

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 4, 2013 there were:

- | | | |
|---------------|--------------------|-----------------------|
| PRESENT: | Dennis M. Feldmann | Councilman |
| | Paul T. Cooper | Councilman |
| | Keith E. Dash | Supervisor |
| Excused: | J. Grant Zajas | Town Attorney |
| ALSO PRESENT: | Lynn Krajacic | Deputy Town Clerk |
| | Charles LaBarbera | Building Department |
| | Lori Szewczyk | Community Development |
| | Scott Dill | Director of Finance |
| | Sandra Brant | Planning Department |
| | Ernest Masullo | Police Chief |
| | Julie Roach | Seniors Department |
| | Diana Cafferty | Supervisor's Dept. |
| | Rob Klavoon | Wendel Duscherer |

RESOLUTION 2013-426 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded to approve the minutes of the November 20, 2013 Town Board meeting.

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

Privilege of the Floor on Meeting Agenda Items & Other Issues

William Henry, 1456 Pontiac Road, Angola thanked the Town Board for their support in trying to stop the group home. He reported that according to Legislator Mills, the sales tax removal on commercial solar, will be put on the docket to make it a law. He requested recognition to those residents who have helped our community that do not serve on Boards.

Richard Hammer, 1247 Backus Road, Derby spoke about the value of the dollar and asked if the budget was complete and if there was an increase.

7:10pm Public Hearing for the purpose of considering Proposed Local Law #8 of the year 2013 (Speed limit change on Holland Road)

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

LEGAL NOTICE
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 December 4, 2013 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #8 of the year 2013 which will amend Local Law #1 of the year 1993 commonly known as the Vehicles and Traffic Law and any amendments thereto, Town Code, Chapter 193 Vehicles and Traffic, Article II, Section 193-5 Speed Limits and Chapter 193, Article VIII, Section 193-36 Schedule II Speed Limits to add:

Name of Street	Speed (MPH)	Location
Holland Road	30	from Erie Rd. (Route 5) to Hardpan Rd.

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 2013-427 Open the Public Hearing

Councilman Cooper moved and Councilman Feldmann seconded to open the public hearing for the consideration of the adoption of Proposed Local Law #8 of the year 2013.

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

There being nobody present wishing to speak, the Public Hearing was closed.

RESOLUTION 2013-428 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 2013-429 Adopt Proposed Local Law #8 of the year 2013

Supervisor Dash moved and Councilman Cooper seconded

BE IT RESOLVED that the code of the Town of Evans chapter 193 of Vehicles and Traffic, article 7, section 193 through 35 of proposed local law #8 for the year 2013 be amended to include the reduction in the speed limit on Holland Road from Erie Road (Route 5) to Hardpan Road to 30mph.

VOTE RESULT: ADOPTED BY ROLL CALL
 AYES: Feldmann, Cooper, Dash
 NAYS: None

7:10pm Public Hearing for the purpose of Preliminary Plat Approval of a major subdivision currently known as The Woods at Grey Cliff

Supervisor Dash asked the 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 December 4, 2013 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering Preliminary Plat Approval of a major subdivision currently known as The Woods at Grey Cliff, consisting of 57 single-family dwellings situated on a 30.5 +/- acre site, located on the west side of South Creek Road approximately 202 feet from the intersection of Old Lake Shore Road and on the north side of Erie Road (a.k.a. NYS Route 5) approximately 1,120 feet from the intersection of South Creek Road, Derby, NY 14047, SBL#193.00-1-34.1. Petitioner: Anthony J. Colucci, Jr., Main Place Tower, 350 Main Street, Suite 400, Buffalo, NY 14202.

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 2013-430 Open the Public Hearing

Councilman Feldmann moved and Councilman Cooper seconded to open the public hearing for the consideration a Preliminary Plat Approval of a major subdivision currently known as The Woods at Grey Cliff.

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

Sandra Brant, Director of Planning gave a brief presentation explaining the project.

Rob Klavoon, Wendel Duscherer gave a summary of the project and explained how the retention pond will work.

Marjorie Bigelow, 1403 South Creek Road, Derby has concerns about drainage. She asked if the Town is aware of a culvert pipe located on South Creek and Lake Shore and asked if the culvert pipe closest to her property would be used.

Lawrence Kennedy, 6469 Lake Shore Road, Derby questioned which roads will be put in initially and where the access will be and when they will be completed.

William Henry, 1456 Pontiac Road has concerns about the reallocation of wetlands and how that will impact the neighboring properties.

RESOLUTION 2013-431 Close the Public Hearing

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

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

RESOLUTION 2013-432 Adopt the Preliminary Plat approval for the Woods at Grey Cliff subdivision.

