

Edward G. Schneider III
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Angola, New York 14006
(716) 549-7283

Friday, June 18, 2021

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section
Washington, D.C. 20530

RE: Public Accommodations Complaint vs Town of Evans, NY

Dear U.S. Department of Justice:

Since 2015, (see attached block grant letter of 10-20-2015) I've been asking the Town of Evans, Erie County, New York, officials to fix a dangerous sidewalk on Kennedy Avenue which stretches from the shore of Lake Erie about 1.5 miles to Route 5. Irregardless if you have a mobility disability or not, at multiple points along this (public accommodation) sidewalk, you must walk into the street to safely continue your journey. (Not that it's really safer being in the path of motor vehicles.) These sidewalks were built with public funding. If you depend on a chair for your mobility, you can not use the sidewalk without venturing into the street for safety reasons at multiple points. The several areas where there are no sidewalks is a clear violation of the ADA. The sidewalks were built without curbs allowing loose asphalt and other debris to accumulate on the sidewalk which is an ADA violation in of itself.

I've written letters, spoke at CDBG public hearings, spoke at town board meetings, met onsite with 2 different supervisors, met onsite with the Town of Evans disabilities board chairman. My requests to address this issue have not moved forward. I've asked for this every year since 2013.

Additionally, at the foot of Kennedy Avenue, is Lake Erie Beach Park. There are public accommodations issues here. There is no paved path or road to an elevated picnic area. (See pix of young lady with walker). A path terminates into the parking lot of a local tavern.

The Town of Evans is getting \$1,700,000 in COVID funds. I'm filing this complaint with the U.S. Department of Justice asking that the town be required to fix the sidewalks on Kennedy and (re)build paths within Lake Erie Beach Park.

I am certified by Cornell as an ADA Trainer. (attached).

I look forward to your reply.

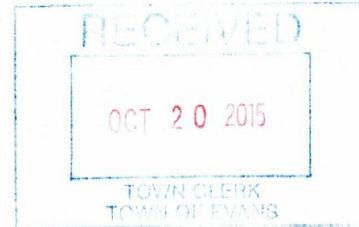
Sincerely;



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Monday, October 19, 2015

Evans Town Board
8787 Erie Road
Angola, New York 14006

RE: Community Development Block Grant Funding Public Hearing
Lake Erie Beach Park: Basketball & Street Hockey Court
Kennedy Sidewalks

To Town Clerk: Please Give Town Board, Disabilities Board and Director of Community Services A Copy of This Letter and include this letter as part of the Community Development Block Grant Funding Public Hearing

Dear Evans Town Board Members:

WRITTEN COMMENTS FOR THE 2015 BLOCK GRANT PUBLIC HEARING

1. Lake Erie Beach Park Picnic Area
 - a. By allowing a parcel of land zoned Recreational Facility and deed restricted as free and open to the public to be blocked by a property owner, a picnic area at Lake Erie Beach Park has become inaccessible to residents with walking disabilities and in wheelchairs. (See Last Photo Below) This request is to extend the walking paths within Lake Erie Beach Park to make this picnic area accessible to all residents.
2. A basketball court that does not double as a parking lot. This request has been ongoing for 26+ years.
3. Kennedy Avenue Sidewalks: NOTE: The 2015 extension of the Kennedy Avenue sidewalk, which as of this date, has no forms build or concrete poured, may create new accessibility issues similar to issues described in last years CDBG public hearing.
4. The first section of sidewalk built on Kennedy Ave. is unusable by residents in wheelchairs from end to end due to several breaks at intersections at unimproved roads and storm drains. (See Attached Photos)
 - a. There is an approximately one foot gap between the sidewalk and blacktopped Kennedy Avenue that allows pebbles and other loose material to create a hazard for residents with walking disabilities.
 - b. I am requesting that the existing sidewalk be brought into compliance with the Americans with Disabilities Act before or as part of funding for a sidewalk extension.
5. Muddy Creek erosion at the pedestrian bridge has created a dangerous situation for kids / park guests. A permanent repair is needed for safety reasons.

I am requesting that these projects be put at the top of the grant request for funding.

Sincerely;

Edward G. Schneider III





IMAGE BELOW SHOWS INACCESSIBLE PICNIC & PLAYGROUND AREA



TThis young lady had to climb a sand dune to get to the Lake Erie Beach Park picnic area. A clear public accommodations violation under the ADA.



Cornell University

The School of Industrial and Labor Relations

Employment and Disability Institute

Presents this Certificate of Completion to

Edward G. Schneider III

In recognition of participation in the Train-the-Trainer Session of the
ADA Trainer Network

DBTAC-Northeast ADA Center

Training Dates: August 10-11, 2010
Location: Ithaca, NY

Contact Hours: 14


Instructor


Dean