

Evans Town Board

At a regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola New York there were:

PRESENT:	Dennis Feldmann	Councilman
	Jeanne Macko	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Jennifer Farrell	Town Attorney
	Paul Ryerse	Code Enforcement
	Mary Holl	Supervisor's Secretary

**RESOLUTION 2016 #421 Approve the Minutes**

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the meeting of September 7, 2016 and the Work Session of September 14, 2016, be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	AYE
	Councilman Macko	AYE
	Supervisor Hosler	AYE

**Communications**

Chief Ernie Masullo, Letter of Recognition to Patolman Patrick Atler for his actions during a dog attack

Roberta Rappoccio, RE: Minor Subdivision Review - dividing a 6.7± acre parcel to create a 5.3± acre parcel and a 1.4± acre parcel located at 6746 Old Lake Shore Rd., Derby, NY 14047, SBL# 206.00-3-20. Petitioner: Kenneth & Pamela Williams, 6746 Old Lake Shore Rd., Derby, NY 14047.

**RESOLUTION 2016 #422 SEQR Declaration for Williams Minor Subdivision**

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

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

WHEREAS, in a letter dated September 16, 2016, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Kenneth & Pamela Williams 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 Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Kenneth & Pamela Minor Subdivision. (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 206.00-3-20, dividing a 6.7± acre parcel to create:

1. a 5.3± acre parcel with 643.07± feet of frontage on Lake Shore Road, and
2. a 1.4± acre parcel with 150.00± feet of frontage on Lake Shore Road.

Petitioner: Kenneth & Pamela Williams, 6746 Lake Shore 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 Feldmann      AYE  
                                          Councilman Macko            AYE  
                                          Supervisor Hosler            AYE

**RESOLUTION 2016 #423 Approve Williams Minor Subdivision**

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated September 16, 2016, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Kenneth & Pamela Williams Minor Subdivision,

a division of SBL# 206.00-3-20, dividing a 6.7± acre parcel to create:

1. a 5.3± acre parcel with 643.07± feet of frontage on Lake Shore Road, and
2. a 1.4± acre parcel with 150.00± feet of frontage on Lake Shore Road.

Petitioner: Kenneth & Pamela Williams, 6746 Lake Shore Road, Derby, NY 14047

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 Feldmann     AYE  
                                           Councilman Macko        AYE  
                                           Supervisor Hosler        AYE

PUBLIC HEARING

**LEGAL NOTICE  
TOWN OF EVANS**

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on September 21, 2016 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the consideration of the adoption of Proposed Local Law #6 of the year 2016, which will amend Town Code Chapter 196: Water and any amendments thereto for proposed miscellaneous revisions to the Town Code Chapter 196: Water, Section 196-40.1 - Backflow Prevention. A draft copy of the proposed amendments will be available, at the Town Clerk's Office, to review or pick up during normal business hours, Monday, Tuesday, Thursday, and Friday from 8am-4pm and Wednesday from 9am-5pm or it can be viewed or printed out at [www.townofevans.org](http://www.townofevans.org).

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

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

Supervisor Hosler opened the public hearing for any person who is signed in or present to speak.

There was no one signed in or present wishing to speak on the Proposed Local Law.

**RESOLUTION 2016 # 424 Close the Public Hearing**

Supervisor Hosler moved and Councilman Macko seconded to close the Public Hearing.

VOTE RESULT:                   ADOPTED  
                                           AYES - Feldmann, Macko, Hosler  
                                           NAYS - none

**RESOLUTION 2016 # 425 Adopt Proposed Local Law #6 as Local Law #7 of 2016**

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law No. 6 of the year 2016 regarding miscellaneous code revisions to Section 196.40 will provide necessary revisions to the code; and

WHEREAS, the Evans Town Board held a Public Hearing on the proposed code amendments on September 21, 2016 which was properly advertised by the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law No. 6 of the year 2016 be and hereby is adopted as Local Law No. 6 of the year 2016

VOTE RESULT:	ADOPTED BY ROLL CALL
	Councilman Feldmann     AYE
	Councilman Macko         AYE
	Supervisor Hosler         AYE

**PRIVILEGE OF THE FLOOR**

Marie O'Connor, spoke about drainage concerns and an alleged service road at Melody Meadows mobile home park.

Dyan and Michael Scritchfield, spoke about a property maintenance issue at the old Napa building on Erie Road and asked for an extension for cleaning up the property.

Ed Schneider, requested the packets he submitted to the Board become part of the official record. He spoke about agreements regarding Lake Erie Beach Park, public parkland and the public highway. He requested the Town get proof of clear title regarding the Wojda property.