Supervisor Dash moved and Councilman Cooper seconded

WHEREAS, Anthony J. Colucci, Jr has requested Preliminary Plat approval for The Woods at Grey Cliff subdivision, a development of 57 single-family dwellings situated on a 30.5± acre site, located on the west side of South Creek Road approximately 202 feet from the intersection of Old Lake Shore Road and on the north side of Erie Road (a.k.a. NYS Route 5) approximately 1,120 feet from the intersection of South Creek Road, Derby, NY 14047, SBL# 193.00-1-34.1, and

WHEREAS, this action is an unlisted SEQR action, a coordinated review was completed and all agency comments were reviewed, and

WHEREAS, in a letter dated October 25, 2013, the Evans Planning Board has recommended the issuance of a SEQR negative declaration, and

WHEREAS, the Town has determined that The Woods at Grey Cliff subdivision will not result in any significant impacts to the environment.

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 Preliminary Plat approval for The Woods at Grey Cliff subdivision, a development of 57 single-family dwellings situated on a 30.5± acre site, located on the west side of South Creek Road approximately 202 feet from the intersection of Old Lake Shore Road and on the north side of Erie Road (a.k.a. NYS Route 5) approximately 1,120 feet from the intersection of South Creek Road, Derby, NY 14047.
(Addendum A SEQR Full Environmental Assessment Form).

AND BE IT FURTHER

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

VOTE RESULT: ADOPTED BY ROLL CALL
 AYES: Feldmann, Cooper, Dash
 NAYS: None

RESOLUTION 2013-433 Grant Preliminary Plat approval for the Woods at Grey Cliff subdivision.

Supervisor Dash moved and Councilman Feldmann seconded

WHEREAS, Anthony J. Colucci, Jr has requested Preliminary Plat approval for The Woods at Grey Cliff subdivision, a development of 57 single-family dwellings situated on a 30.5± acre site, located on the west side of South Creek Road approximately 202 feet from the intersection of Old Lake Shore Road and on the north side of Erie Road (a.k.a. NYS Route 5) approximately 1,120 feet from the intersection of South Creek Road, Derby, NY 14047, SBL# 193.00-1-34.1, and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on December 4, 2013 regarding the above-said action, and

WHEREAS, the Town of Evans Planning Board unanimously voted to recommend approval of said Preliminary Plat plan based on the following reasons.

- The project meets all the zoning and subdivision requirements of the Town and is fully consistent with the Town's Comprehensive Plan.
- The project appears to be compatible with the character of the surrounding area.
- The project was redesigned from the initial submittal and the new design minimized environmental concerns.
- The project will preserve and/or mitigate 5.1± acres of wetlands, and

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

- Final drainage plans, calculations and utility plans will be approved by the Town Engineer for compliance with the Town requirements, including stormwater regulations.
- All paving, utilities, landscaping, lighting and other improvements shall be undertaken in accordance with Town requirements, and the requirements of Erie County Water Authority, Erie County Sewer District #2, Erie County Department of Public Works-Division of Highways and New York State Department of Transportation. Applicant must obtain all applicable approvals or permits.

- Applicant must comply with wetland regulations in accordance with the Department of the Army Corps of Engineers.
- Applicant must obtain a State Pollutant Discharge Elimination System permit. The pond must meet these requirements to control stormwater run-off (drainage).
- This project and subdivision remain subject to final plat approval. The Planning Office will, as usual, assist in coordinating this effort, and

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

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans grants Preliminary Plat approval for The Woods at Grey Cliff subdivision with the 5 above-listed conditions, as recommended by the Planning Board, and

BE IT FURTHER

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

VOTE RESULT:	ADOPTED BY ROLL CALL
	AYES: Feldmann, Cooper, Dash
	NAYS: None

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

Richard Hammer, 1427 Backus Road, Angola spoke about firemen.

Committee and Department Head Reports

Councilman Feldmann reminded residents to re-register for their Basic STAR exemption and announced on December 10, 2013 from 5pm to 8pm, in conjunction with the Town, Lake Shore Central, the Assessor, her staff and personnel from Lake Shore Central will be available to assist residents in re-registering for their Basic STAR. This event will be located in the Media Center at the Lake Shore Central Senior High School.

Councilman Cooper gave a Rural Metro report. He also reported that the Electronics Recycling bids will be open on December 5, 2013 at 10am. Electronics Recycling will be open as soon as possible. He announced Legislator Mills will be at the North Evans Fire Hall on December 16, 2013 to discuss the intersection at Versailles Plank Road and Townline Road. A 3-way stop is requested for that intersection.

