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 2, 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.

EXCUSED:  
Rob Klavoon  
Wendel Duchscherer

Patrick Conrad  St. Pt. Marina Dept. Head

ABSENT:  
Water Dept

RESOLUTION 2012-163 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of April 18, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. Bill Henry, 1456 Pontiac Rd, Angola, spoke about renewable energy, net-metering, and asked about an energy audit for the Town.
2. Ed Conboy, Jr., 8168 Hillside, asked questions regarding the dredging resolution and inquired about the availability of Proposed Local Law #1 of the 2012 on the website.
3. Tom Tyler, 1436 Wisconsin, Derby, expressed his thanks to the Town Board and Parks Dept for the completion of the Nettlecreek Playground installation.

7:20pm Public Hearing- Special Use Permit for 1759 Sturgeon Point Road
Supervisor Dash asked the Town Clerk to read the legal notice for the Public Hearing as follows:

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 May 2, 2012 at 7:20 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 purpose of operating a commercial kennel for a dog daycare and boarding facility, to be located at 1759 Sturgeon Point Road, Derby, NY (SBL# 207.00-4-66). Petitioner: William & Victoria Kurek, 1759 Sturgeon Point Road, Derby, NY 14047.

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
Town Clerk

RESOLUTION 2012-164 Open Public Hearing

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

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

1. Susan Miller, 1730 Sturgeon Point Rd, did not state in favor or opposed, but expressed concerns regarding noise.
2. Phyllis Jost, 1711 Sturgeon Point Rd, spoke in opposition.

RESOLUTION 2012-165 Close Public Hearing

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

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

RESOLUTION 2012-166 Issue Negative SEQR Declaration

Supervisor Dash moved and Councilman Cooper seconded,
WHEREAS, William & Victoria Kurek have requested a Special Use Permit for the purpose of operating a commercial kennel for a dog daycare and boarding facility, to be located at 1759 Sturgeon Point Road, Derby, NY. SBL# 207.00-4-66, and

WHEREAS, the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this property, and has found no apparent significant environmental concerns, and has recommended the issuance of a SEQRA 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 SEQRA requirements for the William & Victoria Kurek Special Use Permit. (Addendum A SEQRA Short Environmental Assessment Form).

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 2012-167 Grant Special Use Permit to William & Victoria Kurek

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, William & Victoria Kurek have requested a Special Use Permit for the purpose of operating a commercial kennel for a dog daycare and boarding facility, to be located at 1759 Sturgeon Point Road, Derby, NY. SBL# 207.00-4-66, and

WHEREAS, the Town Board of the Town of Evans conducted a public hearing on May 2, 2012 regarding said Special Use Permit, and

WHEREAS, the Town Board of the Town of Evans has issued a negative declaration as part of the SEQR review process, and

WHEREAS, the Evans Planning Board has conducted a thorough review of the application and has unanimously voted to recommend approval of said Special Use Permit, for the following reasons:

1. We have found no apparent significant environmental concerns and recommend a SEQR negative declaration.
2. This project is in compliance with the intent of the Town’s Comprehensive Plan and the Rural Agriculture Zoning District.
3. The nature of this business appears to be within the character of the surrounding Area; and
WHEREAS, the Planning Board also recommended that that the following conditions be placed on the approval of this action:

- 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.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to William & Victoria Kurek, for the purpose of operating a commercial kennel for a dog daycare and boarding facility, to be located at 1759 Sturgeon Point Road, Derby, NY. SBL# 207.00-4-66, with the above-said two (2) conditions.

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

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

7:30pm Public Hearing- PLL #1 of 2012 (Proposed Miscellaneous Revisions to Town Code)

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

Notice of Public Hearing
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 May 2, 2012 at 7:30pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006, for the consideration of Proposed Local Law #1 of the year 2012 for proposed miscellaneous revisions to the Town Code, Chapter 200 Zoning, Chapter 178 Subdivision, Chapter 175 Streets and Sidewalks, and Chapter 149 Property Maintenance. A draft copy of the proposed amendments will be available, at the Town Clerk’s Office, to review or pick up during normal business hours, Monday thru Friday from 8 am - 4 pm and Wednesday 10am - 6pm or it can be viewed or printed out at www.townofevans.org.

