

Evans Town Board

At the regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Thursday, June 15, 2011 at 7:00pm there were:

PRESENT:	Keith E. Dash	Councilman
	Paul T. Cooper	Councilman
	Francis J. Pordum	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Paul Ryerse	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Drew Eszak	Dir. of Finance
	Edward Michalski	Highway Superintendent
	Sandra Brant	Dir. of Planning
	Julie Roach	Seniors Dept. Head
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Russ Manguso	Parks Commissioner
	Ernie Masullo	Police Chief
	Patrick Conrad	St Pt Marina Dept Head
	Peggy Manning	Supervisor's Dept

RESOLUTION 2011-178 Approve Minutes

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of May 26, 2011 be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT: ADOPTED
 AYES - Dash, Cooper, Pordum
 NAYS - none

Public Comment on Meeting Agenda Items

1. Marie O'Connor- 8818 Lake Shore Rd- questioned the language of how items are listed and would like more information provided prior to meeting. (Referral to subdivision address & SEQR)
2. Ed Conboy- 8168 Hillside- questioned the SEQR process, agreed with the suggestion of providing more information prior to the meeting, and the timeline of when minutes are published and available to the public.

7:10 pm Public Hearing

Supervisor Pordum opened the public hearing by directing the Town Clerk to read the published legal notice as follows:

**LEGAL NOTICE OF PUBLIC HEARING
TOWN OF EVANS**

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on June 15, 2011 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the renewal of a Special Use Permit for an auto vehicle auction facility, to be located at 8418 Southwestern Blvd. (a.k.a. US Route 20), Angola, NY, part of SBL# 221.00-3-22.1 Petitioner: Roy Emerling (Southtowns Auto Auction, Inc.), PO Box 204, Boston, NY 14025.

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
Jonica B. DiMartino
Town Clerk

1. Ed Conboy- unsure of his position due to lack of information provided beforehand.

RESOLUTION 2011-179 Close Public Hearing

Supervisor Pordum moved and Councilman Dash seconded to close the public hearing.

VOTE RESULT: ADOPTED
 AYES- Dash, Cooper, Pordum
 NAYS- none

7:15 pm Public Hearing

Supervisor Pordum opened the public hearing by directing the Town Clerk to read the published legal notice as follows:

**LEGAL NOTICE OF PUBLIC HEARING
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 June 15, 2011 at 7:15 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for consideration of and receipt of public comment upon proposed local law number 2 of the year 2011, for the proposed amendment of Chapter 196 of the Town Code of the Town of Evans, including, but not limited to, Article IX thereof, and the requirement of, and cost of, installation of back flow preventers and related equipment and services and payment for such related items and/or equipment.

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
Jonica B. DiMartino
Town Clerk

1. Ed Conboy- 8168 Hillside- questioned the intent of proposed local law- unsure of whether for or against due to lack of information provided beforehand. (Rob Klavoon of Wendel was asked to provide an explanation per request of the Town Attorney.)

RESOLUTION 2011-180 Close Public Hearing

Councilman Dash moved and Supervisor Pordum seconded to the close the Public Hearing.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2011-181 Renewal of Special Use Permit for 8418 Southwestern Blvd, Angola, part of SBL# 221.00-3-22.1 Petitioner: Roy Emerling (Southtowns Auto Auction, Inc.)

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS, on May 17, 2011, Southtowns Auto Auction requested the renewal of a Special Use Permit for the purpose of continuing the operation of an auto vehicle auction facility, located at 8418 Southwestern Blvd. (a.k.a. US Route 20), Angola, NY, part of SBL# 221.00-3-22.1, and

WHEREAS, said Special Use Permit was issued with the following conditions:

1. The site must be developed in accordance with the site plan as approved by the Town of Evans Planning Board dated April 3, 2001 and revised on October 19, 2010.
2. No vehicles shall be stored on the site in excess of 30 days.
3. The 30.57± acre parcel that is zoned Rural Agriculture (RA) be dedicated forever wild through deed restrictions, a conservation easement or some other means as deemed acceptable to the Town Attorney.
4. The natural vegetation that exists along the southwestern property line shall remain fully intact to provide a visual buffer.

