

Village of Depew, NEW YORK

"The Village of Unexcelled Opportunity"



MEETINGS TO DATE: 11

NO. OF REGULARS: 11

AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

August 22, 2022 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION – PASTOR NATHAN BARTON FROM NORTHPOINT CHURCH

NOTIFICATION OF FIRE EXITS

ROLL CALL:

Trustee Adolf

Trustee Ziemba

Trustee Kucewicz

Deputy Mayor Hamernik

Mayor Peterson

APPROVE VILLAGE BOARD MEETING MINUTES – August 8, 2022

ACCEPT ZONING BOARD MEETING MINUTES – July 28, 2022

1. Richard A. Johnson on behalf of X-Press Signs Inc for the property located at 3941 Broadway, of Chapter 260, §260-37(E)(2) Pole Sign, to allow him to erect a sign greater than the maximum allowable. Granted.
2. Richard A. Johnson on behalf of X-Press Signs Inc for the property located at 6348 Transit Rd, of Chapter 260, S260-37(E)(3) Fascia Sign, and of Chapter 260, §260-37(E)(1) Wall Sign, Chapter 260, S260-37(E)(3) Wall Sign, and of Chapter 260, S260-37(E)(4) Wall Sign. Granted
3. Joshua Hulton behalf of 3D Concrete for the property located at 12 Candace Lane, of Chapter 260, §260-14(B)(1)(h), to allow him to construct a driveway within the required minimum setback of three feet to any interior, rear or exterior property line and such driveway does not project greater than five feet directly in front of the principal dwelling. Granted.
4. Ronald Misinec Jr. for the property located at 11 Alys Dr East, of Chapter 260, §260-31(F)(4) to allow him to erect a fence within the required front yard setback. Granted.

APPROVE PLANNING BOARD MINUTES – August 4, 2022

1. Ari Goldberg, of Barclay Damon, on behalf of Royal Wash Development, LLC for property located at 4801 Broadway. Seeking final site plan approval and a special use permit to construct a car wash. Approved with stipulation to verify engineering comments and with a recommendation to the Village Board to accept SEQR Type 2.
2. Dominic Corigliano, on behalf of Corigliano Holdings, for property located at 5230, 5238 and 5246 Transit Rd, Depew, New York. Rehearing from tabled September 2, 2021 Planning Board Meeting seeking Final Site plan approval for a proposed parking plan. Approved with the following stipulations: 1. South entrance on Bellevue by Zubrick be increased to 20ft, 2. One parking space be eliminated in the area west of the metal building for emergency vehicle access, 3. The parking to the south of the restaurant be angled more for additional room 4. The dumpster enclosed and shown on the site plan, 5. All required ADA compliant handicap spaces be shown on the site plan 6. An updated site plan showing the necessary changes be submitted to Code Enforcement within 30 days or else applicant will have to return to the Planning Board.

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Accept Resignation – Zoning Board Member
2. Appoint – Full Time Assistant Code Enforcement Officer
3. Permission to Sign – Engineering Agreement
4. Permission to Sign – Auctions International Agreement
5. Permission – Fire Department
6. Permission – Fire Department
7. Amended Permission to advertise for Bids
8. Authorize – Phase 7 SEQR
9. Bond Resolution
10. Permission to Sign – Mollenberg Betz
11. Authorize – Fire Dept Fill the Boot
12. Approve – Dubs Construction Contract
13. Approve - SEQRA- NEGATIVE DECLARATION

14. Department Head Reports – Building and Police July 2022
15. Employment Applications – Charles Moore II
16. Unfinished and Other Business
17. Public Concerns and Comments
18. Claims and Accounts
19. Adjournment

RESOLUTION

August 22, 2022

ACCEPT RESIGNATION – ZONING BOARD MEMBER

Trustee _____, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the resignation of Steven Hoffman, Zoning Board Member effective April 21, 2022 is accepted.

The foregoing resolution was seconded by Trustee _____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022

Agenda Item # 1

__Approved __Denied

RESOLUTION

August 22, 2022

APPOINT FULL TIME ASSISTANT CODE ENFORCEMENT OFFICER

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint

Kathryn Zaganiaczyk

to the position of Full Time Assistant Code Enforcement Officer effective September 6, 2022. The rate of pay will be per the budget.

The forgoing nomination was acted upon in the following manner by the Board of Trustees:

Trustee Adolf -

Trustee Ziemba -

Trustee Kucewicz -

Deputy Mayor Hamernik -

Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022
Agenda Item # 2

___Approved ___Denied

AUTHORIZE MAYOR TO SIGN ENGINEERING AGREEMENT – NUSSBAUMER & CLARKE, INC

Trustee _____, offered the following resolution and moved for its adoption:

WHEREAS, the Village of Depew would like to utilize Nussbaumer & Clarke, Inc 3556 Lake Shore Rd, Suite 500, Buffalo, NY 14219 for Engineering Services in the Village of Depew.

