

## 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 Wednesday, December 5, 2012 at 7:00pm there were:

|               |                     |                               |
|---------------|---------------------|-------------------------------|
| PRESENT:      | Dennis M. Feldmann  | Councilman                    |
|               | Paul T. Cooper      | Councilman                    |
|               | Keith E. Dash       | Supervisor                    |
| ALSO PRESENT: | Jonica B. DiMartino | Town Clerk                    |
|               | J. Grant Zajas      | Town Attorney                 |
|               | Jeanne C. Ebersole  | Assessor                      |
|               | Charles LaBarbera   | Building Dept. Head           |
|               | Lori Szewczyk       | Dir. of Community Development |
|               | Scott Dill          | Finance Dept                  |
|               | Edward Michalski    | Highway Superintendent        |
|               | Russ Manguso        | Parks Commissioner            |
|               | Sandra Brant        | Dir. of Planning              |
|               | Ernie Masullo       | Police Chief                  |
|               | Julie Roach         | Seniors Dept. Head            |
|               | Diana Cafferty      | Supervisor's Dept.            |
|               | Rob Klavoon         | Wendel Duchscherer            |
| ABSENT:       | Patrick Conrad      | St. Pt. Marina Dept. Head     |
|               | James Guarino       | Water Dept                    |

**RESOLUTION 2012- 374 Approve Minutes**

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of the regular meeting of November 7, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

**Communications**

1. Supervisor Dash read a letter from Russ Manguso from the Parks Department & the Recreation Advisory Board regarding various holiday activities including Santa in the Park, Coloring contest and the Paul Struebel Memorial Outdoor House Decorating Contest.
2. Supervisor Dash read a letter from Michelle C. Munro complimenting the The Town of Evans Citizens Police Academy program that she recently attended.

3. Supervisor Dash read a detailed letter from Michelle C. Munro and Patricia Laufer that commended Officer Joe LaRosa as the instructor of the Town of Evans Citizens Police Academy program.
4. Supervisor Dash read a letter from Rachel Youngers complimenting her shadowing experience with Lt. Douglas Czora and thanking the officers that also assisted.
5. Supervisor Dash read a letter from residents from the Grandview Bay community regarding Local Law #5 of 2011 and the requested repeal of such law and removal of the eight crosswalk signs from that area.
6. Supervisor Dash read an email from Peter M. Carey complimenting Officer Joseph LaRosa and the Evans Police Department on the excellent job the officers did with the Daisy Troop tour of the Department to earn their 'Respect Authority' Petal.
7. Supervisor Dash read a letter from Debra Smith commending Lt. Peter Smith, Deborah Dalton and Mike Franey for their devotion and assistance to a recent issue with a rental property she owns.
8. Supervisor Dash read an email from Sharen and Jim Trembath commending the Evans Highway crew in their assistance with a large tree that went down on a neighbor's property. The Crew was in the area clearing ditches and went above and beyond with their assistance.
9. Supervisor Dash read a letter from Joe Gajdosz regarding his request to be reinstated to the position on the Town of Evans Board of Assessment Review (BAR).
10. Supervisor Dash read a letter from Maryann Baake, Court Clerk, Town of Evans regarding her retirement on December 28, 2012 and her appreciation to the employees and the three justices that she has worked under- Hon. Mark Hamberger, Hon. Timothy J. Cooper and Hon. Anthony J. Barone, Jr.

**7:10 pm Public Hearing-PLL#6 of the year 2012 (rezone 6778 Erie Road, Derby-Petitioner Richard Schaper, Jr.**

**RESOLUTION 2012-375 Open Public Hearing**

Councilman Feldmann moved and Councilman Cooper seconded to open the public hearing regarding the rezoning of 6778 Erie Rd, Derby, NY 14047

