

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, May 21, 2014 there were:

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|---------------|--------------------|-----------------------------------|
| PRESENT: | Dennis M. Feldmann | Councilman |
| | Paul T. Cooper | Councilman |
| | Keith E. Dash | Supervisor |
| | | |
| ALSO PRESENT: | Lynn Krajacic | Town Clerk |
| | J. Grant Zajas | Town Attorney |
| | Charles LaBarbera | Building Dept. Head |
| | Lori Szewczyk | Director of Community Development |
| | Scott Dill | Director of Finance |
| | Sandra Brant | Director of Planning |
| | Ernie Masullo | Police Chief |
| | Julie Roach | Senior's Department Head |
| | Rob Klavoon | Wendell Engineers |

Karl Simmeth, Community Liason to Assemblyman David J. DiPietro presented the Town Clerk with a Citation recognizing her during Municipal Clerk's Week.

RESOLUTION 2014- 168 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the Town Board Meeting of May 7, 2014 and the Work Session of May 14, 2014 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

Supervisor Dash reported that the Supervisor's Monthly Reported has been made to the Town Board and a copy was filed with the Town Clerk's office.

Supervisor Dash read a communication from Sandra Brant, Director of Planning requesting a Public Hearing regarding a correction of a mapping error for 9438 Lake Shore Road, Angola NY14006, SBL#250.10-1-19 from R-2 to MFR-3. Petitioner: Wayne and Cheryl Kerling.

RESOLUTION 2014-169 Set a Public Hearing Regarding a Correction of Mapping Error for 9438 Lake Shore Road

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Planning Director has brought to the Town Board's attention that, due to a mapping error, a 2.5± acre portion of property located on the lake side of 9438 Lake Shore Road, Angola, NY had been incorrectly zoned, through no fault of the property owners.

NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to advertise for a public hearing to be held on June 18, 2014 at 7:10 p.m. regarding the correction of a mapping error of a 2.5± acre portion on the lake side of property owned by Wayne and Cheryl Kerling, located at 9438 Lake Shore Road, Angola, NY 14006, SBL# 250.10-1-19, from Residential District Two (R-2) to Multifamily Residential District Three (MFR-3) at no cost to the property owners,

AND BE IT FURTHER

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

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

Supervisor Dash read a communication from Sandra Brant, Director of Planning regarding a Minor Subdivision Review - dividing a .58± acre parcel located at 8140 Lake Shore Road to create a .36± acre parcel, and a .22± acre parcel on Lake Shore Road, Angola, NY 14006, SBL# 219.16-2-11. Petitioner: Donald J. Buckley, 5120 Old Goodrich Road, Clarence, NY 14031.

RESOLUTION 2014-170 Accept SEQR Negative Declaration on Division of SBL# 219.16-2-11, Petitioner: Donald J. Buckley

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, on April 9, 2014 the Evans Zoning Board of Appeals granted appropriate variances regarding this subdivision of land, and

WHEREAS, in a letter dated May 15, 2014, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Donald J. Buckley Minor Subdivision, and

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

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Donald J. Buckley Minor Subdivision.

(Addendum A, SEQR Short Environmental Assessment Form),

a division of SBL# 219.16-2-11, dividing a .58± acre parcel to create:

1. a .36± acre parcel with 91.96± feet of frontage on Lake Shore Road and 170± feet of frontage on Ainsworth Parkway, and
2. a .22± acre parcel with 55.78± feet of frontage on Lake Shore Road and 171.94 feet of frontage on Wendt Road.

Petitioner: Donald J. Buckley, 5120 Old Goodrich Road, Clarence, New York 14031

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

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

RESOLUTION 2014-171 Approve the Donald J. Buckley Minor Subdivision, a Division of 219.16-2-11

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, on April 9, 2014, the Evans Zoning Board of Appeals granted appropriate variances regarding this subdivision of land, and

WHEREAS, in a letter dated May 15, 2014, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

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

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Donald J. Buckley Minor Subdivision, a division of SBL# 219.16-2-11, dividing a .58± acre parcel to create:

1. a .36± acre parcel with 91.96± feet of frontage on Lake Shore Road and 170± feet of frontage on Ainsworth Parkway, and

- 2. a .22± acre parcel with 55.78± feet of frontage on Lake Shore Road and 171.94 feet of frontage on Wendt Road.

Petitioner: Donald J. Buckley, 5120 Old Goodrich Road, Clarence, New York 14031

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
 AYES - Feldmann, Cooper, Dash
 NAYS - none

Supervisor Dash read a communication from Sandra Brant, Director of Planning regarding a Minor Subdivision Review - dividing a 27.14± acre parcel located at 7060 Erie Road to create a 5.06± acre parcel, and a 22.08± acre parcel on Lake Shore Road, Derby, NY 14047, SBL# 206.00-3-39.11. Petitioner: Derby Professional Park, LLC, 7060 Erie Road, Suite 100, Derby, NY 14047

RESOLUTION 2014-172 Accept SEQR Negative Declaration on Division of SBL# 206.00-3-39.11, Petitioner: Derby Professional Park

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated May 12, 2014, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Derby Professional Park, LLC Minor Subdivision, and

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

NOW THEREFORE BE IT

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

a division of SBL# 206.00-3-39.11, dividing a 27.14± acre parcel to create:

- 1. a 5.06± acre parcel with 500.00± feet of frontage on Erie Road, and

- 2. a 22.08± acre parcel with 1,088.40± feet of frontage on Erie Road and 1,453.90± feet of frontage on Delamater Road.

