Evans Town Board

At a ZOOM meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:

Mary Hosler

Supervisor

Laurie Reitz Jeanne Macko Councilman Councilman

Michael Schraft
Thomas George

Councilman Councilman

ALSO PRESENT:

Lynn Krajacic

Town Clerk

Kenneth Farrell

Town Attorney

RESOLUTION 2022 #85 Accept Minutes

Supervisor Hosler moved and Councilman George seconded that the reading of the minutes of the Organizational Meeting and the January 12, 2022 meeting be dispensed with and accepted as submitted by the Town Clerk.

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

Communications

Bill Smith Director of Planning RE: Paper Road Purchase - Approve to recommend purchase of portion of Oakland Street between 9551 Oakland and 286 Garfield to accommodate the building of a larger garage at 9551 Oakland Street, Angola, NY, SBL# 250.10-5-21.1. Petitioner: Carlee Sallaz, 9551 Oakland Street, Angola, NY 14006.

William Smith, Director of Planning & Community Development RE: Rezone - Proposed Rezone of a 0.09± acre vacant parcel from Residential Two-Family (R2) to Neighborhood Business (NB) on Lemon Street to be annexed to existing Neighborhood Business parcel on Herr Road, SBL# 250.08-5-47. Petitioner: Brandy Lombardo, 515 Herr Road, Angola, NY 14006.

RESOLUTION 2022 #86 Advertise Public Hearing - Proposed Local Law #1 Rezoning - Lombardo

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, Brandy Lombardo has requested that the Town Board of the Town of Evans rezone a 0.09± acre vacant parcel from Residential Two-Family (R2) to Neighborhood Business (NB) for the purpose of operating a convenience/deli store with expanded parking and outside seating located on Lemon Street, SBL# 250.08-5-47 and adjacent to 515 Herr Road, Angola, NY, and

WHEREAS, provided the applicant is successful in rezoning the property, it shall be merged with the existing Neighborhood Business (NB) parcel at 515 Herr Road, and

WHEREAS, in a letter dated January 28, 2022 the Evans Planning Board unanimously recommended the above-referenced petition for rezone from Residential Two-Family (R2) to Neighborhood Business (NB) at their January 26, 2022 Planning Board meeting, and

WHEREAS, any future development of this parcel to be rezoned is subject to a full site plan application submittal, review and approval by the Planning Board and any landscaping, drainage, parking, lighting, setbacks, building heights and any other design elements shall follow the requirements of Evans Town Code, and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Brandy Lombardo.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #1 of the year 2022, to be held on February 16, 2022 at 7:10pm for the consideration of said rezoning,

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

William Smith, Director of Planning & Community Development RE: Minor Subdivision - dividing a 3.76± acre parcel into two lots; a 1.46± acre parcel and a 2.3± acre parcel located at 6634 Lake Shore Rd., Derby, NY 14047, SBL# 192.15-1-19.1. Petitioner: Richard H. & Diane S. Herman, 6634 Lake Shore Rd., Derby, NY 14047

RESOLUTION 2022 #87 SEQR Negative Declaration - Herman

Councilman Macko moved and Supervisor Hosler 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 January 28, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Richard H. and Diane S. Herman 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 considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Richard H. & Diane S. Herman Minor Subdivision. (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 192.15-1-19.1, dividing a 3.76± acre parcel to create:

- 1. a 1.46± acre parcel with 80.0± feet of frontage on Lake Shore Road, and
- 2. a 2.3± acre parcel with 144.93± feet of frontage on Lake Shore Road.

Petitioner: Richard H. & Diane S. Herman, 6634 Lake Shore Road, Derby, NY 14047

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

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #88 Minor Subdivision Approval - Herman

Councilman Schraft moved and Councilman George seconded;

WHEREAS, the applicant applied for a variance from the Town's Zoning Board of Appeals seeking relief to reduce the minimum lot width for a minor subdivision, and

WHEREAS, at the July 15, 2021 Zoning Board of Appeals meeting, the request for a variance in violation of the Town of Evans Zoning Law section 200-11 C (1) (b) [1] to reduce the minimum lot width for a subdivision was granted, and

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, in a letter dated January 28, 2022 the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Richard H. and Diane S. Herman Minor Subdivision,

a division of SBL# 192.15-1-19.1, dividing a 3.76± acre parcel to create:

- 1. a 1.46± acre parcel with 80.0± feet of frontage on Lake Shore Road, and
- 2. a 2.3± acre parcel with 144.93± feet of frontage on Lake Shore Road.

