

Evans Town Board

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

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

RESOLUTION 2022 #314 Enter Executive Session

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS: the Evans Town Board wishes to enter Executive Session, and;

BE IT RESOLVED: that the public shall be excluded from discussion of and action upon hereinafter specified subject matter.

The general nature of the subject matter to be discussed as follows: Pending Litigation

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney and Gregory Szarowicz, Chief of Police 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	Nay
	Supervisor Hosler	Aye

RESOLUTION 2022 #315 Settlement of Pending Litigation

Councilman Reitz moved and Supervisor Hosler seconded,

WHEREAS: Civil Action Number 21-CV-01291 was previously filed in the U.S. District Court Western District of New York, and

WHEREAS: the Town of Evans and the Plaintiff have agreed upon mutual terms and conditions of settlement of said action, and

WHEREAS: the Town Board has determined that it is in the best interests of the Town to enter into this settlement agreement in order to resolve said civil action and to avoid further litigation costs,

NOW THEREFORE BE IT RESOLVED; the Town of Evans ratifies the Settlement Agreement entered into with the Plaintiff, including mutual terms and conditions of settlement of the said civil action, and no admission of any improper or unlawful conduct by the Town of Evans,

AND BE IT FURTHER RESOLVED THAT: the Town Board of the Town of Evans hereby authorizes any actions necessary to carry out the terms of the Settlement Agreement, in consideration for the Plaintiff's discontinuance of the civil action, and his waiver and release of all claims that he may have against the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #316 Close Executive Session

Supervisor Hosler moved and Councilman Reitz seconded

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #317 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the August 17, 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 Smith, Evans Minor Subdivision Review Committee RE: Minor Subdivision Review - dividing a 1.01± acre parcel located at 6834 Erie Road, Angola, with 134.34± feet of frontage on Erie Road, Angola known as SBL# 192.20-8-21 into two lots to create a 0.182± acre parcel and a 0.828± acre parcel. Petitioner: Evans Bank, 6460 Main St., Williamsville, NY 14221

RESOLUTION 2022 #318 SEQR Negative Declaration - Evans Bank

Councilman Macko 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 applicant has completed Part 1 of the Short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated August 31, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Evans Bank Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Evans Bank, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 192.20-8-21, dividing a 1.01± acre parcel to create:

1. a 0.182± acre parcel with 134.34± feet of frontage on Erie Rd., and
2. a 0.828± acre parcel with 183.49± feet of frontage on Hamilton Drive.

Petitioner: Evans Bank, 6460 Main Street, Williamsville, NY 14221

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 #319 Minor Subdivision Approval - Evans Bank

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning (ECDEP) for a 239M Review as required, and

WHEREAS, the ECDEP offered no recommendation, stating the proposed action was determined to be of local concern, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Evans Bank Minor Subdivision,

a division of SBL# 192.20-8-21, dividing a 1.01± acre parcel to create:

1. a 0.182± acre parcel with 134.34± feet of frontage on Erie Rd., and
2. a 0.828± acre parcel with 183.49± feet of frontage on Hamilton Drive.

Petitioner: Evans Bank, 6460 Main Street, Williamsville, NY 14221

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 Smith, Evans Minor Subdivision Review Committee RE: Minor Subdivision Review - dividing a .64± acre parcel located at 9615 Point Breeze Drive, Angola, known as SBL# 250.09-3-25.1 into three lots to create a .19± acre vacant parcel, a .22± acre parcel and a .21± acre parcel. Petitioner: LMB Capital, Inc./Brian Hillery, 6 North Pearl St., Buffalo, NY 14202

RESOLUTION 2022 #320 SEQR Negative Declaration - MBP Capital Inc.

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town Board of the Town of Evans desires the Town of Evans to be the Lead Agency for the SEQR process, and

WHEREAS, the applicant has completed Part 1 of the Short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated August 31, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the LMB Capital, Inc./Brian Hillery Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the LMB Capital, Inc./Brian Hillery Minor Subdivision (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 250.09-3-25.1, dividing a .64± acre parcel to create:

1. a .19± acre vacant parcel with 80± feet of frontage on Point Breeze Dr., and
2. a .22± acre parcel with 84± feet of frontage on Point Breeze Dr., and
3. a .21± acre parcel with 76± feet of frontage on Point Breeze Dr.