WHEREAS, the Town of Evans Planning Office and the Code Enforcement Office have conducted a proper review of the application and the facility and have recommended the Special Use Permit be renewed, and

WHEREAS, the negative SEQRA declaration issued by the Evans Planning Board on

September 22, 2010, for said facility is still sufficient and valid, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing regarding said Special Use Permit renewal,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to Southtowns Auto Auction for the purpose of continuing the operation of an auto vehicle auction facility, located at 8418 Southwestern Blvd. (a.k.a. US Route 20), Angola, NY, and

BE IT FURTHER RESOLVED, that the four (4) above said conditions shall again be placed upon said Special Use Permit, and

BE IT FURTHER RESOLVED, that the above-said Special Use Permit be granted for a five (5) year period, and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office, Assessor's Office and the Code Enforcement Office.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-182 Adopt PLL#2 of the year 2011 as Local Law #2 of the year 2011 (RE: Installation of backflow preventers)

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED, that proposed Local Law #2 of the year 2011 be and hereby is adopted as Local Law #2 of the year 2011

Amend §196-40.1, C., (7), (c), [5], [b] of the Town code as follows:

Deleting and repealing the following provision

[b] If the aforesaid charge for remediation so specified in such statement of the same is not fully paid by such person or persons, party or parties responsible for the same as set forth in this chapter within 20 days of completion of such delivery, as aforesaid, such unpaid charge for remediation shall be a charge levied upon the real property taxes relative to the premises or property so remedied, due with the payment of the county and Town taxes relative to such premises and property and shall be, if unpaid, a lien on the premises and property so taxed with the same force and effect as such real property taxes imposes.

And replacing the aforesaid with the following:

[b] *Manner of payment. Following the delivery of such written statement specifying such aforesaid charge for remediation the following payment options shall be*

available to the affected property owners:

- [i] Payment in full without penalty at any time within 30 days of delivery of the aforesaid written statement; or*
- [ii] Payment in five (5) equal annual installments of principal plus interest due on the anniversary of the delivery of such written statement. The rate of interest charged shall be equal to the rate of interest of the serial bonds, plus 1/2 percent, issued in order to finance improvement of the water system authorized, from time to time by the action of the Town Board. Annual installments shall be included as a separate item on the Town tax roll and shall constitute a lien on the premises and property so taxed with the same force and effect as such real property tax imposes.*
- [iii] If the owner elects neither option above, the total amount will be transferred to the next Town tax roll and shall constitute a lien on the premises and property so taxed with the same force and effect as such real property tax imposes*

The balance of said section §194-40.1 of the Town Code of the Town of Evans shall remain unaffected.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-183 Committee and Department Head Reports

Supervisor Pordum moved and Councilman Dash seconded to approve the Committee and Department Head Reports as reported.

VOTE RESULT: ADOPTED
 AYES- Dash, Cooper, Pordum
 NAYS- none

RESOLUTION 2011-184 Approve Town Clerk Reports

Supervisor Pordum moved and Councilman Cooper seconded,

Town Clerk Monthly Reports

May 2011
 Monthly \$17,506.17
 Interest Earned \$6.50
 Petty Cash \$-0-
 Water Receipts May 2011 \$144,342.27
 Interest Earned \$42.28

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye

Councilman Cooper	aye
Supervisor Pordum	aye

Old Business

Supervisor Pordum stated that the PLL#1 of 2011- LWRP Consistency Review Law will remain on old business at this time.

RESOLUTION 2011-185 SEQR declaration for the Lynn E. Penfold minor subdivision

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated June 10, 2011 the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Lynn E. Penfold Minor Subdivision, and

WHEREAS, it has been determined that there will be no significant effect on the environment.

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 Lynn E. Penfold Minor Subdivision. (Addendum A -SEQR Short Environmental Assessment Form),

a division of SBL# 205.00-3-8.1, dividing a 7.52± acre parcel to create:

1. a 2.81± acre parcel with 211± feet of frontage on Sturgeon Point Road, and
2. a 4.71± acre parcel with 350± feet of frontage on Sturgeon Point Road.

Petitioner: Lynn E. Penfold, P.O. Box 244, Derby, NY 14047.

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

VOTE RESULT: ADOPTED
 AYES- Dash, Cooper, Pordum
 NAYS- none

RESOLUTION 2011-186 Approve Lynn E. Penfold minor subdivision

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, 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 Lynn E. Penfold Minor Subdivision, a division of SBL# 205.00-3-8.1, dividing a 7.52± acre parcel to create:

1. a 2.81± acre parcel with 211± feet of frontage on Sturgeon Point Road, and
2. a 4.71± acre parcel with 350± feet of frontage on Sturgeon Point Road.