Robert Palmer, agreed with what Ed Schneider said

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

Supervisor Hosler reported on the joint meeting with the Planning Board, Zoning Board, Economic Development Board and the Town Board. She also announced the Town has secured a Grant for a new Comprehensive Plan including the Village of Angola.

**RESOLUTION 2016 # 426 Suspend the Rules of Order**

Supervisor Hosler moved and Councilman Feldmann seconded to suspend the rules of order for the conduct of business for Evans Town Board meetings for the consideration of adoption of additional resolutions.

VOTE RESULT:	ADOPTED BY ROLL CALL
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Councilman Feldmann - AYE  
Councilman Macko - AYE  
Supervisor Hosler - AYE

**RESOLUTION 2016 #427 Delinquent Water Accounts**

Councilman Feldmann moved and Councilman Macko seconded,

RESOLVED, that all delinquent water accounts not paid by October 14, 2016 will be relieved onto the 2017 County and Town Tax bills. WITH NO EXCEPTIONS!!!

At PRESENT time the outstanding amounts per water billing districts are as follows:

District #1	\$9,958.17
Total	\$9,958.17

VOTE RESULT: ADOPTED BY ROLL CALL  
Councilman Feldmann - AYE  
Councilman Macko - AYE  
Supervisor Hosler - AYE

**RESOLUTION 2016 #428 Audit of Bills**

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract #16 A dated September 14, 2016 brought forth in the amount of \$96,644.70.

**DATE: 9/14/2016**  
**ABSTRACT NO. 16A**  
**VOUCHER NO. 1641 - 1645**  
**CHECK NUMBERS 75347 - 75350**  
**Approved as per resolution 2016-236 audit of bills**

GENERAL	468.70
PART TOWN	
HIGHWAY DA	
HIGHWAY	
WATER	
CAPITAL PROJECTS	
SPECIAL DISTRICTS	96,176.00
DEBT SERVICE	
COMM DEVELOPMENT	
<b>TOTAL</b>	<b>\$ 96,644.70</b>

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann - AYE  
Councilman Macko - AYE  
Supervisor Hosler - AYE

**RESOLUTION 2016 #429 Audit of Bills**

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract #17 dated September 22, 2016 brought forth in the amount of \$286,359.46.

**DATE: 9/22/2016**  
**ABSTRACT NO. 17**  
**VOUCHER NO. 1574-1640, 1646, 1648, 1656-1664**  
**CHECK NUMBERS 75351-75417**  
**Approved as per Board meeting 9/21/2016 audit of bills**

GENERAL	143,812.89
PART TOWN	12,728.88
HIGHWAY DA	
HIGHWAY	61,187.84
WATER	9,172.88
CAPITAL PROJECTS	
SPECIAL DISTRICTS	59,456.97
DEBT SERVICE	
COMM DEVELOPMENT	
<b>TOTAL</b>	<b>\$ 286,359.46</b>

VOTE RESULT: ADOPTED BY ROLL CALL  
Councilman Feldmann - AYE  
Councilman Macko - AYE  
Supervisor Hosler - AYE

**RESOLUTION 2016 #430 Executive Session**

Supervisor Hosler moved and Councilman Macko 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: litigation and the employment history of a particular employee

NOW THEREFORE BE IT RESOLVED: Jennifer Farrell, Town Attorney and Lynn Krajacic, Town Clerk are invited to attend the Evans Town Board Executive Session.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
                                           Councilman Feldmann     AYE  
                                           Councilman Macko         AYE  
                                           Supervisor Hosler        AYE

**RESOLUTION 2016 #431 Adjourn Executive Session**

Councilman Macko moved and Councilman Feldmann seconded to adjourn the Executive Session.

VOTE RESULT:                   ADOPTED  
                                           AYES: Feldmann, Macko, Hosler  
                                           NAYS:

**RESOLUTION 2016 #432 Adjournment**

Supervisor Hosler moved and Councilman Macko seconded to adjourn to a Work Session on Wednesday, September 28, 2016 at 6pm then to Wednesday, October 5, 2016 at 6pm for an Agenda Meeting and Town Board meeting at 7pm.

VOTE RESULT:                   ADOPTED  
                                           AYES - Feldmann, Macko, Hosler  
                                           NAYS - none

This meeting was adjourned in Memory of Julie Roach, longtime employee and friend of the Town of Evans Senior Center.