Supervisor Dash announced that the Town of Concord, 86 Franklin Street, Springville New York 14141 is hosting a HEAP outreach on December 19, 2013. He announced buildings, 2 picnic shelters and a gazebo, have been ordered for the Sturgeon Point Nature Trail. There has been no news yet on the proposed group home and announced petitions are being circulated for this project. He congratulated Lake Shore Central Schools and the Assessors Department on their event on December 10, 2013 to help residents register for STAR. Santa and his elves will be at the Senior Center, 999 Sturgeon Point Road, Derby Saturday

December 7, 2013, 1pm to 4pm, admission is free. Santa in the Park, at the Evans Town Park will be held Friday December 13th from 6pm to 8pm. He wished a Happy Holiday, Merry Christmas and Happy New Year.

Diana Cafferty announced that HEAP applications are available in the Supervisor’s office.

RESOLUTION 2013-434 Town Clerk monthly reports

Councilman Cooper moved and Councilman Feldmann seconded to accept the reports of the Town Clerk as presented for the month of November:

Water Monthly November 2013	\$4,936.59
Water Interest November 2013	.53

VOTE RESULT: ADOPTED BY ROLL CALL
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-435 Appointment of part time Clerk Typist

Councilman Feldman moved and Supervisor Dash seconded

RESOLVED, that Julie Boedo is appointed as part-time Clerk Typist at a rate of \$9.25/hr to be called as needed in the Evans Police Department effective December 23, 2013.

VOTE RESULT: ADOPTED BY ROLL CALL
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-436 Tax Anticipation Note

Councilman Cooper moved and Councilman Feldmann seconded

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 real estate taxes or assessments to be levied in the fiscal year ending December 31, 2014, 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 \$1,200,000 (the “Notes”).

Section 2. The maturity date of the Notes, including renewals thereof, shall not extend beyond the close of the applicable period provided by Section 24.00 of the Law.

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 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.

VOTE RESULT: ADOPTED BY ROLL CALL
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-437 Suspend the Rules

Supervisor Dash moved and Councilman Cooper seconded

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

RESOLUTION 2013-438 Authorize the Supervisor to sign an agreement with the Erie County Town Highway Superintendents to participate in the Inter-Municipal Highway Shared Services Agreement

Supervisor Dash moved and Councilman Cooper seconded

RESOLVED, to authorize the Supervisor of the Town of Evans to sign an agreement with the Erie County Town Highway Superintendents for the Town of Evans to participate in the Inter-Municipal Highway Shared Services Agreement effective January 1, 2014 -December 31, 2018 pending the approval of the Town Attorney and the Director of Finance.

VOTE RESULT: ADOPTED BY ROLL CALL
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-439 Set a Public Hearing for consideration of Proposed Local Law #9 of the year 2013, Peddling and Solicitation

Supervisor Dash moved and Councilman Feldmann seconded

RESOLVED, that the Town Clerk is authorized to schedule a public hearing on January 8, 2014 at 7:10pm to receive public input regarding PLL# 9 of the year 2013 to amend and/or add to Town Code Chapter 144 Peddling and Soliciting and Chapter 106 Fees.

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

RESOLUTION 2013-440 Approve Town Licenses

Supervisor Dash moved and Councilman Cooper seconded

Licenses:

Russell Mogavero, D/B/A Meadowbrook Restaurant and Bar - Refreshment, Amusement & Live Band Commercial

Luke Fioretti D/B/A The Evans Police Benevolent Association - Refreshment & Live Band Special Event

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 2013-441 Audit of Bills

Councilman Cooper moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts.

DATE: 11/18/2013
ABSTRACT NO. 21A
VOUCHER NO.2159 - 2199
PREPAID:

For December 4, 2013 Board Meeting

GENERAL 24,724.59
PART TOWN 1,731.26
HIGHWAY DA

HIGHWAY	592.78
WATER	3,031.94
CAPITAL PROJECTS	
SPECIAL DISTRICTS	81,759.13
DEBT SERVICE	
COMMUNITY DEVELOPMENT	
TOTAL	\$111,839.70

VOTE RESULT: ADOPTED BY ROLL CALL
 AYES: Feldmann, Cooper, Dash
 NAYS: None

RESOLUTION 2013-442 Adjournment

Supervisor Dash moved and Councilman Cooper seconded to adjourn to December 11, 2013 at 6:15pm for a Work Session

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,

Lynn Krajacic
 Deputy Town Clerk

Jonica B. DiMartino, RMC
 Town Clerk

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

- Part 1
- Part 2
- Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

The Woods at Grey Cliff Subdivision
Name of Action

Town Board of the 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

Sandra L. Grant, Director of
Signature of Preparer (If different from responsible officer)