Petitioner: Richard H. & Diane S. Herman, 6634 Lake Shore Road, Derby, NY 14047

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

VOTE RESULT:

ADOPTED BY ROLL CALL
Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye

Supervisor Hosler Aye

William Smith, Director of Planning & Community Development RE: Minor Subdivision - dividing a $9.426\pm$ acre parcel into three lots; a $1.005\pm$ acre Parcel, a $1.102\pm$ acre parcel and a $7.319\pm$ acre parcel located at 7000 Lake Shore Rd., Derby, NY 14047, SBL# 206.00-1-2.1. Petitioner: J.W. Cromwell, LLC, 471 Delaware Ave., Buffalo, NY 14202

RESOLUTION 2022 #89 SEQR Negative Declaration - Cromwell

Councilman Schraft moved and Supervisor Hosler 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 January 28, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the J. W. Cromwell, 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 considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the J. W. Cromwell, LLC Minor Subdivision. (Addendum B SEQR Short Environmental Assessment Form),

a division of SBL# 206.00-1-2.1, dividing a 9.426± acre parcel to create:

- 1. a 1.005± acre parcel with 200.0± feet of frontage on Lake Shore Road,
- 2. a 1.102± acre parcel with 200.0± feet of frontage on Lake Shore Road, and
- 3. a 7.319± acre parcel with 141.41± feet of frontage on Lake Shore Road.

Petitioner: J.W. Cromwell, LLC, 471 Delaware Ave., Buffalo, NY 14202

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #90 SEQR Negative Declaration - Cromwell

Councilman Schraft moved and Supervisor Hosler 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 January 28, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the J. W. Cromwell, 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 considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the J. W. Cromwell, LLC Minor Subdivision. (Addendum B SEQR Short Environmental Assessment Form),

a division of SBL# 206.00-1-2.1, dividing a 9.426 \pm acre parcel to create:

- 4. a 1.005± acre parcel with 200.0± feet of frontage on Lake Shore Road,
- 5. a 1.102± acre parcel with 200.0± feet of frontage on Lake Shore Road, and
- 6. a 7.319± acre parcel with 141.41± feet of frontage on Lake Shore Road.

Petitioner: J.W. Cromwell, LLC, 471 Delaware Ave., Buffalo, NY 14202

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #91 Approval Minor Subdivision - Cromwell

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the applicant applied for a variance from the Town's Zoning Board of Appeals seeking relief to reduce the minimum lot width for a minor subdivision, and

WHEREAS, at the December 8, 2021 Zoning Board of Appeals meeting, the request for a variance in violation of the Town of Evans Zoning Law section 200-11 C (1) (b) [3] to reduce the minimum lot width for a subdivision was granted, and

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, in a letter dated January 28, 2022 the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the J.W. Cromwell, LLC Minor Subdivision,

a division of SBL# 206.00-1-2.1, dividing a 9.426± acre parcel to create:

- 1. a 1.005± acre parcel with 200.0± feet of frontage on Lake Shore Road,
- 2. a 1.102± acre parcel with 200.0± feet of frontage on Lake Shore Road, and
- 3. a $7.319\pm$ acre parcel with $141.41\pm$ feet of frontage on Lake Shore Road.