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

RESOLUTION 2012-168 Open Public Hearing
Councilman Cooper moved and Councilman Feldmann seconded to open the public hearing for public comment.

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

1. Tebra Howard, 1520 Eden-Evans Center Rd, spoke in opposition.
2. Thomas Tyler, 1436 Wisconsin Rd, spoke in opposition specific to the garbage portion.

RESOLUTION 2012-169 Close Public Hearing

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

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

RESOLUTION 2012-170 Issue Negative SEQR Declaration

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Evans Town Board wishes to adopt proposed Local Law No. 1 of the Year 2012 regarding miscellaneous code revisions to Section 200 Zoning, Section 178 Subdivision, Section 175 Streets and Sidewalks and Section 149 Property Maintenance, and

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

WHEREAS, the Evans Town Board held a Public Hearing on May 2, 2012 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans has determined that the adoption of proposed Local Law No. 1 of the year 2012, regarding miscellaneous revisions to Section 200 Zoning, Section 178 Subdivision, Section 175 Streets and Sidewalks and Section 149 Property Maintenance 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
AYES - Feldmann, Cooper, Dash
NAYS - none

RESOLUTION 2012-171 Adopt PLL#1 of 2012 as Local Law #1 of 2012

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Evans Town Board finds that proposed Local Law No. 1 of the year 2012 regarding miscellaneous code revisions to Section 200 Zoning, 178 Subdivision, Section 175 Streets and Sidewalks and 149 Property Maintenance will bring about consistency between various sections of the code; consistency with Town processes, and clarification and articulation of language in the code, and

WHEREAS, in a letter dated April 4, 2012, the Evans Planning Director and the Code Enforcement Officer have recommended adoption of these proposed code revisions, and

WHEREAS, the Evans Town Board held a public hearing on the proposed code revisions on May 2, 2012, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Review), the Evans Town Board declared itself SEQR Lead Agency, and issued a Negative Declaration of Significance.

NOW THEREFORE BE IT RESOLVED, that proposed Local Law No. 1, of the year 2012, be and hereby is adopted as Local Law No. 1 of the year 2012.

AND BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

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

RESOLUTION 2012-172 Old Business

Councilman Cooper moved and Councilman Feldmann seconded to keep the
following three items on Old Business:

1. PLL#3 of 2011- RE: Live Band/Special Event Licenses
2. Appt of full-time Patrolman
3. PBA Contract

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

**RESOLUTION 2012-173 Appt of Laborers**

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED; that the following be appointed to the position of laborer; to be called as needed; to be paid the designated hourly rate of pay:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Purcell</td>
<td>9212 Lakeside, Angola</td>
<td>$7.25</td>
</tr>
<tr>
<td>Mary Heath</td>
<td>200 Porter, Angola</td>
<td>$7.25</td>
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<tr>
<td>Michael Benitez</td>
<td>9154 Erie, Angola</td>
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<tr>
<td>Brian Franz</td>
<td>440 Gordon, Angola</td>
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<tr>
<td>Jack Fritz III</td>
<td>30 Friend, Angola</td>
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<tr>
<td>Greg Pelechaty</td>
<td>1369 Sturgeon Point, Derby</td>
<td>$7.25</td>
</tr>
<tr>
<td>John Schneider</td>
<td>1528 Wisconsin, Derby</td>
<td>$7.25</td>
</tr>
<tr>
<td>Joseph Siracuse</td>
<td>259 Kennedy, Angola</td>
<td>$7.25</td>
</tr>
<tr>
<td>Jonathan Triftshauser</td>
<td>9137 Waterman, Angola</td>
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<td>Richard Ericson</td>
<td>587 Seneca, Angola</td>
<td>$7.50</td>
</tr>
<tr>
<td>Alex Shean</td>
<td>8911 Erie, Angola</td>
<td>$7.50</td>
</tr>
<tr>
<td>Bryant Morrison</td>
<td>1822 Eden Evans Ctr, Angola</td>
<td>$8.00</td>
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<tr>
<td>Jesse Emerson</td>
<td>657 Lake, Angola</td>
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</tr>
<tr>
<td>Richard Walker</td>
<td>46 Mill, Angola</td>
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<td>Matthew O'Brien</td>
<td>7002 Erie, Derby</td>
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<td>David Ryerse</td>
<td>7360 Delamater, Derby</td>
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<tr>
<td>Wayne Thomas</td>
<td>720 Bennett, Angola</td>
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<tr>
<td>Donald Schiedel</td>
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<td>Patrick Griffin</td>
<td>94 South Lane, Angola</td>
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<td>Janice Struebel</td>
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<td>Daniel Carriero</td>
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<tr>
<td>Daniel Carriero</td>
<td>9946 Erie, Angola</td>
<td>$9.00</td>
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FURTHER BE IT RESOLVED; that Wayne Thomas of 720 Bennett Rd., Angola be appointed to the position of Van Driver; to be called as Needed; to be paid $8.00 per hour.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye
Councilman Cooper Aye
Supervisor Dash Aye
RESOLUTION 2012- 174 Water bill adjustment

