

Evans Town Board

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

PRESENT:	Mary Hosler	Supervisor
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn M. Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

**RESOLUTION 2021 #224 Accept Minutes**

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of May, 19, 2021, May 21, 2021 and May 27, 2021 be dispensed with and accepted as submitted by the Town Clerk.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

**Communications**

William Smith, Director of Planning: Rezone - Approve to recommend the rezone of SBL#'s 235.00-3-22.111 and 235.00-3-22.3 and the front portion of SBL# 235.00-3-22.12, three vacant parcels located on Erie Road from General Business (GB) to Residential Two-Family (R2) for a proposed subdivision for the construction of three single family homes. Petitioner: Kathleen Gallagher, 39 Wiesner Road, Lackawanna, NY 14218.

**RESOLUTION 2021 #225 Advertise for Public Hearing**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, Kathleen Gallagher has requested the Evans Town Board rezone vacant parcels SBL# 235.00-3-22.111 and 235.00-3-22.3 and the front portion of SBL# 235.00-3-22.12, located on Erie Road from General Business (GB) to Residential Two-Family (R2) for a proposed subdivision for the construction of three single family homes.

WHEREAS, in a letter dated May 28, 2021 the Evans Planning Board voted unanimously to recommend the above-referenced petition for rezone from General Business (GB) to Residential Two-Family (R2) at their May 26, 2021 Planning Board meeting, and

WHEREAS, the rezone of the vacant properties will constitute the use of an underutilized property and is not expected to result in any significant adverse impacts, and

WHEREAS, the applicant must supply four revised, stamped and signed surveys clearly outlining each separate parcel, including the front portion of SBL# 235.00-3-22.12, as well as deed descriptions for each parcel, and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Kathleen Gallagher

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 2021, to be held on June 16, 2021 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 Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

William Smith, Director of Planning RE: Minor Subdivision Review - dividing a 59.61± acre parcel to create a 55.48± acre parcel and a 4.13± acre parcel located at 1945 Eden Evans Center Rd., Angola, NY 14006, SBL# 237.00-4-15.1. Petitioner: Richard Cerne, 1945 Eden Evans Center Rd., Angola, NY 14006.

**RESOLUTION 2021 #226 SEQR Negative Declaration - Cerne**

Councilman George moved and Supervisor Hosler 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 May 28, 2021, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Richard Cerne 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 Richard Cerne Minor Subdivision. (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 237.00-4-15.1, dividing a 59.61± acre parcel to create:

Evans Town Board

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	Thomas George	Councilman
ALSO PRESENT:	Lynn Wolf	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

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VOTE RESULT:    ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

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WHEREAS, the rezone of the vacant properties will constitute the use of an underutilized property and is not expected to result in any significant adverse impacts, and

WHEREAS, the applicant must supply four revised, stamped and signed surveys clearly outlining each separate parcel, including the front portion of SBL# 235.00-3-22.12, as well as deed descriptions for each parcel, and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Kathleen Gallagher

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 2021, to be held on June 16, 2021 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 Schraft      Aye  
                          Councilman George      Aye  
                          Supervisor Hosler      Aye

William Smith, Director of Planning RE: Minor Subdivision Review - dividing a 59.61± acre parcel to create a 55.48± acre parcel and a 4.13± acre parcel located at 1945 Eden Evans Center Rd., Angola, NY 14006, SBL# 237.00-4-15.1. Petitioner: Richard Cerne, 1945 Eden Evans Center Rd., Angola, NY 14006.

**RESOLUTION 2021 #226 SEQR Negative Declaration - Cerne**

Councilman George moved and Supervisor Hosler 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 May 28, 2021, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Richard Cerne 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 Richard Cerne Minor Subdivision. (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 237.00-4-15.1, dividing a 59.61± acre parcel to create:

1. a 55.48± acre parcel with 245.85± feet of frontage on Eden Evans Center Road, and
2. a 4.13± acre parcel with 200.00± feet of frontage on Eden Evans Center Road.

Petitioner: Richard Cerne, 1945 Eden Evans Center Road, Angola, NY 14006

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

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

**RESOLUTION 2021 #227 Minor Subdivision Approval - Cerne**

Supervisor Hosler moved and Supervisor Hosler seconded,

WHEREAS, the applicant applied for a variance with the Town's Zoning Board of Appeals seeking relief from the 5-acre minimum lot area acreage requirement in the Agriculture & Open Space (AOS) district to 4.13 acres, and

WHEREAS, at the February 10, 2021 Zoning Board of Appeals meeting, the request for a variance in violation of the Town of Evans Zoning Law section 200-8.1 C (1) (a) to reduce the minimum size of a lot for a subdivision was granted, and

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

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

WHEREAS, in a letter dated May 28, 2021 the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agency, 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 Richard Cerne Minor Subdivision,

a division of SBL# 237.00-4-15.1, dividing a 5± acre parcel to create:

1. a 55.48± acre parcel with 245.85± feet of frontage on Eden Evans Center Road, and
2. a 4.13± acre parcel with 200.00± feet of frontage on Eden Evans Center Road.

Petitioner: Richard Cerne, 1945 Eden Evans Center Road, Angola, NY 14006

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 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.