Petitioner: J.W. Cromwell, LLC, 471 Delaware Ave., Buffalo, NY 14202

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

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

<u>PUBLIC HEARING</u>

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 February 2, 2022 at 7:10 P.M. via a virtual Zoom Public Meeting (broadcast from Town Hall) with a livestream link and phone number posted on the Town of Evans website at www.townofevans.org, to consider the petition of Eagle Associates of Niagara Frontier, Inc. for Preliminary Plat approval of a 22 residential lot major subdivision and supporting infrastructure on a 15.97± acre parcel located at 8462 Lake Shore Road, Angola, NY 14006, SBL# 220.00-1-22. Questions and comments may be forwarded to the Planning Office via email at planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office will be included in the record of the Public Hearing. 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 Lynn M. Krajacic Town Clerk

RESOLUTION 2022 #92 Open the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the public hearing.

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

Jack Fritz & Jeffrey Gicewicz spoke about the Project Ed Conboy, John Simet, Emir Omerhodzic and William Henry spoke in Favor of the project.

RESOLUTION 2022 #93 Close the Public Hearing

Supervisor Hosler moved and Councilman George seconded to close the public hearing.

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #94 SEQR Negative Declaration - The Bay at St. Vincent

Supervisor Hosler moved and Councilman Schraft seconded;

WHEREAS, the Eagle Associates of Niagara Frontier, Inc. ("the Applicant") has requested Preliminary Plat Approval for the proposed The Bay at Saint Vincent Major Subdivision ("the Project"); and

WHEREAS, the Project involves the creation and development of 22 residential lots and supporting infrastructure on the 15.97 +/- acre parcel located at 8462 Lake Shore Rd (SBL# 220.00-1-22); and

WHEREAS, the Evans Town Board declared intent to serve as SEQR Lead Agency on the Project at their October 21, 2020 meeting and initiated a 30-day coordinated review with involved agencies; and

WHEREAS, per Section 178-6.b of the Town Code pertaining to procedures for obtaining subdivision approval, the Planning Board carefully reviewed the Preliminary Plat for compliance with SEQR requirements and made their recommendation to the Town Board; and

WHEREAS, the Town Board has reviewed the proposed Project and considered the criteria for Determination of Significance listed in the SEQR regulations, and has found that the proposed action is not anticipated to result in any significant adverse impacts on the environment; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with SEQR requirements for The Bay at Saint Vincent Major Subdivision located at 8462 Lake Shore Road (SBL# 220.00-1-22).

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

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #95 Preliminary Plat Approval - The Bay at St. Vincent

Councilman George moved and Supervisor Hosler seconded;

WHEREAS, the Eagle Associates of Niagara Frontier, Inc. ("the Applicant") has requested Preliminary Plat Approval for the proposed The Bay at Saint Vincent Major Subdivision ("the Project"); and

WHEREAS, the Project involves the creation and development of 22 residential lots and supporting infrastructure on the 15.97 +/- acre parcel located at 8462 Lake Shore Rd (SBL# 220.00-1-22); and

WHEREAS, the Applicant successfully rezoned the parcel from Recreational Facilities (RF) to the Residential Two-Family (R-2) District in June of 2020; and

WHEREAS, the Applicant is also seeking Cluster Development designation per the regulations set forth in Section 200-59 of the Evans Town Code; and

WHEREAS, the Applicant has adjusted the plans to address comments provided in the Town Engineer's Preliminary Subdivision Review; and

WHEREAS, the Applicant has received all necessary approvals and/or waivers from the Evans Fire Chief Council and Highway Department; and

WHEREAS, the Planning Board has unanimously recommended to approve the Preliminary Plat based on the following reasons:

- The Project in accordance with the Town's zoning regulations.
- The Project is consistent with the Local Waterfront Revitalization Program.
- The Project will constitute the use of underutilized property.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby approves the Preliminary Plat for The Bay at Saint Vincent Major Subdivision with the following conditions:

- The Applicant shall continue to work with the Town Engineer and Planning Director and any involved agencies to achieve Final Plat approval.
- The Applicant shall provide a letter of no adverse effect from SHPO prior to the disturbance of any buildings or grounds within the site.
- The Applicant shall bear all responsibility for any storm sewer improvements deemed necessary by either the Town and/or County as a result of the project.