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

Supervisor Dash asked the Town Clerk to read the 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 December 5, 2012 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #6 of the year 2012 which will amend Local Law #8 of the year 1987 commonly known as the Zoning Law and any amendments thereto and the Zoning Map by rezoning property situated in the Town of Evans as requested by Petitioner: Richard Schaper, Jr., 6864 Erie Road, Derby, NY 14047 to rezone a .33 +/- acres parcel from Motor Service (MS) to General Business (GB) for the purpose of operating a liquor store to be located at 6778 Erie Road (a.k.a. NYS Route 5), Derby, NY 14047.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York, being part of Lot No. 51, Township 9, Range 9 of the Holland Land Company’s Survey and being part of Parcel “C” as shown on map filed in Erie County Clerk’s Office under Cover No. 1542, described as follows:-

BEGINNING at the intersection of the northerly bounds of Lake Shore Road cut off and the easterly bounds of Putnam Drive as shown on said map; thence northerly along the easterly bounds of Putnam Drive one hundred fifty-six and ninety-six hundredths (156.96) feet; thence easterly at an exterior angle of 84° 37’ 31”, one hundred twenty and fifty-three hundredths (120.53) feet to east line of Parcel “C”; thence southerly along the east line of Parcel “C” eighty-four and fifteen hundredths (84.15) feet to north line of Lake Shore Road cut off; thence westerly along said northerly bounds of Lake Shore Road cut off, one hundred forty-six and fifty-four hundredths (146.54) feet to the point of beginning.

All parties in interest and citizens shall have an opportunity to be heard 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, had questions regarding the original zoning versus the reasoning and past uses of the property.

**RESOLUTION 2012-376 Close Public Hearing**

Councilman Cooper moved and Councilman Feldmann seconded, to close the public hearing at this time.

VOTE RESULT:                      ADOPTED  
AYES- Feldmann, Cooper, Dash  
NAYS- None

Supervisor Dash read a letter from Sandra L. Brant, Chairman of the Evans Planning Board recommending the rezoning RE: Rezoning of a 33+/- acre parcel from Motor Service (MS) to General Business (GB) for the purpose of operating a liquor store to be located at 6778 Erie Road (a.k.a. NYS Route 5) Derby, NY 14047. SBL#192.20-5-8.1. Petitioner: Richard Schaper, Jr., 6864 Erie Road, Derby, NY 14047.

**RESOLUTION 2012-377 Issue Negative Declaration in accordance with the SEQR requirements**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, Richard Schaper, Jr. has requested a rezoning of a .33± acre parcel from Motor Service (MS) to General Business (GB) for the purpose of operating a liquor store to be located at 6778 Erie Road (a.k.a. NYS Route 5) Derby, NY 14047. SBL# 192.20-5-8.1., and

WHEREAS, the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this rezoning and has determined that there will be no significant impacts to the environment, and have recommended the issuance of a SEQR negative declaration.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans adopts these findings and issues a negative declaration in accordance with the SEQR requirements for the Richard Schaper, Jr. rezoning, at 6778 Erie Road (a.k.a. NYS Route 5), Derby, NY 14047 (Addendum A SEQR Long Environmental Assessment Form).

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

|              |                                |
|--------------|--------------------------------|
| VOTE RESULT: | ADOPTED BY ROLL CALL           |
|              | Councilman Feldmann     Aye    |
|              | Councilman Cooper        Aye   |
|              | Supervisor Dash            Aye |

**RESOLUTION 2012-378 Adopt Proposed Local Law #6 of the year 2012 as Local Law #6 of the year 2012**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, Richard Schaper, Jr. has requested a rezoning for the purpose of operating a liquor store, located at, 6778 Erie Road, Derby, NY 14047 known as SBL# 192.20-5-8.1, and

WHEREAS, the Town Board of the Town of Evans has held a public hearing for consideration of the rezoning of a .33± acre parcel zoned Motor Service (MS) to General Business (GB), and

WHEREAS, on November 14, 2012 the Evans Zoning Board of Appeals granted a parking/loading and stacking variance for this property, and

WHEREAS, the Town of Evans Planning Board has recommended the rezoning of said property based on the following reasons.