Petitioner: LMB Capital, Inc./Brian Hillery, 6 North Pearl St., Buffalo, NY 14202

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 #321 Minor Subdivision Approval - LMB Capital Inc.

Councilman George moved and Councilman Macko seconded,

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning (ECDEP) for a 239M Review as required, and

WHEREAS, the ECDEP offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, as a condition of the subdivision, the current framed accessory building that partially sits on Town owned property, SBL #250.09-3-28, must be removed within 60-days of the date of approval of subdivision to bring the parcel into compliance with Town code, and

WHEREAS, the property lies within a Floodplain, hence any future construction and/or alternations to the existing structures will be required to comply with Section R322 of 2020 NYS Residential Code or any future applicable code, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the LMB Capital, Inc./Brian Hillery Minor Subdivision,

a division of SBL# 250.09-3-25.1, dividing a .64± acre parcel to create:

1. a .19± acre vacant parcel with .80± feet of frontage on Point Breeze Dr., and
2. a .22± acre parcel with 84± feet of frontage on Point Breeze Dr., and
3. a .21± acre parcel with 76± feet of frontage on Point Breeze Dr.

Petitioner: LMB Capital, Inc./Brian Hillery, 6 North Pearl St., Buffalo, NY 14202

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 #322 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 August 2022:

Town Clerk Report	\$45,097.57
Interest	\$ 1.19
Greenspace Fee	\$ 2,100.00
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 #323 Town Access 7304 Beechwood Rd

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans Code Enforcement Office has received a request for access to a portion of the Sturgeon Point Marina property pathway in order to secure retaining walls, based on the safety concerns of the property owner; and

WHEREAS, this property is located at 7304 Beechwood Road; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board gives approval to Stock Services to access the Sturgeon Point Marina property pathway, owned by the Town of Evans provided the following criteria and compliance is completed and approved:

- ✓ A DEC permit has been obtained and submitted to the Town of Evans
- ✓ The Town of Evans is provided a certificate of liability insurance naming the Town of Evans as an additional insured, from both the property owner and contractor
- ✓ Access and Use Agreement between the Town, property owner and property owner’s contractor, including hold harmless/indemnification provision
- ✓ The Town of Evans Waterfront Assessment Form is completed, submitted and approved
- ✓ The Town of Evans Floodplain Development Permit Application is completed, submitted with all necessary documentation and approved
- ✓ Submittal of the contractor’s safety plan, equipment staging plan, daily hours of operation, timeframe of the referenced project (ie: number of weeks), restoration plan for the accessed property

BE IT FURTHER RESOLVED, that said access shall be allowed during such dates as approved by the Chief Code Enforcement Officer and solely to conduct the above referenced work, if the above referenced criteria is met. Such access shall be suspended during any use of the Sturgeon Point Marina property pathway by the Town, including without limitation any repair and/or improvement of Sturgeon Point Marina.

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

RESOLUTION 2022 #324 - Authorize Town Justice to Attend NYS Magistrates Association Conference

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS; Town Justice Dennis Glascott requests permission to attend the New York State Magistrates Association 112th Annual Conference; and

WHEREAS; said annual conference will be held in Saratoga Springs, New York from Sunday, October 30, 2022 to Wednesday, November 2, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Judge Dennis Glascott, to attend said conference and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #325 2022 Mid-Year Budget Transfers

Supervisor Hosler moved and Councilman Schraft seconded to Table this resolution

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #326 Advertise for Public Hearing Community Development Block Grant

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Town of Evans will be applying for a Community Development Block Grant for the year 2023-2024; and

WHEREAS, the Evans Town Board authorizes the Town Clerk to advertise a public hearing on September 21, 2022 at 7:10pm for the purpose of soliciting citizen input regarding potential projects for the upcoming Community Block Development Grant application;

THEREFORE, BE IT RESOLVED, that the Evans Town Board authorize the Supervisor and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Grant Program; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #327 Advertise Invitation to Bid for Demolition and Date for Bid Opening

