Town Board Meeting #03

2023-02-01

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
	Thomas George	Councilman
ALSO PRESENT:	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney
ABSENT:	Michael Schraft	Councilman

RESOLUTION 2023 #87 Accept Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of January 18, 2023 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	Absent
	Councilman George	Aye
	Supervisor Hosler	Aye

Communications

William B. Smith, Director of Planning and Community Development RE: Recommendation for Adoption of Regulations to encourage Agribusiness and Agri-tourism Enterprises within the Town's Agricultural Zoning Districts.

RESOLUTION 2023 #88 Advertise Public Hearing for Proposed Local Law #1 - Agritourism and Agribusiness Uses

Councilman Reitz moved and Councilman Macko seconded;

WHEREAS, the Evans Planning Board seeks to adopt regulations to promote Agritourism and Agribusiness uses in the Town of Evans, while maintaining the Town's rural character; preserving farmland of the area; and, protecting the health, safety, and welfare of the public; and

WHEREAS, the proposed Local Law #1 shall apply to all Agribusiness and Agritourism enterprises taking place in the Agriculture Open Space (AOS) District, and the Rural Agriculture (RA) District; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the proposed regulations have been reviewed by the Agricultural Advisory Committee with comments addressed; and

WHEREAS, the Evans Planning Board held a public meeting on January 25, 2023 and voted unanimously to recommend approval of Proposed Local Law #1 of the Year 2023; and

WHEREAS, in a letter dated January 30, 2023, 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 #1 of the year 2023, to be held on February 15, 2023 at 7:10p.m. for the consideration of said Code Regulation,

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	Absent
	Councilman George	Aye
	Supervisor Hosler	Aye

William B. Smith, Director of Planning and Community Development RE: Recommendation for Adoption of Regulations for the Permitting of Battery Energy Storage Systems.

RESOLUTION 2023 #89 Advertise Public Hearing for Proposed Local Law #2 - Battery Energy Storage Systems

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Evans Planning Board seeks to adopt regulations to advance and protect the public health, safety, welfare, and quality of life of the Town of Evans by creating regulations for the installation and use of Battery Energy Storage Systems; and

WHEREAS, the proposed Local Law #2 shall regulate the siting, design and permitting requirements for all Type 1, 2 & 3 Battery Energy Storage Systems in the Town; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the proposed regulations have been reviewed by the Agricultural Advisory Committee with comments addressed; and

WHEREAS, the Evans Planning Board held a public meeting on January 25, 2023 and voted unanimously to recommend approval of Proposed Local Law #2 of the Year 2023; and

WHEREAS, in a letter dated January 30, 2023, 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 #2 of the year 2023, to be held on February 15, 2023 at 7:10p.m. for the consideration of said Code Regulations,

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	Absent
Councilman George	Aye
Supervisor Hosler	Aye

William B. Smith, Director of Planning and Community Development RE: Recommendation for Adoption of Architectural Design Standards for the General Business (GB), Neighborhood Business (NB) and Motor Services (MS) Zoning Districts.

RESOLUTION 2023 #90 Advertise Public Hearing for Proposed Local Law #3 - Architectural Design Standards

Councilman George moved and Councilman Macko seconded,

WHEREAS, the Evans Planning Board seeks to promote high quality development and design, and to foster economic growth throughout the Town's Business Districts; and

WHEREAS, the proposed Local Law #3 will provide specific guidance and Architectural Design Standards for development located in the General Business (GB), Neighborhood Business (NB) and Motor Services (MS) Districts; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the Evans Planning Board held a public meeting on January 25, 2023 and voted unanimously to recommend approval of Proposed Local Law #3 of the Year 2023; and

WHEREAS, in a letter dated January 30, 2023, 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 2023, to be held on February 15, 2023 at 7:10p.m. for the consideration of said Code Regulations,

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	Absent
	Councilman George	Aye
	Supervisor Hosler	Aye

William B. Smith, Director of Planning and Community Development RE: Rezone - Proposed rezone of a 1.10± acre parcel from General Business (GB) to Multi-Family Residential-3 (MFR-3) to convert previous office space into eight rental units. Project location: 8328 Erie Road, Angola, NY 14006, SBL# 220.19-1-5. Petitioner: Northeast Property Partners, LLC, 9666 Northfield St., Angola, NY 14006

RESOLUTION 2023 #91 Advertise Public Hearing for Proposed Local Law #4 - Northeast Property Partners, LLC

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, Northeast Property Partners, LLC has requested that the Town Board of the Town of Evans rezone the 1.10± acre parcel located at 8328 Erie Road, Angola, NY 14006, SBL# 220.19-1-5, from General Business (GB) to Multi-Family Residential-3 (MFR-3) for the purpose of developing the property for residential use; and

WHEREAS, in a letter dated January 30, 2023 the Evans Planning Board voted unanimously to recommend rezone from General Business (GB) to Multi-Family Residential-3 (MFR-3); and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Northeast Property Partners, LLC.