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



## 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.

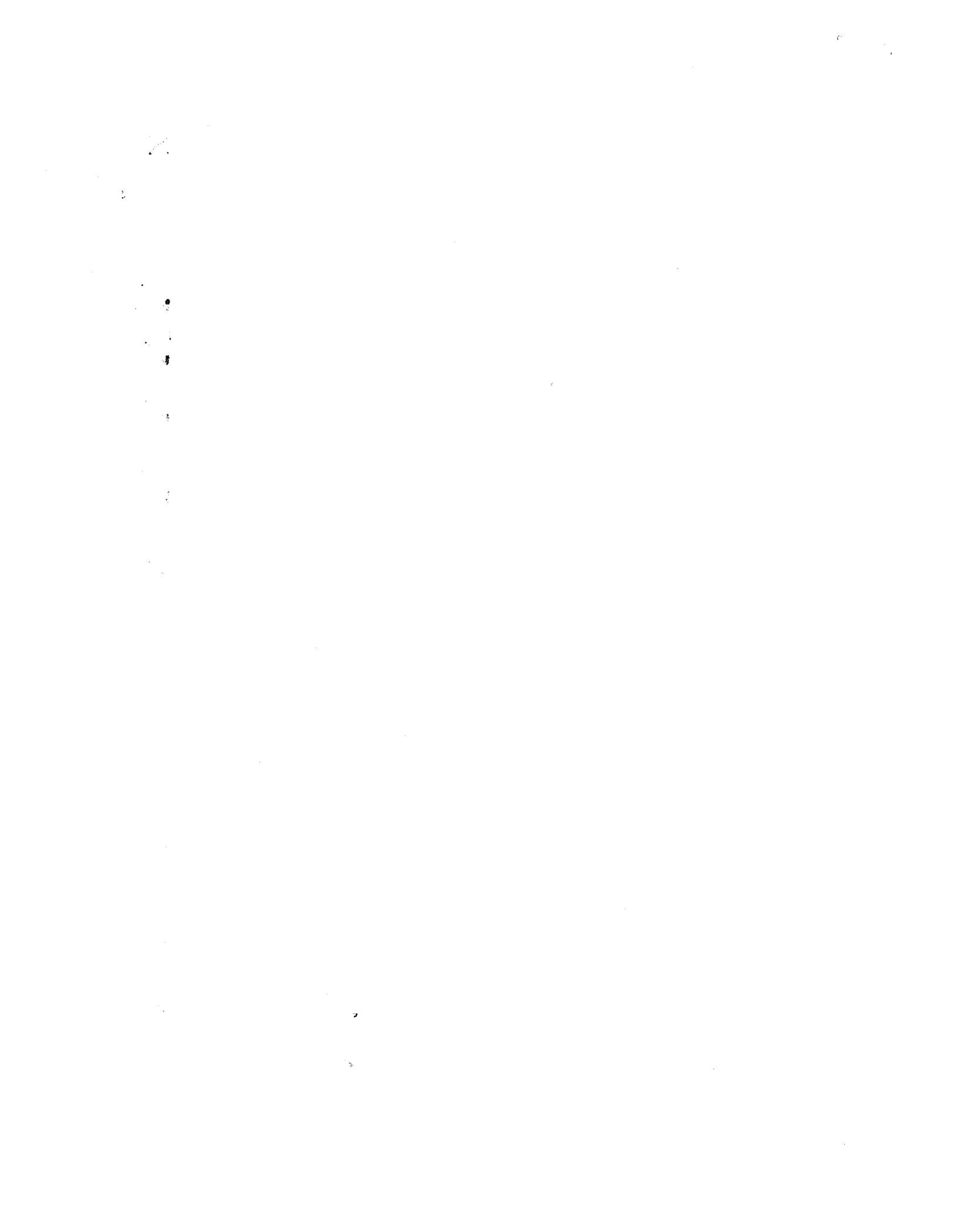
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Kenneth & Pamela Williams			
Name of Action or Project: Minor Subdivision			
Project Location (describe, and attach a location map): 6746 Lake Shore Road, Derby, NY 14047			
Brief Description of Proposed Action: Minor Subdivision of parcel - dividing a 6.26+/- acre parcel to create a <u>1.4</u> +/- acre parcel and a <u>5.3</u> +/- acre parcel located at 6746 Lake Shore Road, Derby, NY 14047, SBL# 206.00-3-20			
Name of Applicant or Sponsor: Kenneth & Pamela Williams		Telephone: <u>536-8876</u>	
		E-Mail: <u>pamela.williams2608@gmail.com</u>	
Address: 6746 Lake Shore Road			
City/PO: Derby	State: NY	Zip Code: 14047	
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.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>6.26 +/-</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>6.26 +/-</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