- The project appears to be consistent with the Town of Evans Comprehensive Plan;
- The project use will revitalize an existing property with a new, viable business use that will improve the value of the property; and
- The project will result in aesthetic improvements to the property that will enhance the character of the site and surrounding community, and
- The project is not expected to result in any undo traffic impacts or adverse impacts to the surrounding community, and
- The applicant has successfully operated a business in the Town of Evans for a number of years. This action will enable the Town to retain this viable business in the community.
- A parking/loading and stacking variance has been granted by the Zoning Board of Appeals.

WHEREAS, the Town of Evans Planning Board also recommends that the following condition be placed on the approval of this action:

- the project shall comply with the conditions set forth in the site plan including the maintenance agreement, and

WHEREAS, the Town Board has issued a SEQR negative declaration for this action,

NOW THEREFORE BE IT RESOLVED, that Proposed Local Law #6 of the year 2012 regarding the above rezoning of SBL# 192.20-5-8.1 be adopted as Local Law #6 of the year 2012, and

BE IT FURTHER RESOLVED, that the rezoning be subject to the above-referenced condition, as recommended by the Planning Board, and

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

|              |                                |
|--------------|--------------------------------|
| VOTE RESULT: | ADOPTED BY ROLL CALL           |
|              | Councilman Feldmann      Aye   |
|              | Councilman Cooper        Aye   |
|              | Supervisor Dash            Aye |

**Privilege of the Floor on Meeting Agenda Items & Other Issues**

1. Donald Sommers, 9160 Lakeside Ave, clarified that there is a Grandview Bay Community and a Grandview Bay Association that doesn't appear to be reflecting the whole community. He stated that their concern is not the crosswalks, but the issue is the signs that were posted. He stated that the community referred to in the earlier communication was to have the signs only to be removed.
2. Bill Henry, 1456 Pontiac Rd, congratulated the Supervisor and the Town Board on their efforts regarding moving forward with energy efficiency with the outdoor Town lighting at the various buildings, however, he questioned the process involved including the energy audit, if there is a bidding process and where the materials were coming from- local vs non local.
3. E. Waddell, 600 Milsom, stated that he feels the metal detector, is unnecessary and a form of harassment. He then again expressed his displeasure with the metal detector process.
4. Ed Conboy, Jr., 8168 Hillside Dr, Angola, NY 14006, questioned the authorization of the issuance of the TAN. He asked for clarification of a TAN and was told it stands for Tax Anticipation Note. Mr. Conboy also questioned the public hearing to increase the borrowing of the additional money for the water project. He asked when specific details would be available and was advised from Rob at Wendel that it would be provided to the Town Clerk's Office tomorrow morning.
5. Dick Hammer, Derby, NY, spoke against the metal detector. He also questioned the TAN (Tax Anticipation Note). He also commented extensively on consolidating the fire departments of the Town.

**Committee and Department Head Reports**

Councilman Cooper announced that the Annual Disco to benefit the Lake Shore Boys & Girls Club is December 31<sup>st</sup> from 8:00pm - 2:00am at the Evans Center Fire Hall. The Evans Center Vol. Fire Co. will have volunteers as Designated Drivers that evening. Also, Councilman Cooper commented that he was a graduate of the Citizen Police Academy and commended Officer LaRosa an outstanding job.

Councilman Feldmann had no report at this time.

Supervisor Dash announced a workshop for all dept heads will take place immediately following tonight's meeting titled 'Violence in the Workplace'. The workshop was set up by the Town's Safety Officer, John Ruszjac and will be conducted by Officer Joe LaRosa. He invited any members of the public to stay as well if interested. Supervisor Dash also announced Erie County Legislator John Mills' HEAP

Assistance Program and stated that anyone interested could stop by the Supervisor's Office for more information.