Petitioner: Lynn E. Penfold, P.O. Box 244, 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
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-187 Appt of Lifeguards/Lifeguard Captains, Recreation Supervisor & Pool Attendants

Supervisor Pordum moved and Councilman Dash seconded,

RESOLVED; that the following individuals be appointed to the position of lifeguard and/or lifeguard captain; to be called as needed; to be paid the designated rate of pay:

Ian Widmer-Wick	369 Harper, Angola	\$11.75
Arwen Tisdale	258 Harper, Angola	\$10.75
Chad Connors	6962 Potter , Derby	\$9.75
Kathryn Bartha	95 Railroad, Angola	\$8.50/9.25
Marguerite O'Connor	8812 Lake Shore, Angola	\$9.00/9.75
Joseph Violanti	8571 N. Main , Eden	\$9.00/9.75
Joseph Juskiewicz	1817 S. Creek, Derby	\$9.00
Kyle Benzing	531 Ivy, Angola	\$8.50
Charles Arrigo	78 Summerdale, Angola	\$8.00
Robert Burke	9407 Jamestown, Angola	\$8.00
Haeli Halloran	60 Lotus Bay, Irving	\$8.00
Lauren Jakiel	6983 Potter, Derby	\$8.00
Dylan Kelly	901 Bennett, Angola	\$8.00
Sancheri Kennedy	6773 Lake Shore, Derby	\$8.00
James Murphy	664 Monroe, Angola	\$8.00
Kara Schanbacher	164 Grove, Angola	\$7.50
Travis Wright	6971 Potter, Derby	\$7.50

Deonna Coleman 6704 Old Lake Shore, Derby \$7.50

BE IT RESOLVED; that the following be appointed to the designated position;
to be paid the designated hourly rate of pay:

Lance Harrison	9640 Ellicott, Angola(Recreation Supervisor)	\$13.50
Mikelle Cala	1267 Backus Rd., Derby(Pool Attendant)	\$7.50
Kaitlin Radder	60 South Lane, Angola(Pool Attendant)	\$7.50
Kalie Weinheimer	6767 Black Rd, Derby(Pool Attendant)	\$7.50

VOTE RESULT: ADOPTED BY ROLL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-188 Water Bill Adjustment

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED: that an adjustment be made to the following account because of a
water leak.

BEERS, ALAN	Account # 01111330
1388 BURNS RD	Adjustment- \$339.17 + PENALTY \$71.21

VOTE RESULT: ADOPTED BY ROLL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-189 Water Bill Adjustment

Councilman Dash moved and Supervisor Pordum seconded,

RESOLVED: that an adjustment be made to the following account because
Customer states they never received water bill. Penalty only.

TATAR, JAMES	Account # 02080440
7040 VERSAILLES	Adjustment- \$24.36

VOTE RESULT: ADOPTED BY ROLL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-190 Approve & Execute "Approval to Purchase"

Councilman Cooper moved and Supervisor Pordum seconded to table this resolution to Old Business to review at the next Town Board meeting.

VOTE RESULT: ADOPTED
 AYES- Dash, Cooper, Pordum
 NAYS- none

RESOLUTION 2011-191 Closing of Lakeside Road to Berrywood on Monday, July 4, 2011 from 9:30am - 11:30am

Supervisor Pordum moved and Councilman Cooper seconded,

Whereas, Grandview Bay Association has started a tradition in this community to honor our nation's birth on the 4th of July by having their annual Grandview Bay Community Parade; and

The public safety responsibility for those people enjoying the celebration, those people residing in this celebration area, and the people who will transverse this area are a responsibility that is best served through the following road closure:

The Town Board of the Town of Evans hereby authorizes the closing of Lakeside Road from Lake Shore Road to Berrywood on **Monday, July 4th, 2011** between the hours of **9:30 a.m. and 11:30 a.m.** for the purpose of providing public safety to all participants and residents.

VOTE RESULT: ADOPTED BY ROLL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-192 Closing of Kennedy Avenue & Eisenhower Avenue from Lake Shore Road to Quebec Street on July 3, 2011 (Rain date of July 4, 2011)

Councilman Cooper moved and Councilman Dash seconded,

Whereas, the July 4th celebration in the Lake Erie Beach/Point Breeze area brings several thousand plus people to this community to honor our nation's birth; and

The public safety responsibility for those people enjoying the celebration, those people residing in this celebration area, and the people who will transverse this area, are a responsibility that is best served through the following road closures.

