

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, June 19, 2013 there were:

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|---------------|--------------------|--|
| PRESENT: | Dennis M. Feldmann | Councilman |
| | Paul T. Cooper | Councilman |
| | Keith E. Dash | Supervisor |
| ALSO PRESENT: | Lynn Stoessel | Deputy Town Clerk |
| | Lynn M. Krajacic | Deputy Town Clerk |
| | J. Grant Zajas | Town Attorney |
| | Jeanne C. Ebersole | Assessor |
| | Edward Michalski | Highway Superintendent & Overseer of DPW |
| | Sandra Brant | Director of Planning |
| | Ernest Masullo | Police Chief |
| | Julie Roach | Seniors Dept. Head |
| | Diana Cafferty | Supervisor’s Dept. |
| EXCUSED: | Charles LaBarbera | Building Dept. Head |
| | Lori Szewczyk | Director of Community Develop. |
| | Michael Kelly | Director of Finance |
| | Patrick Conrad | Parks & St. Pt. Marina |
| | Rick Hanavan | Wendel Duchscherer |
| | Rob Klavoon | Wendel Duchscherer |

RESOLUTION 2013-280 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded to approve the minutes of the June 5, 2013 Town Board meeting.

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

Privilege of the Floor on Meeting Agenda Items & Other Issues

Sharon Trembath, 415 Alfred Avenue, Angola NY represented a group of Evans residents requesting a beach cleanup at the old Lake Erie Beach Boat Club launch site at Lake Erie Beach Park. She would like permission to be granted for this group to clean the launch site shoreline in this area. She also requested to know who owns the property at Point Breeze Drive and Lake Erie and questioned the need for insurance to clean up the park and beach.

7:10pm Public Hearing to approve a Special Use Permit renewal for the purpose of continuing the operation of a commercial kennel for a dog daycare and boarding facility located at 1759 Sturgeon Point Road, Derby, NY SBL#207.00-4-66

Supervisor Dash asked the Deputy Town Clerk to read the legal notice as follows:

**LEGAL NOTICE
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 19, 2013 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the issuance of a Special Use Permit for the continuing operation of a commercial kennel for a dog daycare and boarding facility located at 1759 Sturgeon Point Road, Derby, NY 14047 SBL#207.00-4-66. Petitioner: William and Victoria Kurek.

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, RMC
Town Clerk

RESOLUTION 2013-281 Open the Public Hearing

Councilman Feldmann moved and Councilman Cooper seconded to open the public hearing.

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

There was no one present wishing to speak.

RESOLUTION 2013- 282 Close the Public Hearing

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

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

RESOLUTION 2013-283 Special Use Permit Renewal

Supervisor Dash moved and Councilman Feldman seconded,

WHEREAS, on April 22, 2013, William & Victoria Kurek requested a Special Use Permit renewal for the purpose of continuing operation of a commercial kennel for a dog daycare and boarding facility located at 1759 Sturgeon Point Road, Derby, NY. SBL# 207.00-4-66, and

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

- This Special Use Permit shall be for the boarding of up to five (5) dogs and include grooming.
- This Special Use Permit shall be for a one (1) year period. Applicant may apply for renewal.

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 for a period of two (2) years, and

WHEREAS, the negative SEQRA declaration issued by the Town Board on May 2, 2012, for said facility is still sufficient and valid, (Addendum A) and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing on June 19, 2013 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 William & Victoria Kurek for the purpose of continuing operation of a commercial kennel for dog daycare and boarding facility located at 1759 Sturgeon Point Road, Derby, NY. SBL# 207.00-4-66, for a two (2) year period,

BE IT FURTHER

RESOLVED, that above condition No. 1 again be placed upon said Special Use Permit,

AND BE IT FURTHER

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

VOTE RESULT: ADOPTED

AYES: Feldmann, Cooper, Dash
NAYS: none

Privilege of the Floor on Meeting Agenda Items & Other Issues (Con't)

Michael Kay, 9607 Pt Breeze Drive, Angola NY spoke about access to the lake and the ability to clean up the park. He wants the boat launch utilized.

Ed Schneider II, 9575 Redwing Street, Angola NY showed his file on Lake Erie Beach Park. Thanked the Board for calling a meeting to address the issues at Lake Erie Beach Park. He distributed information to the Town Board and Deputy Town Clerk. Would like to see more pavilions built and grills installed. He has concerns about the easements that were issued on this property. Requested the boundaries of the park be marked and has concerns about the electrical lines being up to code.

Committee and Department Head Reports

Councilman Cooper reported that this Sunday, there will be a town-wide disaster drill, a large scale search and rescue drill involving multiple police and fire agencies. They will stage at Lake Erie Beach fire hall at 7am, it will be taking place at 9am at the Evangola State Park. Evans Police and Marine units will be involved as well as Air 1. Mock victims are needed.

Keith Dash reported on the Code Enforcement monthly report.

RESOLUTION 2013-284 Old Business

Supervisor Dash moved and Councilman Feldmann seconded that the Appointment of Assessor remain under Old Business on the agenda.

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

RESOLUTION 2013-285 Old Business

Supervisor Dash moved and Councilman Cooper seconded that the name change of Angola Fire Control remain under Old Business on the agenda.