Planning

12-4-13
Date

FILE
Part 3



October 9, 2013

Ms. Patricia M. Bittar
Senior Project Manager
William Schutt & Associates
37 Central Avenue
Lancaster, NY 14086-2143

**Re: Completion of Archaeological Fieldwork for the Proposed Woods at Grey Cliff
Subdivision, Town of Evans, Erie County, New York (OPRHP No. 13PR03372)**

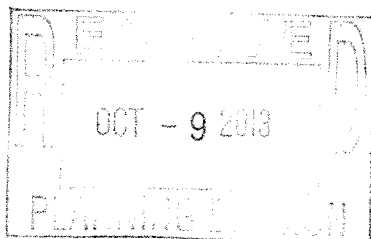
Dear Ms. Bittar:

Tetra Tech, Inc. (Tetra Tech) is pleased to inform you that the Archaeological Phase I fieldwork for the proposed Woods at Grey Cliff Subdivision (Project), located in the Town of Evans, Erie County, New York is complete. Tetra Tech archaeologists conducted a thorough Phase I archaeological field investigation for the Project between September 12 and 27, 2013. The Project area was pedestrian surveyed and the entire parcel was subject to subsurface test excavations. The purpose of the survey and excavations was to identify any areas of historic or archaeological significance. Field conditions were acceptable and the weather seasonable; no problems were encountered that would have affected the results of this investigation.

In accordance with New York standards for cultural resource investigations, Tetra Tech conducted subsurface shovel test excavations located at 15 m (50 ft) intervals along a grid pattern across the entire parcel. Subsurface testing consisted of the hand excavation of 50- by 50-cm shovel tests. Shovel tests were excavated to sterile subsoil with shovels and hand tools and pertinent data was recorded in field notebooks and forms. Soils were screened through ¼-inch mesh hardware cloth and examined for the presence of cultural material. Shovel tests were backfilled upon completion. Any cultural material encountered was collected. The primary purpose of the subsurface testing regime was to demarcate as accurately as possible any cultural resources for mapping purposes and to locate potential undocumented prehistoric or historic archaeological sites.

Approximately, 514 shovel tests were excavated. Results of the testing revealed the presence of two positive tests containing prehistoric lithic material. One test included a reduction flake, while another test produced an exhausted core. Close-interval shovel test grids were excavated around both positive shovel tests. Close-interval grids consisted of two tests (excavated at a 1 m and 3 m [3.3 ft and 9.8 ft] interval) in each cardinal direction. The additional shovel tests were excavated to determine whether the original findspot constituted a substantial archaeological site or an isolated find. Close-interval shovel testing at both locations failed to produce additional prehistoric material. Tetra Tech has determined both locations to be isolated finds. No further archaeological investigations are recommended at these locations.

No historic artifacts were recovered and no evidence of non-extant historic structure was found. Based on the results of this survey, no adverse effects on prehistoric or historic archaeological resources are anticipated for the Project. Tetra Tech is currently completing a Phase I Report suitable for submittal to the New York State Historic Preservation Office (NYSHPO), which will recommend no additional cultural resources investigations.



Tetra Tech
285 Ellicott St. Buffalo, New York 14203
Tel 716.849.9419 Fax 716.849.9420 www.tetrattech.com



TETRA TECH

As part of the Phase I process, Tetra Tech will consult with the NYSHPO to discuss the findings and obtain clearance for the Project. In addition, Tetra Tech has initiated tribal consultation with the Tonawanda Seneca Nation and the Seneca Nation of Indians. We will keep you apprised of any communication regarding this project. If you have any questions please feel free to contact me at 716-849-9419 (office) or 716-903-4172 (cell). Or, if you prefer, email me at rob.peltier@tetrattech.com.

Respectfully,
Tetra Tech, Inc.

Robert J. Peltier
Co-Principal Investigator

cc: Tt File 112C05953

Tn C/k

December 4, 2013

**State Environmental Quality Review Act
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **Town of Evans**, as SEQR Lead Agency, has conducted a coordinated review of this project, and after a thorough review, has determined that the proposed action described below will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: The Woods at Grey Cliff Subdivision

SEQR Status: Unlisted

Description of Action: The action is preliminary plat subdivision of an approximately 30.5± acre site, located on the west side of South Creek Road, approximately 202 feet from the intersection of Old Lake Shore Road and on the north side of Erie Road (a.k.a. NYS Route 5) and approximately 1,120 feet from the intersection of South Creek Road, Derby, NY 14047, SBL# 193.00-1-34.1. The parcel will be subdivided into 57 lots for single-family home development to be known as the Woods at Grey Cliff subdivision. Final plat of the subdivision will be in accordance with Town of Evans standards and regulations, as well as all applicable laws and regulations.