WHEREAS, the Village of Depew would like to enter into a Professional Engineering Service Agreement with Nussbaumer & Clarke, Inc. in accordance with their proposal dated August 10, 2022 for the calendar year June 1, 2022 – May 31, 2023.

WHEREAS, David M. Britton, P.E. will be designated Municipal Representative for the Village of Depew at a billing rate of \$139/hour.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the Professional Engineering Service Proposal from Nussbaumer & Clarke, Inc. dated August 10, 2022.

The foregoing resolution was seconded by Trustee _____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022

Agenda Item # 3

☐ Approved ☐ Denied

RESOLUTION

August 22, 2022

**AUTHORIZE MAYOR TO SIGN SERVICE AGREEMENT – AUCTIONS
INTERNATIONAL**

Trustee _____, offered the following resolution and moved for its adoption:

WHEREAS, the Village of Depew is currently utilizing Auctions International for the sale and auction of surplus village property at the Village of Depew facilities;

WHEREAS, the Village of Depew would like to continue the Auction Services Agreement for \$30.00 per vehicle and \$5.00 for non-vehicle auctions.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the agreement with Auctions International.

The foregoing resolution was seconded by Trustee _____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022
Agenda Item # 4

___Approved ___Denied

PERMISSION – FIRE DEPARTMENT

Trustee _____, offered the following resolution and moved for its adoption:

WHEREAS, Permission is hereby granted to the Depew Fire Department to take Engine 2 out to Lancaster's Walden Pond Park for their annual charity softball tournament and touch a truck event. The date is Sunday August 21, 2022 with a rain date of Sunday August 28, 2022. The time from 9am to 1pm.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take engine (yet to be determined) to the BNIA (Buffalo Niagara International Airport) for a Training exercise on Saturday August 27th from 7:30am to 12:30pm.

And

WHEREAS, Permission is hereby granted to Chief Gauthier to take the Fire Chief vehicle to Mount Morris New York on Tuesday and Wednesday August 30 and 31, 2022 for Fire Training. Location of the class will be at Livingston County OEM at 3360 Gypsy Lane Mount Morris New York 15510.

THEREFORE, BE IT RESOLVED: The above foregoing resolution was seconded by Trustee _____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022

Agenda Item # 5

___Approved ___Denied

RESOLUTION

August 22, 2022

PERMISSION – FIRE DEPARTMENT

Trustee _____, offered the following resolution and moved for its adoption:

WHEREAS, Permission is hereby granted to the Depew Fire Department to take – Engine 3, Engine 4, Ladder 5, and Rescue 7 to Townline Fire Department in Lancaster for a department drill on Tuesday, August 23rd from 6:30 PM – 9:30 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take an engine to Crittenden Fire Department in Alden, NY on Thursday August 25, 2022 for a Lancaster Town Drill from 6:30 PM – 9:30 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take an engine to Townline Fire Department in Lancaster, NY on Saturday August 27, 2022 for the Junior Firefighter Day training from 8:00 AM – 4:00 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take Ladder 5 and Rescue 7 to Hyview Fire Company in Cheektowaga, NY on Tuesday August 30, 202 for the morning drill at 9:00 AM – 11:00 AM and again for the evening drill from 7:00 PM – 9:00 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take Ladder 5 and Engine 4 to St. Phillips Church, 950 Losson Rd, Cheektowaga, NY on Sunday September 11, 2022 for the Cheektowaga / Depew Firefighters Mass & Breakfast from 7:30 AM – 10:30 AM.

THEREFORE, BE IT RESOLVED: The above foregoing resolutions was seconded by Trustee _____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022

Agenda Item # 6

___Approved ___Denied

RESOLUTION

August 22, 2022

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS - AMENDED

Trustee _____ offered the following resolution and moved for its adoption:

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for bids for the General Contractor, the Electrical Contractor and the combined Plumbing and Mechanical Contracts for the Fireman's Park Pavilion Project. The bid openings will take place on September 15, 2022.

