councilman Schraft moved and Supervisor Hosler seconded

WHEREAS, the proposed code amendment was prepared by the Evans Code Review Committee and was subsequently reviewed by the Planning Board; and

WHEREAS, the Evans Planning Board seeks to mitigate any potential nuisances/adverse impacts to the General Business district, and to protect the overall community character, while also allowing for small business development that provide outlets for hookah or vaping, and for the retail sale of associated products and cannabis for at-home consumption; and

WHEREAS, the Evans Planning Board held a public meeting on September 28, 2022 and voted unanimously to recommend approval of Proposed Local Law #4 of the Year 2022 to amend section 200-21B(1) of the Town Code regulating permitted uses and structures in the General Business (GB) District to include cannabis business activity; and

WHEREAS, in a letter dated October 3, 2022, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #4 of the year 2022, to be held on October 19, 2022 at 7:10p.m. for the consideration of said Code Amendment,

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

William B. Smith, Director Planning & Community Development RE: Rezone - Recommend for approval to the Evans Town Board the Rezone of the former Village of Angola Water Plant parcel from Recreational Facility (RF) to Single Family Residential (R-1); conditioned upon an obtained variance for lot width/frontage from the Zoning Board of Appeals. Project location - 8408 Lake Shore Rd., Angola, NY 14006, SBL# 220.00-1-26. Petitioner: Karen Erickson, 8991 Iroquois St., Angola, NY 14006

RESOLUTION 2022 #356 Advertise for a public hearing 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 the property located at 8408 Lake Shore Road, Angola, NY 14006, SBL# 220.00-1-26 for the purpose of developing the property for residential use; and

WHEREAS, the Planning Board supports the request for rezone conditioned upon an obtained variance for lot width/frontage from the Zoning Board of Appeals; and

WHEREAS, in a letter dated September 29, 2022 the Evans Planning Board voted to recommend the approval of the above-referenced petition for rezone from Recreational Facility (RF) to Single Family Residential (R-1) at their September 28, 2022 Planning Board meeting; and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Karen Erickson.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #5 of the year 2022, to be held on October 19, 2022 at 7:10pm for the consideration of said rezoning,

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 #357 Town Clerk's Reports

Supervisor Hosler moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of October 2022:

Town Clerk Report	$23,032.89
Interest	$0.72
Greenspace Fee	$1,400.00
Petty Cash	$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #358 Authorization for IT assessment for town's Network Infrastructure

Councilman Reitz moved and Councilman Macko seconded

WHEREAS, discussions have taken place with our IT consultants/professionals, Jason Justinger and Howard Martin regarding the need to update the Town of Evans' network system (server, routers, firewalls, etc.); and

WHEREAS, based on those discussions, it has been strongly suggested that the Town's network infrastructure be upgrade and converted to a cloud based system; and

WHEREAS, the cost for the above referenced network infrastructure assessment will be $5,000;

NOW, THEREFORE, BE IT RESOLVED; Supervisor Mary Hosler is authorized to execute all necessary documents regarding the IT Assessment for the Town's network infrastructure, upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #359 Evans Senior Center - HVAC System

Councilman Schraft moved and Councilman Reitz seconded,

WHEREAS, request for proposals were solicited for the Town of Evans Senior Center - HVAC Systems Installation; and

WHEREAS, proposals were received by November 12, 2020 at 4:00pm and opened on November 13, 2020 at 9:00am; and

WHEREAS, the lowest responsible proposal was submitted by Matthews Heating & Cooling, 718 Parker Blvd., Buffalo, NY 14223; and

WHEREAS, the Town of Evans reviewed the proposal from Matthews Heating & Cooling and confirmed the company's understanding of the requirements of the project; and

WHEREAS, on November 16, 2020 the Evans Town Board awarded the HVAC System contract to Matthews Heating & Cooling; and

WHEREAS, Matthews Heating & Cooling has not completed the requirements of the above referenced project; and

WHEREAS, Matthews Heating & Cooling has not closed out the project nor submitted project documentation required and requested by the Town, such as the final punch list (with pictures), warranty for the units and equipment and the as built drawings and documentation;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board authorizes Supervisor Mary K. Hosler to not release the retainage amount of $38,521.50 to Matthews Heating & Cooling, due to the above referenced noncompliance issues; and

BE IT FURTHER RESOLVED; the Town of Evans enter into a contract with John W. Danforth Company to provide a system inspection and evaluation of the Senior Center HVAC System in the amount of $8,500 to be paid for by the retainage amount, upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #360 Suspend the Rules of Order

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #361 Awarding Bid for Sturgeon Point Marina – Repairs and Mitigation Project

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, bids were solicited for the Sturgeon Point Marina – Repairs and Mitigation Project in the Town of Evans; and

WHEREAS, bids were received and opened on September 12, 2022 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, CPL 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 $1,720,420.00, which includes a $110,000.00 contingency.

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Sturgeon Point Marina – Repairs and Mitigation 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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #362 Authorize Supervisor to Negotiate Terms and Conditions for Consultant on Derby Road Culvert Project

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, Town was awarded a Bridge NY Grant from NYS DOT the for Derby Road Culvert; and

WHEREAS, the grant requires Town to hire an engineering consultant as part of the project; and

WHEREAS, the Town Supervisor, Planning Director and the Highway Superintendent interviewed four engineering firms from the State approved list and based on the results of the interview it was determined that C&S Companies located at 141 Elm Street, Suite 100, Buffalo, NY 14203 would be the Town first choice for this work,

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans authorizes Supervisor Hosler to negotiate the terms and conditions of the contract with C&S Companies, 141 Elm Street, Suite 100, Buffalo, NY 14203, not to exceed the amounts indicated for services covered in the grant proposal; and

FURTHER, BE IT RESOLVED, that a resolution for the Town Board to approve the terms and conditions of such agreement will be placed on the agenda of a future Town Board meeting.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #363 Audit of Bills

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

	AUDIT OF BILLS
DATE	10/6/2022
ABSTRACT NO.	18
VOUCHER NO.	11331 - 11400
CHECK NUMBERS	84747 - 84804
APPROVED AT	Board Meeting
DATE	10/5/2022
GENERAL	$198,606.35
PART TOWN	$4,266.22
HIGHWAY DB	$209,886.71
WATER	$7,819.47
CAPITAL PROJECTS	$9,063.75
SPECIAL DISTRICTS	$145,532.84
DEBT SERVICE	
TOTAL	**$575,175.34**

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #364 Enter Executive Session

Supervisor Hosler moved and Councilman George 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 and Jenna Klucsik 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

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,

Alex Haley
Deputy Town Clerk

Lynn M. Krajacic
Town Clerk, RMC

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 09 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@eric small.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 + VL 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 VL 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: dw
REVIEWED BY: dw/jk/tf 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