**RESOLUTION 2012-379 Town Clerk Monthly Reports**

Councilman Cooper moved and Councilman Feldmann seconded to approve the Town Clerk monthly reports as follows:

|                              |              |
|------------------------------|--------------|
| November 2012 Monthly        | \$11,664.88  |
| November 2012 Interest       | \$2.03       |
| November 2012 Water Receipts | \$170,552.57 |
| November 2012 Interest       | \$23.33      |

VOTE RESULT:                   ADOPTED BY ROLL CALL  
   Councilman Feldmann     Aye  
   Councilman Cooper        Aye  
   Supervisor Dash          Aye

**RESOLUTION 2012-380 Issue Negative Declaration in accordance with SEQR requirements RE: PLL #4 of the year 2012 regarding Sections 200-29 Sign Regulations and 200-7 Definitions of the Town Code**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Evans Town Board wishes to adopt proposed Local Law No. 4 of the year 2012 regarding revisions to Sections 200-29 Sign Regulations and 200-7 Definitions, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQRA (State Environmental Quality Review Act), the Evans Town Board as SEQR Lead Agency, determined that the action was an unlisted action and completed a Short Environmental Assessment Form, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans has determined that the adoption of proposed Local Law No. 4 of the year 2012, regarding Sections 200-29 Sign Regulations and 200-7 Definitions of the Town Code will not have a significant impact on the environment and, therefore, issues a Negative Declaration. Based on this determination of non-significance, no further SEQR review is required (Addendum B Short Environmental Assessment Form).

AND BE IT FURTHER RESOLVED, that the Evans Town Board authorizes the Town Planning Director to conduct all necessary filings pursuant to the SEQR requirements for Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
   Councilman Feldmann     Aye

|                   |     |
|-------------------|-----|
| Councilman Cooper | Aye |
| Supervisor Dash   | Aye |

**RESOLUTION 2012-381 Adopt Proposed Local Law #4 of 2012 as Local Law #7 of 2012**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated September 10, 2012, the Evans Planning Board initiated revisions to Sections 200-29 Sign Regulations and 200-7 Definitions and upon further review by the Town Board, revisions are proposed to Sections 200-29 Sign Regulations and 200-7 Definitions, and

WHEREAS, the Evans Town Board wishes to adopt proposed Local Law No. 4 of the Year 2012 regarding revisions to Sections 200-29 Sign Regulations and 200-7 Definitions, and

WHEREAS, this law will enhance the appearance and character of the community as well as enhance the business and economic climate of the Town of Evans, and

WHEREAS, the Evans Town Board held a Public Hearing on October 3, 2012 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action.

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

NOW THEREFORE BE IT RESOLVED, that proposed Local Law #4 of the year 2012 be hereby adopted as Local Law #7 of the year 2012.

|              |                                |
|--------------|--------------------------------|
| VOTE RESULT: | ADOPTED BY ROLL CALL           |
|              | Councilman Feldmann     Aye    |
|              | Councilman Cooper        Aye   |
|              | Supervisor Dash            Aye |

**RESOLUTION 2012-382 Revision of Town's Fee Schedule to be adopted to include changes to the Sign Fee**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Evans Town Board has amended its Sign Code Section 200-29 & Definitions Section 200-7, and

WHEREAS, applicants applying for a permit for signage are charged a permit fee by the Town of Evans,



NOW THEREFORE BE IT RESOLVED, that a revision to the Town’s fee schedule be adopted to include changes to the Sign fee to effectively cover the cost of doing such business in the Town. (Attachment A)

VOTE RESULT:                   ADOPTED BY ROLL CALL  
                                  Councilman Feldmann     Aye  
                                  Councilman Cooper        Aye  
                                  Supervisor Dash           Aye

**RESOLUTION 2012-383 Appt of Board of Assessment Review (BAR) member**

Councilman Cooper moved and Councilman Feldmann seconded, to table this resolution to Old Business.

VOTE RESULT:                   ADOPTED  
                                  AYES- Feldmann, Cooper, Dash  
                                  NAYS- None

**RESOLUTION 2012-384 Authorize the Issuance of a TAN (Tax Anticipation Note)**

At a Regular Meeting of the Town Board of the Town of Evans, County of Erie, New York, held at the Town Hall, 8787 Erie Road, Angola, New York, on December 5, 2012.