Resolutions

RESOLUTION 2021 #228 Appointment of Full Time Police Officer

Supervisor Hosler moved and Councilman Schraft seconded,

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

WHEREAS, Shauna McCarthy meets the requirements needed to become a full-time police officer; and

NOW, THEREFORE BE IT RESOLVED, that effective immediately, Shauna McCarthy is hereby appointed as a full-time police officer, pending Civil Service approval; and

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

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

RESOLUTION 2021 #229 Budget Transfers

Councilman George moved and Councilman Schraft seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the following budget transfer to reappropriate funds:

<u>ACCOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>INCREASE</u>	<u>DECREASE</u>
MAINTENANCE PART TIME SALARIED	AA.01620.0110.00	22,620.00	
MAINTENANCE FULL TIME SALARIED	AA.01620.0100.00		22,620.00
To move budget for Driscoll wages to part time			
UTILITIES - POOL	AA.07180.0405.01	3,000.00	
FUEL RESALE	AA.07180.0403.01		3,000.00
To cover pool utilities			
SNOW REMOVAL FULL TIME HOURLY	DB.05142.0101.00	2,000.00	
SNOW REMOVAL PART TIME SEASONAL	DB.05142.0112.00		2,000.00
To cover wages			
SERVICE AWARD PROGRAM	SF.03410.0400.04	7,640.00	
WORKER'S COMPENSATION -	SF.09040.0800.00		7,640.00
FIRE PROTECTION			
To cover LOSAP payment			

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

**RESOLUTION 2021 #230 Appointment of Seasonal Part Time Employee**

Councilman Schraft moved and Councilman George seconded,

BE IT RESOLVED, effective immediately, Nathan Guziec is hereby appointed as a Part Time Seasonal Laborer, for a five (5) month period, working up to 39 hours per week, at a rate of \$13.50 per hour.

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

**RESOLUTION 2021 #231 Retirement of Dispatcher**

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, Paul Randall is employed as a part time Dispatcher with the Evans Police Department; and

WHEREAS, Part time Dispatcher Paul Randall intends to retire from the Town of Evans as a part time Dispatcher participating in the NYS and Local Retirement System (NYSLRS), effective June 10, 2021; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans accepts the retirement of part time dispatcher Paul Randall, effective June 10, 2021.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

**RESOLUTION 2021 #232 Appointment of Part Time Dispatcher**

Councilman George moved and Councilman Schraft seconded,

WHEREAS, Paul Randall was employed as a part time Dispatcher with the Evans Police Department until his retirement effective, June 10, 2021; and

WHEREAS, Paul Randall is eligible for employment as a part time dispatcher with the Town of Evans; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Paul Randall, effective June 14, 2021, to the position of part time Dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

**RESOLUTION 2021 # 233 Suspend the Rules of Order**

Supervisor Hosler moved and Councilman Schraft seconded to suspend the rules of order for the consideration of an additional resolution.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye

WHEREAS, there is a vacancy on the Evans Planning Board due to a previous member having moved out-of-state; and

WHEREAS, John Wilson meets the requirements needed to be a member of the Evans Planning Board having work experiences in engineering and construction, and having overseen multi-million-dollar construction projects and is a life-long resident of the Town of Evans; and

WHEREAS, the Planning Director, William Smith has recommended the appointment of John Wilson to fill the remainder of the term previously held by Brian Bergum; and

WHEREAS, John Wilson has agreed to serve as a member of the Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Evans Town Board hereby appoints John Wilson as a member of the Evans Planning Board for a term which will expire on December 31, 2022.

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

**RESOLUTION 2021 #235 Approve Town Licenses**

Councilman Schraft moved and Supervisor Hosler seconded,

1.) Derico of East Amherst Corp D/B/A McDonalds - Refreshment

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 Schraft         Aye  
                   Councilman George         Aye  
                   Supervisor Hosler         Aye

**RESOLUTION 2021 #236 Audit of Bills**

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

	<u>AUDIT OF BILLS</u>
DATE	6/3/2021
ABSTRACT NO.	11
VOUCHER NO.	8790 - 8857
CHECK NUMBERS	82678 - 82739
APPROVED AT	Board Meeting

DATE	6/2/2021
GENERAL	\$96,667.34
PART TOWN	\$4,268.24
HIGHWAY DB	\$19,818.55
WATER	\$4,037.77
CAPITAL PROJECTS	\$66,029.71
SPECIAL DISTRICTS	\$129,730.30
DEBT SERVICE	
TOTAL	\$320,551.91

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

**RESOLUTION 2021 #237 Adjournment**

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Wednesday, June 16, 2021 at 6pm for a Work Session and Meeting to immediately follow.

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

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.  
 Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Lynn M. Krajacic RMC  
 Town Clerk

## 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>			
RICHARD J. CERNE			
Name of Action or Project: MINOR SUBDIVISION			
Project Location (describe, and attach a location map): NEAR 1967 EDEN EVANS CTR RD EDEN NY 14057			
Brief Description of Proposed Action: MINOR SUBDIVISION OF PARCEL SBL# 237.00-4-15.1			
Name of Applicant or Sponsor: RICHARD J CERNE		Telephone: 716-796-8105	
		E-Mail: RICHFARMER@AOL.COM	
Address: 1945 EDEN EVANS CTR RD			
City/PO: EDEN		State: NY	Zip Code: 14057
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?		59.6 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?		59.6 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 type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>SEPTIC SYSTEM</u>		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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? <input type="checkbox"/> NO <input type="checkbox"/> YES		NO	YES	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

<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)?          If Yes, explain purpose and size: _____          _____</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>YES <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?          If Yes, describe: _____          _____</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>YES <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?          If Yes, describe: _____          _____</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>

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

Applicant/sponsor name: RICHARD J. CERNE

Date: 1-13-21

Signature: Richard J. Cerne