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

RESOLUTION 2013-286 Declare Surplus Weapons

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the weapons/items listed below are out of date and no longer used; therefore be it

RESOLVED, that the following items are hereby declared surplus to be sold with the proceeds to be used to purchase new weapons/equipment and to be deposited into the A3120.443-Range Supplies.

- Mossberg 500A SN 789
- Mossberg 500A SN 788
- Mossberg 500A SN 787
- Mossberg 500A SN 786
- Ithaca 37 SN 870002351
- Ithaca 37 SN 371719238
- Ithaca 37 SN 371853177
- US Carbine Rifle M30 SN 2956683
- Ithaca-Parts gun
- Mossberg Parts Gun
- Crossman M50 Dart Gun
- High Standard Shotgun
- Firearms Import Export 410 Gauge 3" Full Model SB SNC1122504

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

RESOLUTION 2013-287 July 4th Celebration

Councilman Cooper moved and Councilman Feldman 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

WHEREAS, 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; therefore be it

RESOLVED, that 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; and be it further

RESOLVED, that there will be no vehicles allowed in Lake Erie Beach Park beginning at 4 a.m. July 3rd through 4 a.m. July 4th (rain date 4 a.m. July 4th through 4 a.m. July 5th); and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish this resolution in the June 30, 2013 edition of the Angola Pennysaver and the June 27, 2013 edition of the The Sun, the official paper of the Town of Evans.

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

RESOLUTION 2013-288 Appointment of Lifeguards

Councilman Feldman moved and Supervisor Dash seconded,

RESOLVED, that the following be appointed as lifeguards effective June 29, 2013 at the following rate of pay:

SUPERVISOR

Ian Widmer-Wick 12.00 hourly

Asst. Supervisor

Chad Connors 10.50 hourly

Captains (+.50 when captain)

Kathryn Bartha 9.85 base/10.35 hourly

Marguerite O'Connor 10.00 base/10.50 hourly

Joe Violanti 10.00 base/10.50 hourly

Asst. Captains(+.50 when captain)

Travis Wright 8.70 base/9.20 hourly

James Murphy 8.70 base/9.20 hourly

Dylan Kelly 8.70 base/9.20 hourly

4th year

Robert Burke 8.60 hourly

Lauren Jakiel 8.60 hourly

Haeli Halloran 8.60 hourly

3rd year

Deonna Coleman 8.55 hourly

Paul Majewski 8.55 hourly

2nd year

Kara Schanbacher 8.00 hourly

1st year

Emily Ignaczak 7.75 hourly

Kelly Grampp 7.75 hourly

Sara Jakiel 7.75 hourly

Dylan Leverenz 7.75 hourly

Austin Smith 7.75 hourly

Marielle Zanolli 7.75 hourly

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann Aye

Councilman Cooper Aye

Supervisor Dash Aye

RESOLUTION 2013-289 Authorize the Superintendent of Highways to remove a tree at 9655 Granger Street, Angola

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that the Town of Evans, Superintendent of Highways is authorized to remove a tree which came down from Dawn Ave portion of an unimproved road, and fell on to property located on 9655 Granger Street.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann Aye

Councilman Cooper Aye

Supervisor Dash Aye

RESOLUTION 2013-290 Audit of Bills

Councilman Cooper moved Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract dated June 19, 2013:

Date 06/15/2013
Abstract No. 11
Voucher No. 852-967
Prepaid:

General	\$61,378.22
Part Town	6,929.40
Highway DA	0

Highway	4,393.89
Water	3,314.11
Capital Projects	11,380.00
Special Districts	21,620.26
Debt Service	0
Community Development	0
	<hr/>
	\$109,015.88

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

RESOLUTION 2013-291 Adjournment

Supervisor Dash moved and Councilman Cooper seconded

We stand adjourned to a Special Work Session Tuesday, June 25, 2013 at 6:30pm to 7:30pm, then to Tuesday, July 9, 2013 for a Town Board Work Session at 6:15pm, then to Wednesday July 17, 2013 for an Agenda meeting at 6:30pm and 7:00pm for the Town Board meeting.

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

Supervisor Dash wished all the residents a Happy Independence Day, the 237th year of our Nation’s birth and to make sure all residents and town employees support the joint venture of the Boys and Girls Club and Chamber of Commerce at the Taste of Evans, July 14, 2013.

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 Stoessel
Deputy Town Clerk

Jonica B. DiMartino, RMC

Town Clerk

PROJECT I.D. NUMBER

617.20

Appendix C

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

COPY

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

1. APPLICANT /SPONSOR <u>Victoria Kurek</u>	2. PROJECT NAME <u>Dog Day Care + Boarding Facility</u>
3. PROJECT LOCATION: Municipality <u>Evans</u> County <u>Erie</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>1759 Sturgeon Point Rd. Derby NY 14047</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>small dog daycare + boarding facility for up to 5 dogs.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>1,175 sq. ft</u> acres Ultimately <u>1,175 sq. ft</u> acres (<u>0.038 acres</u>)	
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 checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>RA</u>	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <u>fencing permit for our own dogs, we would be using the same fencing area, it is already approved</u>	
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: <u>Victoria Kurek</u> Date: <u>3/12/12</u> Signature: <u>Victoria Kurek</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

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

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
Name of Lead Agency

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

Supervisor
Title of Responsible Officer

Keith E. Dash
Signature of Responsible Officer in Lead Agency

Andrea L. Brant, Director of Planning
Signature of Preparer (if different from responsible officer)

5/2/12
Date