Supervisor Hosler moved and Councilman Schraft seconded to Table this resolution

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #328 Appointment of Part Time Police Officer

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, there is an opening for a Part Time Police Officer in the Town of Evans Police Department; and;

WHEREAS, Paul Randall is currently a Part Time Police Officer in Village of Springville Police Department, and a retired detective from the Town of Hamburg Police Department with 35 years of experience as a Police Officer, and;

WHEREAS, Paul Randall has successfully interviewed and passed all aspects of the Town of Evans Police Department Background check;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Paul Randall, effective Thursday, September 8, 2022, to the position of Part-Time Police Officer with the Town of 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 Law, as amended.

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

RESOLUTION 2022 #329 Appointment of Part Time Police Officer

Councilman Reitz moved and Supervisor Hosler seconded,

WHEREAS, there is an opening for a Part Time Police Officer in the Town of Evans Police Department; and,

WHEREAS, Giovanni Schifano is currently attending the Erie County Police Training Academy to become a New York State Certified Police Officer, and

WHEREAS, Giovanni Schifano has successfully interviewed and passed all aspects of the Town of Evans Police Department Background check,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Giovanni Schifano, effective September 10, 2022, to the position of Part-Time Police Officer with the Town of Evans Police Department, based upon hours submitted for attendance at the Erie County Police Training Academy;

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

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

RESOLUTION 2022 #330 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 Reitz Aye
 Councilman Macko Aye
 Councilman Schraft Aye
 Councilman George Aye
 Supervisor Hosler Aye

RESOLUTION 2022 #331 Budget Transfer - Highway Purchase of 2022 F350 Pick Up Truck

Councilman Schraft moved and Supervisor Hosler seconded

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget transfers to reappropriate funds for costs associated with the purchase of a 2022 (Ford) F350 Pick-Up Truck for the Town of Evans Highway Department, purchase price \$44,470, which is NYS Contract pricing:

Transfer From:

DB.5110.401.06	Highway - Guardrails	\$30,000
DB.5130.0410.00	Highway - Equipment Parts & Supplies	\$15,000

Transfer To:

DB.5110.220.00	Highway - Machinery & Motor Vehicles	\$45,000
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VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #332 Part Time Seasonal Laborer - Highway Department

Supervisor Hosler moved and Councilman Macko seconded

WHEREAS, there is an opening for a part-time seasonal laborer in the Town of Evans Highway Department;

BE IT RESOLVED, that Andrew Mulvihill is hereby appointed to the Part Time Seasonal Laborer position at the Town of Evans Highway Department, for a five (5) month period beginning September 10, 2022 and ending February 9, 2023, working up to 39.5 hours per week, at an hourly rate of \$15.00, payable bi-weekly; and

FURTHER, BE IT RESOLVED, a copy of this be given to Kelly Kent in the Human Resource Department.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #333 Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

Kurt Wojda D/B/A Stroh's 9566 Lake Shore Rd, Angola NY 14006 - Refreshment, Amusement & Live Band

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #334 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	9/8/2022
ABSTRACT NO.	16
VOUCHER NO.	11139 - 11255
CHECK NUMBERS	24608 - 84686
APPROVED AT	Board Meeting
DATE	9/7/2022
GENERAL	\$321,796.94
PART TOWN	\$20,565.25
HIGHWAY DB	\$9,418.20
WATER	\$2,392.07
CAPITAL PROJECTS	\$88,117.30
SPECIAL DISTRICTS	\$139,319.21
DEBT SERVICE	
TOTAL	\$581,608.97

August WEX Gas - 20,543.12

August Proflex - 15,072.19

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

RESOLUTION 2022 #335 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn Wednesday, September 21, 2022 at 6pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of Fran Pordum, former Town of Evans Supervisor and NYS Assemblyman

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

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

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

Respectfully Submitted,

Lynn M. Krajacic RMC
Town Clerk

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 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

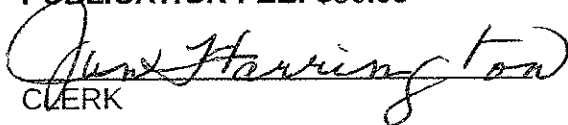
9 Sep 2022

Notice ID: xSRPcycS3zsfSHGi1gV

Publisher ID: LTNEVN

Notice Name: Public Hearing 9 27 2022 Comm Dev Funds TOE

PUBLICATION FEE: \$36.98



CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

9th day of September, A.D. 2022.