PRESENT: Supervisor Dash  
                  Councilman Cooper  
                  Councilman Feldmann

ABSENT: none

The following resolution was offered by Supervisor Dash, who moved its adoption, seconded by Councilman Cooper, to-wit:

**TAX ANTICIPATION NOTE RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE TOWN OF EVANS (THE “TOWN”) IN AN AMOUNT NOT TO EXCEED \$900,000 IN ANTICIPATION OF THE RECEIPT OF REAL ESTATE TAXES OR ASSESSMENTS TO BE LEVIED IN THE FISCAL YEAR ENDING DECEMBER 31, 2013**

BE IT RESOLVED, by the Town Board (the "Board") of the Town of Evans, Erie County, New York (the "Town") AS FOLLOWS:

Section 1. In anticipation of the collection of the receipt of real estate taxes or assessments to be levied in the fiscal year ending December 31, 2013, and pursuant to Section 24.00 of the Local Finance Law of the State of New York (the "Law"), the Town is hereby authorized to issue and sell one or more Tax Anticipation Notes in an aggregate principal amount not to exceed \$900,000 (the "Notes").

Section 2. The maturity date of the Notes shall not extend beyond the close of the applicable period approved by Section 24.00 of the Law for the maturity of the Notes, within one year from the date of issuance.

Section 3. Subject to the provisions of this Resolution and the Law, pursuant to the provisions of Sections 30.00, 50.00 and 56.00 of the Law, the powers and duties of the Board to issue and to sell the Notes, including any renewals thereof, and the authorization of the terms, form and content thereof, are hereby delegated to the Supervisor of the Town as the chief fiscal officer of the Town (the "Supervisor"). The Supervisor is authorized and directed to execute and deliver the Notes to the purchaser thereof and the Clerk of the Town is authorized and directed to attest the Notes.

Section 4. The full faith and credit of the Town are and shall be pledged to the punctual payment of principal of and interest on the Tax Anticipation Notes authorized herein.

Section 5. The Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Notes as excludable from gross income from federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the Notes, if applicable, as qualified tax-exempt obligations in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 6. This resolution shall take effect immediately.

The following vote was taken and recorded in the public or open session of said meeting:

|                     |       |
|---------------------|-------|
| AYES:               | NAYS: |
| Councilman Feldmann | none  |
| Councilman Cooper   |       |
| Supervisor Dash     |       |

**RESOLUTION 2012-385 Schedule PH to consider an increase in the maximum authorized cost of the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority**

At a regular meeting of the Town Board of the Town of Evans, in the County of Erie, New York, held at the Town Hall, 8787 Erie Road, Angola, New York 14006 on December 5, 2012

PRESENT: Supervisor Dash  
Councilman Cooper  
Councilman Feldmann

ABSENT: None

The following resolution was offered by Councilman Cooper, who moved its adoption, seconded by Supervisor Dash, to-wit:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A PUBLIC HEARING UNDER TOWN LAW SECTION 202-B TO CONSIDER AN INCREASE IN THE MAXIMUM AUTHORIZED COST OF THE JOINT INCREASE AND IMPROVEMENT OF THE WATER FACILITIES OF THE TOWN FOR CONSOLIDATION WITH THE ERIE COUNTY WATER AUTHORITY**

WHEREAS, pursuant to a resolution dated August 15, 2007 (the "2007 Bond Resolution"), this Town Board approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority at a maximum estimated cost of \$12,600,000, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank, and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers (the "Project"), at a maximum estimated cost of \$12,600,000; and

WHEREAS, by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, "SEQRA") that the Project would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, pursuant to a resolution dated May 18, 2011, the Town Board authorized an increase in the maximum cost of undertaking Project from \$12,600,000 to \$13,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, as set forth in an Amended Map, Plan and Report dated December, 2012, prepared by Wendell Duchscherer Architects and Engineers, the Town has learned that the maximum estimated cost of undertaking the facilities and improvements included in the Project has increased to \$16,235,000; and

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to such proposed increase in the maximum estimated cost of the Project.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town hereby calls for a public hearing to be held at the public meeting of the Town Board to be held on December 27, 2012 at 6:15 p.m. at the Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006, to consider such increase in the maximum estimated cost of the Project from \$13,235,000 to \$16,235,000 and to hear all persons interested in the subject thereof; and it is

FURTHER RESOLVED, that the Town Clerk is hereby directed to cause notice of such public hearing in the form attached hereto to be published and posted in the manner prescribed by law.