x

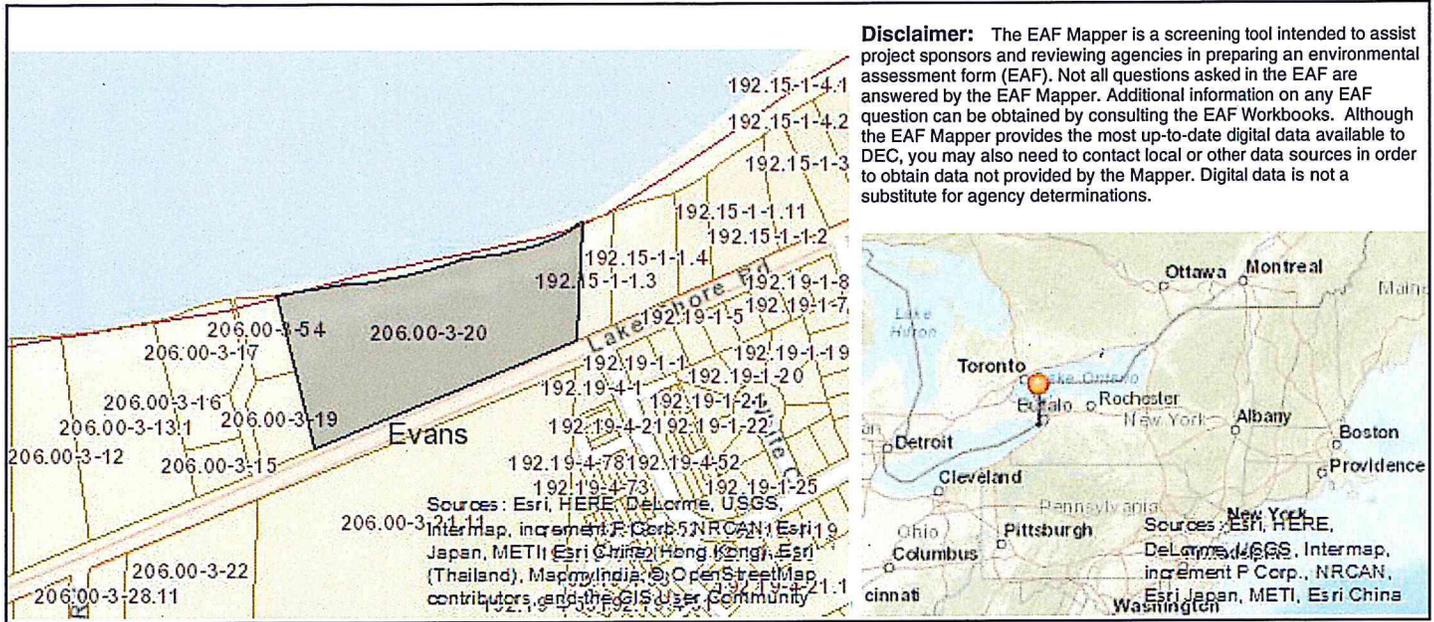
y





<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Panda V. Williams</u> Date: <u>9.15.14</u></p> <p>Signature: _____</p>		





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



Project: Date: 

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

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

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

Project: \_\_\_\_\_

Date: \_\_\_\_\_

### **Short Environmental Assessment Form Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town Board of Town of Evans \_\_\_\_\_

September 21, 2016 \_\_\_\_\_

Name of Lead Agency

Date

Mary K. Hosler

Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Project: \_\_\_\_\_

Date: \_\_\_\_\_

### *Short Environmental Assessment Form Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town Board of Town of Evans \_\_\_\_\_

September 21, 2016 \_\_\_\_\_

Name of Lead Agency

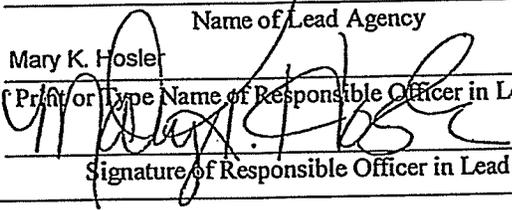
Date

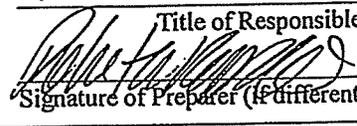
Mary K. Hosler \_\_\_\_\_

Supervisor \_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

  
Signature of Responsible Officer in Lead Agency

  
Signature of Preparer (if different from Responsible Officer)