Notary Public

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

Legal Notices

NOTICE OF PUBLIC HEARING

TOWN OF EVANS

Please take notice, the Town Board of the Town of Evans, Erie County, NY will hold a Public Hearing on September 21, 2022 at 7:10 pm in the Court Room of the Evans Municipal Center (located at 8787 Erie Road, Angola, NY 14006) regarding the use of Federal Community Development funds in the Town of Evans.

The Town of Evans is eligible for a Federal Community Development Grant under Title 1 of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Evans.

Citizens are urged to attend this Public Hearing to make known their views and/or written proposals on the Town of Evans' selection of potential projects to be submitted for possible funding by the Federal Community Development Grant program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Evans at (716) 217-3529. The Hearing may also be attended via a Zoom link which can be found on the Town's website.

Questions and comments may also be forwarded via USPS to the Evans Planning Office at 8787 Erie Road, Angola, NY 14006 or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the

COLUMN SOFTWARE PBC
PO BOX 33338
WASHINGTON, DC 20033-0338

TOWN OF EVANS CLERK
8787 ERIE RD
ANGOLA, NY 14006-9620

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record of the Public Hearing. All parties of 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

Sep 9, 2022



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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			
LMB Capital Inc. 6 N Pearl St Bfb NY 14202			
Name of Action or Project: 9615 Point Breeze, Evans NY			
Project Location (describe, and attach a location map): 9615 Point Breeze Evans NY			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: LMB Capital Inc. E Brian Hilbery		Telephone: 716 316 6699	
		E-Mail: qb.law@roadrunner.com	
Address: 6 N Pearl St			
City/PO: Buffalo		State: NY	Zip Code: 14202
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 type="checkbox"/>
			YES <input checked="" type="checkbox"/>
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:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.64 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?		.64 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

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Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I – Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I – Project and Sponsor Information			
LMB Capital Inc. 6 N Pearl St Bfb NY 14202			
Name of Action or Project: 9615 Point Breeze, Evans NY			
Project Location (describe, and attach a location map): 9615 Point Breeze Evans NY			
Brief Description of Proposed Action: Minor Subdivision - Dividing a .64/-ac parcel w/240 ft. of frontage on Point Breeze Dr. into (3) lots; a .194-ac parcel w/80ft of frontage on Point Breeze Dr., a .224-ac lot w/84' of frontage on Point Breeze Dr., and a .214-ac lot w/76' of frontage on Point Breeze Dr.			
Name of Applicant or Sponsor: LMB Capital Inc. E Brian Hilbery		Telephone: 716 316 6699	
		E-Mail: qb.law@roadrunner.com	
Address: 6 N Pearl St			
City/PO: Buffalo		State: NY	Zip Code: 14202
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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.64 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?		.64 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

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5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<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? 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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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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

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?

Lake Chubsucker

NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

NO	YES
<input type="checkbox"/>	<input checked="" 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?

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

If Yes, briefly describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>


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:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Applicant/sponsor/name: LMB Capital Inc Date: 7/6/22