NOW THEREFORE BE IT ESOLVED, 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 2023, to be held on February 15, 2023 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	Absent
Councilman George	Aye
Supervisor Hosler	Aye

William B. Smith, Evans Minor Subdivision Review Committee RE: Minor Subdivision - dividing a 21.7± acre vacant parcel with 658.80± feet of frontage on Backus Road, Derby, NY known as SBL# 220.02-1-13 into four vacant parcels. Petitioner: William J. & Sharon L. Steen, 1114 Backus Road, Derby, NY 14047

RESOLUTION 2023 #92 Declare Lead Agency - Steen

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, and

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

WHEREAS, in a letter dated January 30, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the William & Sharon Steen Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant environmental 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 William & Sharon Steen, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 220.02-1-13, dividing a 21.7± acre vacant parcel to create:

1. a 5.632± acre vacant parcel with 200± feet of frontage on Backus Road,
2. a 5.594± acre vacant parcel with 200± feet of frontage on Backus Road,
3. a 7.085± acre vacant parcel with 258.18± feet of frontage on Backus Road,
4. a 3.635± acre vacant parcel to be annexed to adjoining properties known as SBL# 220.02-1-15 and 222.02-1-14.1 with 123± feet of frontage on Backus Road.

Petitioner: William J. & Sharon L. Steen, 1114 Backus Road, Derby, NY 14047

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	Absent
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2023 #93 SEQR Negative Declaration - Steen

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, and

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

WHEREAS, in a letter dated January 30, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the William & Sharon Steen Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant environmental 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 William & Sharon Steen, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 220.02-1-13, dividing a 21.7± acre vacant parcel to create:

5. a 5.632± acre vacant parcel with 200± feet of frontage on Backus Road,
6. a 5.594± acre vacant parcel with 200± feet of frontage on Backus Road,
7. a 7.085± acre vacant parcel with 258.18± feet of frontage on Backus Road,
8. a 3.635± acre vacant parcel to be annexed to adjoining properties known as SBL# 220.02-1-15 and 222.02-1-14.1 with 123± feet of frontage on Backus Road.

Petitioner: William J. & Sharon L. Steen, 1114 Backus Road, Derby, NY 14047

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	Absent
	Councilman George	Aye
	Supervisor Hosler	Aye

RESOLUTION 2023 #94 Amend Resolution 2023 #10

Councilman George moved and Supervisor Hosler seconded,

WHEREAS; resolution #2023-010 indicated a December 21st Town Board meeting date;

BE IT RESOLVED, that resolution #2023-010 is hereby amended as follows:

RESOLVED, that the Town Board of the Town of Evans shall hold is work session and board meetings on the following dates, with the work session starting at 6:00PM followed by the Town Board agenda meeting published by the Town Clerk:

January 4 and 18
February 1 and 15
March 1 and 15
April 5 and 19
May 3 and 17
June 7 and 21
July 19
August 2 and 16
September 6 and 20 Friday, September 29th - Tentative Budget is due
October 4, 11, and 18th 11th will be the meeting with outside organizations
November 1 and 8, 15 Final Budget due November 20th
December 6 and 20

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

RESOLUTION 2023 #95 2023 Parks and Marina Fees

Councilman Reitz and Supervisor Hosler seconded,

RESOLVED, that the attached rates be approved for the calendar year 2023 for the Town of Evans Parks Department; and

FURTHER BE IT RESOLVED, that effective immediately, the Parks & Recreation Department is hereby directed to advertise the 2023 Parks Fees;

BE IT FURTHER RESOLVED, that Shelter/Pavilion Reservation day shall be March 11, 2023.

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

RESOLUTION 2023 #96 DCO Shared Services Stipend

Supervisor Hosler and Councilman Macko seconded,

WHEREAS; The Town of Evans and Town of Brant have entered into a shared services agreement for Dog Control Services; and

WHEREAS, the Town of Evans will be providing Dog Control Services for the Town of Brant which will increase the duties and responsibilities of the Dog Control Officer, Michael Franey;

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans hereby approves to pay Dog Control Officer Michael Franey an annual stipend of $1,200. Said stipend to be paid bi-weekly via payroll.