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED: That an adjustment be made to the following water account because of a leak.

Ulak, Lori
Account# 03091530
186 Arthur Ave.
Adjustment- $97.84
+ 30.30 penalty

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

RESOLUTION 2012- 175 Agreement with Simplex Grinnell for fire alarm testing & inspection

Supervisor Dash moved and Councilman Cooper seconded,

Whereas, the Town of Evans has the opportunity to sign a three (3) year agreement with Simplex Grinnell for Fire Alarm Testing and Inspection which guarantees the same price for the length of the agreement,

NOW THEREFORE BE IT RESOLVED, that the Supervisor or his designee is hereby authorized to execute a contract with Simplex Grinnell subject to 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 2012-176 Contract with Jamco Dog Boarding & Training Center, Inc.

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, that the Supervisor is authorized to enter into a contract with Jamco Dog Boarding and Training Center, Inc. for the sheltering and care of dogs seized by the Town of Evans for the period commencing July 1, 2012 and running through June 30, 2014, subject to 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 2012-177 Authorize dredging of Sturgeon Point Marina

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans had requested proposals for dredging at the Sturgeon Point Marina, and

WHEREAS, Fairway Contracting, the company original chosen to do the dredging is currently unavailable, and

WHEREAS, the Town of Evans was able to secure four (4) new proposals from other contractors,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes New Frontier Excavating and Paving, Inc. to dredge at the Sturgeon Point Marina at a cost not to exceed $25,000.00, and

BE IT FURTHER RESOLVED that the proposals are subject to 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 2012-178 Waterline maintenance on unimproved roads/rights of way

Supervisor Dash moved and Councilman Feldmann seconded,

Whereas the Town of Evans has undertaken a project for the improvement of the water system servicing residents of the town; and

Whereas in consequence of the same the relocation and/or replacement of portions of said system involving lines, meters and related equipment forming part of such water system is to be undertaken; and

Whereas certain lines, meters and related components of said water system are located in, or in relation to, unimproved roads or rights-of-way not regularly maintained by the Town of Evans; and

Whereas as a result of such circumstances certain lines must be replaced or relocated and meters replaced or relocated which would result in the installation of lines upon such roads or rights-of-way beyond such reinstalled or relocated meters which might impose upon residents maintenance responsibilities and potential costs not previously involved in such water service; and

Whereas in consequence of the same the Town has investigated these circumstances
and determined that the imposition of such maintenance or repair and elated costs relative to such relocated service lines and meters would not now be proper;

Now Therefore Be It Resolved that under the present circumstances the Town will maintain such relocated or replaced supply lines running from such relocated, replaced and/or repositioned meters as identified in the attached exhibit C; and

Be It Further Resolved that it shall remain the responsibility of the person or party receiving water from such supply line so maintained by the Town to maintain and repair the service line from the said supply line to the premises receiving water service.