Petitioner: Derby Professional Park, LLC, 7060 Erie Road, Suite 100, Derby, NY 14047

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

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

RESOLUTION 2014-173 Approve the Derby Professional Park Minor Subdivision, a Division of 206.00-3-39.11

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated May 12, 2014, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

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

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Derby Professional Park, LLC Minor Subdivision, a division of SBL# 206.00-3-39.11, dividing a 27.14± acre parcel to create:

- 1. a 5.06± acre parcel with 500.00± feet of frontage on Erie Road, and
- 2. a 22.08± acre parcel with 1,088.40± feet of frontage on Erie Road and 1,453.90± feet of frontage on Delamater Road.

Petitioner: Derby Professional Park, LLC, 7060 Erie Road, Suite 100, Derby, NY 14047

AND BE IT FURTHER

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

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

Committee and Department Head Reports

Councilman Cooper announced that most Fire Departments are doing Chicken Bar B Que's this month and asked residents to support their local Fire Departments. He wished everyone a happy and safe Memorial Day weekend and wished the Police Department great safety this weekend.

Supervisor Dash announced the next Sturgeon Point Advisory board meeting will be held on June 9, 2014 at 7pm at the Marina and the Recreation Advisory board meeting will be held on June 3, 2014 at 6:30pm at the Evans Town Park. He announced that per Legislator Mills, there will be lifeguards at Wendt Park but Bennett Beach Park will be fully staffed. He wished everyone a happy, safe Memorial Day and announced events. He also reported that the Grand Jury did not indict anyone on the fatal hit and run in the Town of Evans. The investigation is still ongoing.

Sandy Brant reported that the Planning Department was visited by the Department of State to monitor the Local Waterfront Revitalization Program and they were impressed with the progress of the Sturgeon Point Nature Trail.

RESOLUTION 2014-174 Appointment of Part-Time Laborer/Gateguard

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED: that the following be appointed as part-time laborer/gateguard at the following rate, pending the report from the Chief of Police:

Kenneth Schiedel	\$8.00 hr
Mary Heath	\$8.00 hr

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

RESOLUTION 2014-175 Authorize Wendel to Conduct and Coordinate Review for the Evans Roadway, Phase #3 Project.

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS the Town of Evans is in the environmental and preliminary design phase of the Town of Evans Roadway Water Consolidation Phase 3 project, and

WHEREAS, pursuant to Part 617b NYCRR Article 8 of the Environmental Conservation Law, SEQR, the Evans Town Board should "as early as possible in an Agency's formation of an action it proposes to undertake", begin the SEQR process, and

WHEREAS, the Phase 3 project encompasses the construction of roadways on Laurel Street, Lancaster Avenue, Theodore Avenue, Walden Avenue, and Lake Breeze Road, and

WHEREAS, the Evans Town Board has classified the current action as a Unlisted Action under SEQR,

THEREFORE BE IT RESOLVED, that the Evans Town Board being the most local agency with permitting/funding authority wishes to declare Lead Agency and conduct a coordinated review,

BE IT FURTHER RESOLVED, that the Evans Town Board authorizes Wendel to conduct a coordinated review pursuant to SEQR and coordinate the required mailings and notifications.

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

RESOLUTION 2014-176 Authorize Engineering Design for Kennedy Avenue Greenway Pathway Improvements

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Duchscherer dated May 15, 2014 for design services for sidewalk improvements on Kennedy Avenue from Lenox Street to Ivanhoe Street, subject to the execution of the agreement with the Erie County Department of Environment and Planning, the Town Attorney, and the Director of Finance.

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

RESOLUTION 2014-177 Appointment of Part-Time Laborer/Gateguard

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED: that the following be appointed as part-time laborer/gateguard at the following rate pending the report of the Chief of Police:

Hayley Hammer	\$7.50 hr
Gary Widmer	\$8.00 hr

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

RESOLUTION 2014-178 Suspend the Rules in Consideration of Resolution

Supervisor Dash moved and Councilman Cooper seconded to suspend the rules in consideration of a resolution.

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

RESOLUTION 2014-179 Authorize the Supervisor to Accept Funds from the New York State Office of Parks, Recreation and Historic Preservation for the Sturgeon Point Marina Dredging Project

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED that Keith E. Dash, as Supervisor of the Town of Evans, or his successor, is hereby authorized to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of (Title 9 of the Environmental Protection Act of 1993 or the Recreational Trails Program), in an amount not to exceed \$100,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Evans for the Sturgeon Point Marina Dredging Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

RESOLUTION 2014-180 Approve Town Licenses

Supervisor Dash moved and Councilman Cooper seconded,

Licenses:
Joe Voltz D/B/A Joey V's Pizza

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 2014-181 Audit of Bills

Councilman Cooper moved and Councilman Feldmann seconded,

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

**DATE: 05/14/2014
ABSTRACT NO. 9
VOUCHER NO. 766-864
PREPAID:**

GENERAL	119,691.60
PART TOWN	18,161.76
HIGHWAY DA	
HIGHWAY	25,772.78
WATER	7,886.68
CAPITAL PROJECTS	
SPECIAL DISTRICTS	171,039.05
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	\$ 342,551.87

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

RESOLUTION 2014-182 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn this meeting to Wednesday, May 28, 2014 at 6:15pm for a Work Session and then to Wednesday June 4, 2014 at 6:30pm for an Agenda meeting and 7:00pm for the regular Town Board Meeting.

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 M. Krajacic
Town Clerk