FURTHER, BE IT RESOLVED, this stipend shall be nunc pro tunc to the date the shared service commenced (January 18, 2023), and all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the IBEW Local 41.
FURTHER, BE IT RESOLVED, a copy of this resolution will be provided to HR Department and the Chief of Police.

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

RESOLUTION 2023 #97 Road Cut Permit Fees

Councilman Macko moved and Councilman Reitz seconded,

BE IT RESOLVED, effective immediately, the Evans Town Board approves the Road Cut Permit Fee of $300.00 payable to the Town of Evans; and

FURTHER BE IT RESOLVED, effective immediately, the Evans Town Board approves a minimum of $1,500.00, payable to the Town of Evans, for security deposit/restoration fee, unless otherwise determined by the Town of Evans Highway Superintendent.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #98 Award Contract for the Sturgeon Point Master Plan and Revitalization Strategy and Parks Master Plan and Improvement Strategy

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town of Evans has been awarded funding from the NYS Department of State's Local Waterfront Revitalization Program to develop the Sturgeon Point Master Plan and Revitalization Strategy; and

WHEREAS, the Town also desires to develop a Parks Master Plan and Improvement Strategy for all Town parks and public spaces; and

WHEREAS, the Director of Planning and Community Development solicited competitive proposals from qualified firms to conduct both Master Plans; and
WHEREAS, the Consultant Selection Committee and the Planning Board carefully reviewed all proposals and have determined that the proposals submitted by Fisher Associates provide the best project understanding, approach to the scope of work, and overall cost to the town; and

WHEREAS, the cost of the proposals submitted by Fisher Associates was a combined $330,000.00 to conduct both Master Plans including a sewer capacity analysis for the Sturgeon Point area.

NOW, THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes the award of contract for the Sturgeon Point Master Plan and the Evans Parks Master Plan to Fisher Associates located at 55 Chicago Street, Buffalo, NY 14204.

AND BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any necessary contract documents.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #99 Approve Town Licenses

Councilman George moved and Supervisor Hosler seconded,

1.) William Pfeil D/B/A Triton Valley Estates - Angola (Mobile Home Development)
2.) William Pfeil D/B/A Triton Valley Estates - Derby (Mobile Home Development)
3.) Marguerite Hogg D/B/A Melody Meadows Home Const. Inc (Mobile Home Development)
4.) Brandon Gonzalez D/B/A Niko's Mediterranean Café (Refreshment)
5.) John Popple D/B/A The Bagel Jar, LLC (Refreshment)
6.) Amber Wesser D/B/A Super Freeze (Refreshment, Amusement, Live Band Commercial)

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #100 Audit of Bills

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

	AUDIT OF BILLS
DATE	2/2/2023
ABSTRACT NO.	27 (2022)
VOUCHER NO.	11962 - 11968
CHECK NUMBERS	85263 - 85274
APPROVED AT	Board Meeting
DATE	2/1/2023
GENERAL	$22,887.88
PART TOWN	
HIGHWAY DB	

WATER	$2,395.10
CAPITAL PROJECTS	$5,445.00
SPECIAL DISTRICTS	
DEBT SERVICE	
TOTAL	$30,727.98

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #101 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	2/2/2023
ABSTRACT NO.	3
VOUCHER NO.	11969 - 12017
CHECK NUMBERS	85275 - 85315
APPROVED AT	Board Meeting
DATE	2/1/2023
GENERAL	$41,157.68
PART TOWN	$311.33
HIGHWAY DB	$5,670.43
WATER	$40.00
CAPITAL PROJECTS	$521,020.80
SPECIAL DISTRICTS	$144,131.76
DEBT SERVICE	
TOTAL	$712,332.00

.36 difference because of adjusted voucher

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

RESOLUTION 2023 #102 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, February 15, 2023 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	Absent
	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 RMC
Town Clerk

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
JAN 12 2023
Lynn M. Krajacic
Evans Town Clerk

APPLICATION FOR MINOR SUBDIVISION

DATE: 1-20-23 **FILE #** 23-02

TO BE COMPLETED BY APPLICANT

OWNER: NAME William Jr. & Sharon L. Steen
STREET ADDRESS 1114 Backus Rd. STATE NY
CITY/ZIP Derby, 14047 PH/FAX
CELL # 716-392-8122 EMAIL ADDR lsteens@roadrunner.com