The Town Board of the Town of Evans hereby authorizes the closing of Kennedy Avenue and Eisenhower Road from Lake Shore Road to Quebec Street for the purpose of providing public safety to all participants, residents, and traffic during the 3rd of July (rain date 4th of July), in addition to all other public safety measures as set forth under the Code of the Town of Evans.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2011-193 Advertise for PH for the consideration of the adoption of PLL#3 of the year 2011 (Live Band/Entertainment Licenses)

Councilman Cooper moved and Supervisor Pordum seconded,

Resolved, that the town clerk is authorized to advertise for a public hearing to amend the town code regarding the issuance of licenses for live band performances/entertainment to be held on July 20, 2011 at 7:10pm.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2011-194 Advertise for PH for the consideration of adoption of PLL#4 of the year 2011 (Term Limits for certain Town Officials)

Councilman Dash moved and Supervisor Pordum seconded,

Resolved, that the town clerk is authorized to advertise for a public hearing to amend the town code regarding the establishment of term limits for certain officials of the Town of Evans to be held on July 20, 2011 at 7:20pm.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2011-195 The Permanent/Perpetual Easement for 8787 Erie Road be conveyed substantially according to contract/agreement on file

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS, Crown Castle Towers 09 LLC, a Delaware limited liability company, having offices at 301 North Cattlemen Road, Suite 200, Sarasota, FL 34232, hereinafter referred to as "Crown Castle" has expressed an interest in a parcel of real property, herein termed the Premises, described hereinafter, being a portion of tax map parcel identified as SBL# 235.00-2-37 and located on, and being part of the larger parcel commonly and locally known as 8787 Erie Road, Evans, New York, upon which is currently located the Town Hall and various accessory structures and improvements, herein termed the Property; and

WHEREAS, upon such Premises is currently situated a certain telecommunications/cell

tower relative to which the Town of Evans and STC Five, a Delaware limited liability company, by Global Signal Acquisitions II, a Delaware limited liability company, its Attorney in Fact, are parties to a lease for a portion of the Property ("Lease"), which lease describes a portion of the Property being approximately 4 plus acres; and

WHEREAS, Crown Castle has described the Premises in which it has expressed such interest as being a parcel having dimensions of approximately 100 feet by 100 feet and being in the approximate current location of said telecommunications/cell tower sited upon said Property by virtue of, and pursuant to said Lease; and

WHEREAS, a public hearing was advertised for, and held, at the Town Hall on February 2, 2011, to solicit input from residents of the Town and those interested concerning the lease, sale or disposition of the property concerned herein; and

WHEREAS, Crown Castle has proposed an agreement for the purchase of a permanent/perpetual easement over the aforesaid premises on the terms and provisions set forth; and

WHEREAS, in consideration of the present use of the premises and the terms of the lease heretofore executed, it is deemed that the property subject to the proposed easement is deemed surplus in that the same is presently not in use by the Town and the conveyance of the easement subject hereto would not impair the use of the property of which the Premises described herein is a part; and

WHEREAS, in consideration of the purchase of such interest in said Premises, Crown Castle has offered to pay, a purchase price of Three Hundred Twenty Five Thousand Dollars (\$325,000), the Purchase Price, to be paid as set forth in the agreement and related documents to be on file with the Town Clerk; and

WHEREAS, among other provisions of said agreement and documents, and in consideration of the same, it is provided that:

The aforesaid Lease will be revised, amended, and modified so that such portion of the Property subject to said Lease, but for that portion to be subject to the permanent/perpetual easement to be sold as referenced herein and in the proposed agreement and related documents will be released from said Lease, The Town will assign to Crown Castle its interest in the said Lease, and, if applicable, at the closing of the Transaction, the Purchase Price shall be reduced by an amount equal to the portion of any rent or other payments previously paid to Town pursuant to the Lease for any period of time after the closing of the Transaction;

NOW THEREFORE BE IT RESOLVED, that subject to a permissive referendum, the Supervisor of the Town of Evans, or his designee, be, and the same hereby is authorized to enter into such agreement, and related documents so as to give effect to such lease modification and the conveyance of such easement subject to the approval of the Town Attorney and Director of Finance, in substantial compliance with, and in amplification of, as may be appropriate, the terms hereof and further to execute such

documents and instruments as may be appropriate to give effect to such agreement and the terms hereof.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-196 Advertise for PH for the consideration of the adoption of PLL#5 of 2011 (Establish Temporary Crosswalks)

Supervisor Pordum moved and Councilman Cooper seconded,

Resolved, that the town clerk is authorized to advertise for a public hearing to amend the town code to establish cross walks at certain locations in the Town of Evans, including, but not limited to, those set forth in a schedule on file with the Town Clerk and available at the office of the Town Clerk for inspection in advance of such public hearing to be held on July 20, 2011 at 7:15pm