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

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye

Supervisor Hosler

Aye

RESOLUTION 2022 #96 Authorization to Attend Virtual NYS Association of Towns Training

Supervisor Hosler moved and Councilman Macko seconded;

WHEREAS, the Town Supervisor, Councilmen and Town Attorney request permission to attend the annual Association of Towns training; and

WHEREAS, said virtual training will be held February 20 - 23, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Councilwoman Reitz, Councilwoman Macko, Councilman George, Councilman Schraft, Supervisor Mary Hosler, Town Attorney Ken Farrell and Deputy Town Attorney Britanylee Penberthy to attend said virtual training and all appropriate and reasonable expenses shall be paid by the Town, per Town policy, as amended.

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #97 Agreement with Jamco - Dog Boarding

Councilman George moved and Councilman Schraft seconded;

WHEREAS, The Town of Evans wishes to comply with the New York State Agriculture and Markets Law as it pertains to seized dogs; and

WHEREAS, Jamco Dog and Boarding and Training Center, Inc. has personnel, animal shelter and proper facilities for the care and disposition of dogs or violation of NYS Laws or other ordinances, or seizures by the Town of Evans for other violations; and

WHEREAS, the Town of Evans and Jamco are in agreement to extend the current agreement;

BE IT RESOLVED, that Supervisor Mary K. Hosler is hereby authorized to execute the renewal agreement between Jamco and the Town of Evans, commencing February 3, 2022 with an auto renewed yearly agreement per the terms of the agreement (#1 of the Agreement), upon approval of the Town Attorney.

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye

Supervisor Hosler

Aye

RESOLUTION 2022 #98 Declare Surplus Equipment - Police

Councilman Schraft moved and Supervisor Hosler seconded;

NOW THEREFORE BE IT RESLOVED, that the following Police Department equipment is hereby declared surplus equipment and will be transferred to the Highway Department for their use:

1) Panasonic CF-54 Toughbook - Model: CF-54F0001KM SN: 8DTSA25307

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #99 Execute Agreement with Rotella Grant Management Services

Councilman Reitz moved and Supervisor Hosler seconded;

WHEREAS, the Town of Evans applies for numerous grants on a yearly basis; and

WHEREAS, successful grant applications are beneficial to the Town of Evans; and

WHEREAS, the Town of Evans desires to extend the contract between the Town of Evans and Rotella Grant Management;

BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute any all documents pursuant to Rotella Grant Management, 19 Jordy Court, Hamburg, NY 14075, for grant writing and administration services for 2022, at a rate of \$1,300.00 per month plus any actual postage costs, when applicable.

VOTE RESULT:

ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #100 Audit of Bills

Councilman George moved and Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts as follows:

	AUDIT OF BILLS
DATE	2/3/2022
ABSTRACT NO.	3
VOUCHER NO.	9957 - 9983
CHECK NUMBERS	83604 - 83628
APPROVED AT	Board Meeting
DATE	2/2/2022
GENERAL	\$40,524.29
PART TOWN	\$64.76
HIGHWAY DB	\$18,548.46
WATER	
CAPITAL PROJECTS	\$3,624.59
SPECIAL DISTRICTS	
DEBT SERVICE	
TOTAL	\$62,762.10

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #101 Audit of Bills

Councilman George moved and Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts as follows:

	AUDIT OF BILLS
DATE	2/3/2022
ABSTRACT NO.	3 - A
VOUCHER NO.	9984 - 10036
CHECK NUMBERS	83629 - 83671
APPROVED AT	Board Meeting
DATE	2/2/2022
GENERAL	\$102,297.11
PART TOWN	\$4,815.13
HIGHWAY DB	\$19,523.89
WATER	\$5,712.81

CAPITAL PROJECTS

SPECIAL DISTRICTS \$28,930.94

DEBT SERVICE

TOTAL \$161,279.88

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2022 #102 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn Wednesday, February 16, 2022 at 6:00pm for a Work Session and the Regular Meeting to follow. Meeting was adjouned in Memory of Kenneth D. Farrell.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz Aye
Councilman Macko Aye
Councilman Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.

Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

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 RMC Town Clerk