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

RESOLUTION 2012-179 Audit of Bills

Councilman Cooper moved and Supervisor Dash seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstracts brought forth on May 2, 2012

Date: 4/18/2012
Abstract No. 7
Voucher No. 578-670
Prepaid: 20, 21, 22

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<td>TOTAL</td>
<td>277,286.33</td>
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VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye
Councilman Cooper Aye
 Supervisor Dash Aye

RESOLUTION 2012-180 Adjournment
Supervisor Dash moved and Councilman Cooper seconded, to adjourn to
Wednesday, May 9, 2012 at 6:30pm for a Work Session, Wednesday May 16, 2012 @
6:30pm for an Agenda Meeting and 7pm for the Town Board Meeting. This adjournment
is in honor and memory of Co-Town Historian Cheryl Delano.

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
Town Clerk
Town of Evans
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

1. PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

   APPLICANT / SPONSOR: Victoria Kurek
   PROJECT NAME: Dog Daycare + Boarding Facility

   3. PROJECT LOCATION:
      Municipality: Evans
      County: Erie

   4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map):
      1759 Sturgeon Point Rd.
      Derby NY 14047

   5. IS PROPOSED ACTION:
      ☑ New
      ☐ Expansion
      ☑ Modification / Alteration

   6. DESCRIBE PROJECT BRIEFLY:
      Small dog daycare + boarding facility for up to 5 dogs.

   7. AMOUNT OF LAND AFFECTED:
      Initially 1,075 sq. ft.
      Ultimately 1,675 sq. ft.
      0.038 acres

   8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
      ☑ Yes
      ☐ No
      If No, describe briefly:

   WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
      ☑ Residential
      ☐ Industrial
      ☐ Commercial
      ☑ Agriculture
      ☐ Park / Forest / Open space
      ☐ Other

      RA

   10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
      ☑ Yes
      ☐ No
      If yes, list agency(s) and permit approvals:

   11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
      ☑ Yes
      ☐ No
      If yes, list agency name and permit/approval:
      Fencing permit for our own dogs, we would be using the same fencing area, it is already approved.

   12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION?
      ☑ Yes
      ☐ No

   I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

   Applicant / sponsor name: Victoria Kurek
   Date: 3/12/12

   Signature: Victoria Kurek

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

1
PART II—ENVIRONMENTAL ASSESSMENT (To be completed by 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 617.8? 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 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:

[Signature]
Name of Lead Agency

[Signature]
Supervisor

[Signature]
Name of Responsible Officer in Lead Agency

5/3/12
Date

[Signature]
Name of Responsible Officer in Lead Agency

[Signature]
Planning

[Signature]
Name of Responsible Officer in Lead Agency

[Signature]
Name of Responsible Officer in Lead Agency

[Signature]
Date

[Signature]
Name of Responsible Officer in Lead Agency

[Signature]
Date

[Signature]
Name of Responsible Officer in Lead Agency

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Date

[Signature]
Name of Responsible Officer in Lead Agency

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Date

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Name of Responsible Officer in Lead Agency

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Date

[Signature]
Name of Responsible Officer in Lead Agency

[Signature]
Date

[Signature]
Name of Responsible Officer in Lead Agency

[Signature]
Date
PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Evans Town Board
2. PROJECT NAME: Ordinance Amendment

3. PROJECT LOCATION:
   Municipality: Town of Evans
   County: Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map):
   Throughout the Town

5. PROPOSED ACTION IS:
   - [ ] New
   - [ ] Expansion
   - [X] Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
   Miscellaneous revisions to the Town Code: Sections 200 - Zoning, 175 - Subdivision of Land, Section 175 - Streets & Sidewalks, and 149 - Property Maintenance

7. AMOUNT OF LAND AFFECTED:
   Initially ____ acres
   Ultimately ____ acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
   - [ ] Yes
   - [X] No
   [N/A] If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
   - [X] Residential
   - [ ] Industrial
   - [X] Commercial
   - [X] Agriculture
   - [ ] Park/Forest/Open Space
   - [ ] Other
   Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
    - [ ] Yes
    - [X] No
    [N/A] If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
    - [ ] Yes
    - [ ] No
    [N/A] If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
    - [ ] Yes
    - [X] No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Evans Town Board
Signature: [Signature]
Date: 4/4/12

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 617.49? 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 617.0? 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 the determination.

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Town of Evans
Name of Lead Agency

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

[Signature]
Signature of Responsible Officer in Lead Agency

5/2/12
Date

Supervisor
Title of Responsible Officer

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