Location: South Creek Road: SBL # 193.00-1-34.1, Town of Evans, Erie County, New York

Reasons Supporting this Documentation:

- 1. Impact on Land:** The project will lead to development of land that is currently vacant. Grading of the site is likely to be required, and an increased density in use will occur (additional residential homes). There is an area of the site where the depth to the water table may be less than 3 feet, based on soil types, but this area is a wetland that will be preserved. The development will comply with all applicable federal, State and Town regulations. Therefore, the Town Board finds that potential adverse impacts to land resources resulting from the subdivision are not anticipated.
- 2. Impact on Water:** There are areas of protected wetland on the site, and approximately 0.46 acres will be disturbed. The disturbance has been kept to a minimum, and there will be on-site mitigation that will actually create more wetlands than are currently on the site. A new pond will be created to provide stormwater management, and stormwater drainage patterns will be altered. There is public water and sewer to the site and the project is not anticipated to affect surface or groundwater quality or quantity. The project will be regulated by the NYS DEC (stormwater) and the Army Corps of Engineers (wetlands). Therefore, the Town Board finds that the potential adverse impacts to water resources resulting from the subdivision have been mitigated to the greatest extent practicable.
- 3. Impact on Air:** The Town Board finds that potential adverse impacts to air quality resulting from the subdivision are not anticipated.

4. **Impact on Plants and Animals:** There will be changes to plants and animals due to the conversion of vacant land to residential housing. However, the area is not an important habitat and no protected species were identified within the project area. Other vacant lands are available within the vicinity. Therefore, the Town Board finds that unreasonable potential adverse impacts to plants and animals resulting from the subdivision are not expected.
5. **Impact on Agricultural Land Resources:** There are no agricultural resources on the property. Therefore, the Town Board finds that there will be no potential adverse impacts to agricultural land resources.
6. **Impact on Aesthetic Resources:** The Town Board finds that potential adverse impacts to aesthetic resources from the subdivision are not anticipated.
7. **Impact on Historic and Archaeological Resources:** There are no historic structures located on the site. The proposed action does fall within an area that has been designated as sensitive for archaeological sites on the New York State Inventory. Further on-site investigation was conducted by archeologists and no significant resources were identified on the site. Therefore, the Town Board finds that potential adverse impacts to historic or archaeological resources are not anticipated.
8. **Impact on Open Space and Recreation:** There are no recreational resources on the property. Although it is currently vacant, the parcel is not available to the public as open space. The proposed use is allowed under zoning. Therefore, the Town Board finds that potential adverse impacts to open space or recreational resources from the subdivision are not anticipated.
9. **Impact on a Critical Environmental Area:** There are no critical environmental areas (CEA's) in the Town of Evans.
10. **Impact on Transportation:** New roads will be constructed to serve the development. There will be some additional traffic generated from the proposed development, but the local road system will be able to accommodate expected traffic. Therefore, the Town Board finds that potential negative impacts to the transportation system resulting from the subdivision are not anticipated.
11. **Impact on Energy:** There will be new energy supply lines extended into the development to service the proposed 57 new homes. As a result, there will be an increased demand for fuel and energy in the Town. This impact is not avoidable, but there are available resources to accommodate the expected new demand, and no significant impacts are anticipated.
12. **Noise and Odor Impacts:** The new development will be single-family homes. There may be some noise impacts associated with construction activities, but these will be temporary in nature. The Town Board finds that there will be no noise and odor impacts resulting from the proposed subdivision.
13. **Impact on Public Health:** The development will be constructed in compliance with all applicable laws and regulations. No significant impact to the public health of the community is anticipated.

14. Impact on Growth and Character of the Community: The project will result in additional growth in the community, but it is consistent with the Town's Comprehensive Plan and directs growth into an area with existing infrastructure where growth is desired by the Town. Town facilities (e.g. schools, police, fire, etc.) are capable of accommodating any increased demand for services. Therefore, the Town Board finds that the potential impacts to the growth and character of the community or neighborhoods resulting from the subdivision are expected to be positive.

The Town of Evans, therefore, concludes that the project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations. In reaching this decision, the Town of Evans carefully considered all the Criteria for Determination of Significance listed in the SEQR regulations (6 NYCRR 617.7).

For Further Information Contact: Sandra Brant, Director of Planning
Town of Evans
8787 Erie Road
Angola, New York 14006-9600
(716) 549-0945