CONSULTANT: NAME n/a.
STREET ADDRESS STATE
CITY/ZIP PH/FAX

CELL # EMAIL ADDR

SUBDIVISION LOCATION vacant parcel

ZONING DISTRICT RR SBL# 220.02-1-13

	ROAD NAME	FRONTAGE	ACRES
ORIGINAL LOT:	Backus Rd.	658.50'±	21.7±
PROPOSED LOTS:			
LOT # 1	Backus Rd.	258'±	9.620± ✓
LOT #2	Backus Rd.	200'±	5.594± ✓
LOT #3	Backus Rd.	258.18'±	7.085± ✓
LOT #4	Backus Rd.	0.00'±	3.495±

To be annexed to adjoining parcel SBL# 220.02-1-13.2

APPLICATION SUBMITTAL APPOINTMENT 1-17-23 FEE (First Lot) $ 200.00
+$50 per each additional lot FEE TOTAL $ 300.00
(Non-Refundable – Payable to Town of Evans)

CK #2161-700
CK #2160-700

DATE RCVD: 1-13-23 MATERIALS CHKD BY: dw
REVIEWED BY: dw CKD BY: dw/ms
PB WORK SESSION DATE: PB MEETING DATE:
TOWN BOARD PUBLIC HEARING DATE:
TOWN BOARD RESOLUTION DATE:

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

William & Sharon Steen

Name of Action or Project:
Minor Subdivision

Project Location (describe, and attach a location map):
Vacant Land on Backus Road, Derby, NY SBL# 220.02-1-13

Brief Description of Proposed Action:
Minor Subdivision - dividing a 21.945+- acre parcel into 4 lots; a 5.632+/- ac lot with 200' of frontage on Backus Rd., a 5.594+/- ac lot with 200' of frontage on Backus Road, a 7.085+/- ac lot with 258.18' of frontage on Backus Rd., and a 3.635+/- ac lot to be annexed to adjoining parcel known as SBL# 220.02-1-15.

Name of Applicant or Sponsor:	Telephone: 716-382-8122
William & Sharon Steen	E-Mail: wsteensr@roadrunner.com

Address:
1114 Backus Road

City/PO:	State:	Zip Code:
Derby	New York	14047

	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: Evans Town Board	☐	☑

3. a. Total acreage of the site of the proposed action? 21.945+/- 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? 21.945+/- 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	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: Septic	☑	☐

	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: Small portion at the rear of property which will not be disturbed.		

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? Bald Eagle	☐	☑
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: William J. Steen Date: 10/29/22

Signature: William J. Steen Title: OWNER

PRINT FORM

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:
3 Feb 2023

Notice ID: twaTLAF1TyhiPbpKy4Dr
Notice Name: NE Prop Rezone

PUBLICATION FEE: $28.51

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/1/23
01MU4890621

Legal Notice

TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on February 15, 2023 at 7:10 P.M. via a Zoom and/or In-person Public Meeting to consider the adoption of Proposed Local Law #4 of the year 2023 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 1.10± acre vacant parcel on Erie Road, SBL# 220.19-1-5, located 8328 Erie Road, Angola, NY 14006 from General Business (GB) to Multi-Family Residential-3 (MFR-3) on the Town's official map. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm or Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after February 3, 2023. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom Public Hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk
Feb 3, 2023

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:
3 Feb 2023

Notice ID: ImnARQncf9LEmHFUVfSJ
Notice Name: PLL #3 Arch Design

PUBLICATION FEE: $24.50

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/23
01MU4891021

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, February 15 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 2023 to amend Chapter 200, Article VI of the Town Code regulating the design of structures within the Town's Business Districts. 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 February 3, 2023. 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
Feb 3, 2023

OBSERVER

AFFIDAVIT OF PUBLICATION

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PUBLICATION DATES:
3 Feb 2023

Notice ID: oCwIOIjmnEV1q42JWPY1
Notice Name: PLL #2 Battery Storage

PUBLICATION FEE: $24.95

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/23
01MU4890621

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, February 15 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 #2 of the year 2023 to add a new subsection to Chapter 200 of the Town Code, regulating Battery Energy Storage Systems throughout all Zoning Districts. 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 February 3, 2023. 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
Feb 3, 2023

OBSERVER

AFFIDAVIT OF PUBLICATION

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PUBLICATION DATES:
3 Feb 2023

Notice ID: twaTLAF1TyhiPbpKy4Dr
Notice Name: NE Prop Rezone

PUBLICATION FEE: $28.51

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J Musso
Notary Public

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By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk
Feb.3, 2023