This resolution shall take effect immediately.

The following vote was taken and recorded in the public or open session of said meeting:

|                     |        |     |
|---------------------|--------|-----|
| Supervisor Dash     | VOTING | AYE |
| Councilman Cooper   | VOTING | AYE |
| Councilman Feldmann | VOTING | AYE |

Dated: December 5, 2012

**RESOLUTION 2012-386 LED lighting for exterior town-owned property**

Councilman Feldmann moved and Councilman Cooper seconded,

BE IT RESOLVED that the Town of Evans enter into an agreement with National Grid and its outdoor lighting grant, and

WHEREAS, the Town of Evans will be responsible for only thirty (30) % of the total cost of said project, and

WHEREAS, as the change over from conventional outdoor lighting to LED lighting will realize a potential savings of over \$25,000.00 in its first year,

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the Evans Supervisor to enter into an agreement with National Grid upon the approval of the Town Attorney and the Director of Finance.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
   Councilman Feldmann     Aye  
   Councilman Cooper        Aye  
   Supervisor Dash           Aye

**RESOLUTION 2012-387 Approve Town Licenses**

Supervisor Dash moved and Councilman Feldmann seconded,

Licenses:

1. Michael Slawinski D/B/A Stroh’s Tavern - Refreshment & Amusement
2. Russell Mogavero D/B/A Meadowbrook Rest & Bar - Refreshment, Amusement & Live Band
3. Robert Jackubczak D/B/A Overseas Veterans of Evans, Inc. - Refreshment, Amusement & Live Band
4. Mary Galante D/B/A Herr Place - Refreshment & Amusement

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 - Feldmann, Cooper, Dash  
                           NAYS - none

**RESOLUTION 2012-388 Audit of Bills**

Councilman Cooper moved and Supervisor Dash seconded,

BE IT RESOLVED, that all properly audited bills be paid out of their respective accounts per abstract brought forth:

Date: November 16, 2012  
 Abstract No. 22  
 Voucher No. 2025 - 2113  
 Prepaid:

GENERAL

\$107,472.54

|                       |              |
|-----------------------|--------------|
| PART TOWN             | \$20,092.56  |
| HIGHWAY DA            | 0            |
| HIGHWAY               | \$97,273.00  |
| WATER                 | \$8,472.70   |
| CAPITAL PROJECTS      |              |
| SPECIAL DISTRICTS     | \$100,602.45 |
| DEBT SERVICE          | 0.00         |
| COMMUNITY DEVELOPMENT | <u>0.00</u>  |
| TOTAL                 | \$333,913.25 |

VOTE RESULT:           ADOPTED BY ROLL CALL  
                                   Councilman Feldmann    Aye  
                                   Councilman Cooper       Aye  
                                   Supervisor Dash         Aye

***RESOLUTION 2012-389 Adjournment***

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Wednesday, December 19, 2012 at 6:00pm for a Work Session, Thursday December 27, 2012 at 6:15pm for a Special Meeting and then to Wednesday, January 2, 2013 at 6:00pm for the Organizational Meeting with the Town Board meeting immediately following.

VOTE RESULT:           ADOPTED  
                                   AYES- Feldmann, Cooper, Dash  
                                   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, RMC  
 Town Clerk