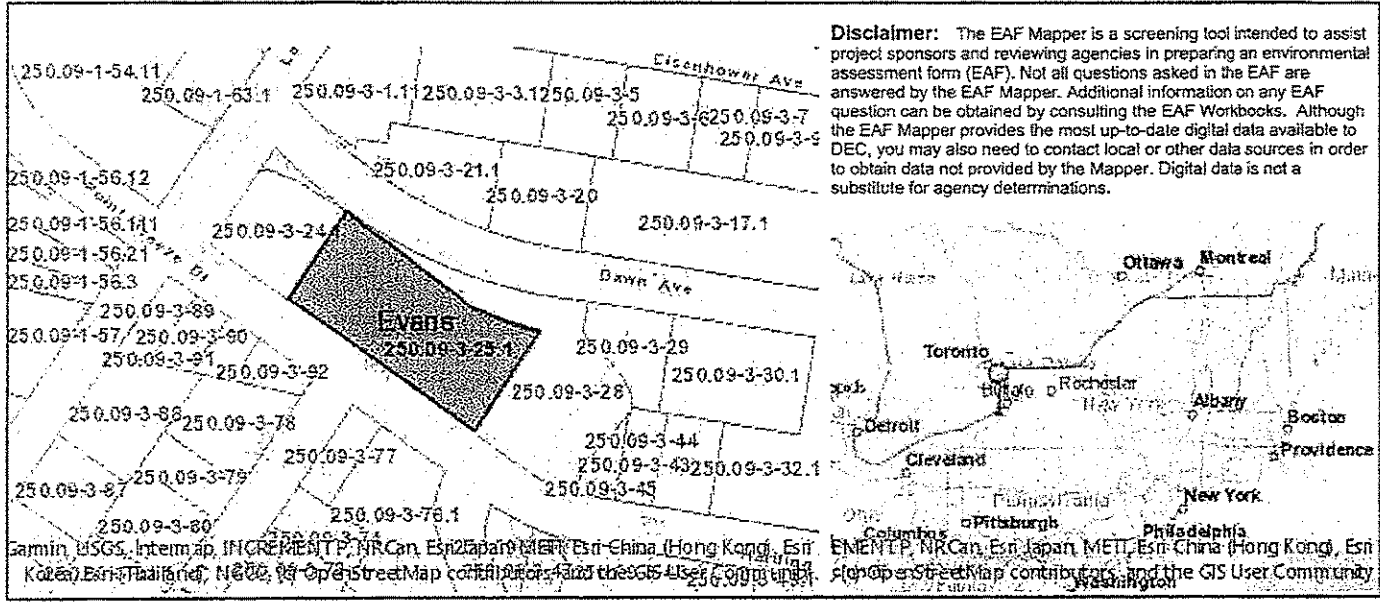
Signature:  Title: President

Albert Surman

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EAF Mapper Summary Report

Wednesday, July 6, 2022 9:51 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Lake Chubsucker
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

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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: Evans Bank Derby Branch Drive-thru Kiosk and Minor Subdivision			
Project Location (describe, and attach a location map): 6834-6840 Erie Road, Town of Evans (Derby)			
Brief Description of Proposed Action: Proposed subdivision of #6834 Erie Road for a stand-alone drive-thru ATM Kiosk frontage on Erie Road. Proposed 24-ft wide access easement thru #6834 to existing Hamilton Drive driveway curb cut, and thru #6840 Erie Road to existing Erie Road driveway curb cut. Includes paved driveway, curbing, security lighting, kiosk structure, height sentry, protection bollards and landscape improvements.			
Name of Applicant or Sponsor: Tredo Engineers c/o Evans Bank - Mayan Flaherty, VP Facilities Director		Telephone: 716.926.2040 E-Mail: MFlaherty@evansbank.com	
Address: 6460 Main Street			
City/PO: Williamsville		State: NY	Zip Code: 14221
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 government Agency? If Yes, list agency(s) name and permit or approval: (T) Evans planning board, Town board, Building permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 1.01 acres (#6834)	
b. Total acreage to be physically disturbed?		_____ 0.28 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 1.81 acres (#6834+#6840)	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

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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?	NO	YES	
If Yes, identify: _____	<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 services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: not applicable	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ not applicable	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ not applicable	<input type="checkbox"/>	<input type="checkbox"/>	
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

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Shoreline Forest Agricultural/grasslands Early mid-successional

Wetland Urban Suburban

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NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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If Yes,

a. Will storm water discharges flow to adjacent properties?

<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>
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If Yes, explain the purpose and size of the impoundment:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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If Yes, describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Applicant/sponsor/name: Andrew Marino - Tredo Engineers Date: 6.16.22

Signature: *Andrew Marino* Title: PROJECT MANAGER

PRINT FORM