And be it further resolved, that effective immediately, temporary cross walks be established for the safety and protection of the public and pending any action to be taken in consequence of the aforesaid public hearing the same to be so established at the locations specified in the attached exhibit (B) and that such actions and expenses, as may be reasonable to establish the same, are hereby authorized and directed.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-197 Appt of 2 - Clerk Typists RPT

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, the County of Erie Personnel Department, acting as the Human Resource Department, for the Town of Evans, held a Civil Service Examination for Clerk Typist and,

WHEREAS, the Town of Evans has a need for Clerk Typist to assist in the operation of Town business and,

WHEREAS, certain times of the calendar year are busier than others, requiring the use of part-time (PT) and regular part-time (RPT) employees to meet the needs of residents for services and,

WHEREAS, the Town of Evans, at these times of increased needs, requires additional flexibility to deliver services and,

WHEREAS, two current PT employees of the Town of Evans, after a canvass of successful candidates on the Civil Services list for Clerk Typist, are within the top three candidates for appointment, as required by New York State Civil Service Law,

NOW THEREFORE BE IT RESOLVED, that Jeanne Dillon of 9028 Joyce Lane, Angola, NY and Laurie Wojcik of 1506 Eden-Evans Center Road, Angola, NY, are hereby appointed to the position of Clerk Typist RPT and these appointments shall take effect with the pay period commencing June 24, 2011 and,

BE IT FURTHER RESOLVED, that each shall be appointed at the salary approved for their respective PT positions in the January 2011 Town of Evans Organizational Meeting and,

BE IT FURTHER RESOLVED, that a probationary period for these appointments shall not be less than 6 months nor more than 12 months.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-198 Town Licenses

Supervisor Pordum moved and Councilman Cooper seconded,

Licenses

Refreshment- Michael J. White D/B/A Whitey's Road House Tacos & Subs

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
 AYES- Dash, Cooper, Pordum
 NAYS- none

RESOLUTION 2011-199 Audit of Bills

Councilman Dash moved and Supervisor Pordum seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstract brought forth on June 15, 2011

Date: 06/01/2011
 Abstract No. 11
 Voucher No. 930-1033
 Prepaid:

GENERAL	48,823.25
PART TOWN	16,122.23
HIGHWAY DA	0.00
HIGHWAY	14,277.68
WATER	0.00
CAPITAL PROJECTS	9,430.86
SPECIAL DISTRICTS	19,847.74
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
 TOTAL	 108,501.76

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2011-200 Adjournment

Supervisor Pordum moved and Councilman Dash seconded to adjourn to a Work Session at 6:15 pm on Wednesday, July 13, 2011 then to an Agenda Meeting on Wednesday, July 20, 2011 at 6:30pm with the regular Town Board meeting immediately following at 7:00pm

VOTE RESULT: ADOPTED
 AYES- Dash, Cooper, Pordum
 NAYS- none

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,

**Jonica B. DiMartino
 Town Clerk
 Town of Evans**

PROJECT I.D. NUMBER

617.20

Appendix C

SEQR

State Environmental Quality Review

ADDENDUM A
6-15-2011
page 1 of 2SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR <i>Lynn E. Penfold</i>	2. PROJECT NAME <i>Lynn E. Penfold Minor Subdivision</i>
3. PROJECT LOCATION: Municipality <i>Town of Evans</i> County <i>Erie</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>North Side of Sturgeon Point Rd. midway between Erie Rd (Nys Rte 5) and Old Lake Shore Rd.</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Subdividing a 7.52 +/- acre parcel to create a 2.81 +/- acre parcel and a 4.71 +/- acre parcel</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u>7.52 +/-</u> acres Ultimately <u>7.52 +/-</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>LYNN E. PENFOLD</i>	Date: <i>6/9/11</i>
Signature: <i>Lynn E. Penfold</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 AND provide on attachments as necessary, the reasons supporting this determination:

Town Board of the Town of Evans
 Name of Lead Agency

Francis J. Pordum
 Print or Type Name of Responsible Officer in Lead Agency

Francis J. Pordum
 Signature of Responsible Officer in Lead Agency

Supervisor
 Title of Responsible Officer

Andrea L. Brant - Dir. of Pla
 Signature of Preparer (If different from responsible officer)

6-15-11
 Date

EXHIBIT B
(CROSSWALKS)

Crosswalk #1 would be placed at 395- 402 lakeside by marked path to beach

Crosswalk #2 would be placed at 347 Lakeside by marked path to the beach

Crosswalk #3 would be placed at central and lakeside also leading to the path to the beach

Crosswalk #4 would be placed at Coolidge and lakeside also leading to the path to the beach