PROJECT I.D. NUMBER

617.20

Addendum A  
December 5, 2012  
Page 1 of 2

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

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

|   |   |
|---|---|
| 1. APPLICANT /SPONSOR<br><u>DEBORA S POUND, RA</u>  | 2. PROJECT NAME<br><u>LIBERTY LIQUOR - RELOCATION</u> |
| 3. PROJECT LOCATION:<br>Municipality <u>EVANS, NY</u> County <u>ERIE</u>  |   |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br><u>6718 ERIE ROAD</u> <u>NORTHEAST CORNER OF NYS RT. 5</u><br><u>DERBY NY 14047</u> <u>AND PUTNAM DRIVE</u>   |   |
| 5. IS PROPOSED ACTION:<br><input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration   |   |
| 6. DESCRIBE PROJECT BRIEFLY:<br>• <u>RENOVATE EXISTING BUILDING INTERIOR, MINOR EXTERIOR RENOVATIONS.</u><br>• <u>REPAVE SITE</u><br>• <u>PROVIDE PLANTED BARRIER @ PUTNAM DRIVE FRONTAGE</u>   |   |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially <u>0.528 ACRE</u> acres    Ultimately <u>0.528</u> acres   |   |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <u>APPLICANT IS APPLYING FOR REZONE OF THE PROPERTY AND SETBACK VARIANCE FOR PARKING.</u>  |   |
| WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other<br>Describe: <u>DUPLEX &amp; MULTI FAMILY, COMMERCIAL, MOTOR SERVICE, OPEN SPACE, SCHOOL</u> |   |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals<br><u>APPROVAL REQ'D. FROM TOWN OF EVANS, PERMIT FROM NYS DOT TO REMOVE CURBCUTS.</u>  |   |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><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?<br><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: <u>DEBORA S POUND, ARCHITECT</u>  | Date: <u>12.10.12</u>                                 |
| Signature: <u>[Signature] RA</u>  |   |

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

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

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

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 of Evans Town Board*  
Name of Lead Agency

*Keith E. Dash*  
Print or Type Name of Responsible Officer in Lead Agency

*Keith E. Dash*  
Signature of Responsible Officer in Lead Agency

*Supervisor*  
Title of Responsible Officer

*Landra L. Brant - Dir. of Plann*  
Signature of Preparer (If different from responsible officer)

Date



Appendix C

State Environmental Quality Review  
SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

|  |  |
|--|--|
| 1. APPLICANT/SPONSOR<br><i>Town of Evans</i>   | 2. PROJECT NAME<br><i>Revision of Signage Code</i> |
| 3. PROJECT LOCATION:<br>Municipality <i>Town of Evans</i> County <i>Erie</i>   |  |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br><i>Entire Town</i>   |  |
| 5. PROPOSED ACTION IS:<br><input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration  |  |
| 6. DESCRIBE PROJECT BRIEFLY:<br><i>Revision-Town of Evans Sign Code</i>  |  |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially <i>NA</i> acres    Ultimately <i>NA</i> acres   |  |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly   |  |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br>Describe: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other |  |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:   |  |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:   |  |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE<br>Applicant/sponsor name: <i>Sandra L. Brant, Director of Planning</i> Date: <i>9-5-12</i><br>Signature: <i>Sandra L. Brant</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

**PART II - IMPACT ASSESSMENT (To be completed by Lead 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 pattern, 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 CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

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 of 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 - Town of Evans*  
 Name of Lead Agency

*Keith E. Dash*  
 Print or Type Name of Responsible Officer in Lead Agency

*Keith E. Dash*  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Date

*Supervisor*  
 Title of Responsible Officer

*Sandra L. Brant - Director of Planning*  
 Signature of Preparer (if different from responsible officer)

# TOWN OF EVANS

## **SIGN FEE SCHEDULE**

| <b><u>Signage</u></b> | <b><u>Fee</u></b>               |
|-----------------------|---------------------------------|
| Sign                  | \$60 plus \$1 per square foot   |
| Monument Sign         | \$60 plus \$.50 per square foot |
| Temporary Sign        | \$150*                          |

\*Where a temporary sign is used to advertise a new business enterprise which is waiting erection of a permanent sign, the temporary sign fee can be used as a credit towards the fee of the permanent sign.

\*Where a not-for-profit organization or an applicant advertising a charitable event is using a temporary sign, the applicant may request a temporary sign fee waiver from the Town Board. If the fee is waived, the applicant still must obtain a temporary sign permit from the Code Enforcement Officer.