The foregoing resolution was seconded by Trustee _____, and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022
Agenda Item # 7

__Approved __Denied

SEQR TYPE II DETERMINATION (PHASE 7)

Trustee _____ offered the following resolution and moved for its adoption:

WHEREAS, the Village of Depew (Village) is currently under an Order of Consent with the New York State Department of Environmental Conservation (NYSDEC) to address sanitary sewer overflows (SSOs) in the Village's sanitary sewer collection system; and

WHEREAS, the Village completed the Phase 7 Sanitary Sewer Evaluation Survey (SSES) in Sewershed 10A/B to identify potential corrective actions; and

WHEREAS, the Village of Depew Board of Trustees is considering various improvements to correct sewers system defects and reduce inflow and infiltration; and

WHEREAS, the Board of Trustees is seeking funding assistance under the New York State Cleanwater State Revolving Fund, and is, therefore subject to environmental review obligations required to participate in the funding program; and

WHEREAS, pursuant to sections 617.5(c)(1), 617.5(c)(2) and 617.5(c)(6) under SEQR, this project is a Type 2 Action as it involves the maintenance, repair and replacement in kind of existing sewer infrastructure with no substantial change to the existing sanitary sewer collection system.

NOW THEREFORE BE IT RESOLVED, that as a Type 2 action under SEQR, the project has been found categorically to not have significant adverse impacts on the environment and no further review under SEQR is required.

The foregoing resolution was seconded by _____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022
Agenda Item # 8

__Approved __Denied

A BOND RESOLUTION, DATED AUGUST 22, 2022, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE 7) IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ORDER ON CONSENT NO. R9-20140128-1, AT AN ESTIMATED MAXIMUM COST OF \$2,200,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,200,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village of Depew, Erie County, New York (the "Village") has entered into a Consent Agreement with the New York State Department of Environmental Conservation (DEC) to remediate issues related to the discharge of sewer system overflow; and

WHEREAS, such DEC agreement requires that the Village undertake sewer system monitoring, repair, remediation and reconstruction in order to avoid civil fines and penalties; and

WHEREAS, the Village Board of Trustees of the Village desires to undertake a capital improvements project (Phase 7) for the reconstruction of and construction of improvements to the Village Sewer System; and

WHEREAS, the Village intends to apply for grant funds from the New York State Environmental Facilities Corporation.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1 The Village is hereby authorized to undertake a certain sewer system capital improvements project being undertaken in response to a New York State Department of Environmental Conservation Order on Consent No. R9-20140128-1, such work to generally consist of (but not be limited to) the installation of a cured-in-place pipe ("CIPP") lining system for approximately 22,150 linear feet of sanitary sewer pipe, manhole rehabilitations, replacement of defective sanitary sewer pipe, point repairs to

sanitary and storm sewer pipes, replacement and installation of sewer pipe and various restoration work, as well as other improvements as more fully identified in (or contemplated by) a report dated June 15, 2022 that was prepared by GHD in connection with the project, all of the foregoing to include all preliminary work and necessary equipment, materials, apparatus and related site work and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$2,200,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$2,200,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, any grant funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the purpose is a class of objects or purposes described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the

bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 13. The Village determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 14. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 15. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 16. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 17. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

SECTION 18. This Resolution is effective immediately pursuant to Section 36.00(a)(5) of the Local Finance Law.

* * * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022

Agenda Item # 9

☐ Approved ☐ Denied

RESOLUTION

August 22, 2022

AUTHORIZE MAYOR TO SIGN CONTRACT – MOLLENBERG BETZ

Trustee_____, offered the following resolution and moved for its adoption:

NOW THEREFORE BE IT RESOLVED, the Mayor is authorized to sign a contract with

Mollenberg-Betz,
300 Scott Street,
Buffalo, NY 14204

for the Annual Compressor Inspection which includes the startup, shutdown and overhaul of both compressors for an annual fee of \$8,959.00 and the Monthly inspections for the Depew Rink at an annual cost of \$4,925.00. This contract is for a one-year agreement effective August 1, 2022 – July 31, 2023.

The foregoing resolution was seconded by Trustee_____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziembra -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022
Agenda Item # 10

__Approved __Denied

RESOLUTION

August 22, 2022

PERMISSION – DEPEW FIRE DEPT

Trustee _____, offered the following resolution and moved for its adoption:

Permission is hereby granted to the Depew Fire Department for their Fill-the Boot Fundraising effort on Monday September 12, 2022 from 3:30pm until 6:30 pm at various intersections in the Village. In the event that it is raining hat night, the Fill The Boot drive will then be held on September 13, 2022.

The foregoing resolution was seconded by Trustee _____, and
CARRIED.

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022

Agenda Item # 11

__Approved __Denied

RESOLUTION

August 22, 2022

APPROVE CONTRACT FOR DUBS CONSTRUCTION

Trustee _____ offered the following resolutions are moved for its adoption:

BE IT RESOLVED, that the Board of Trustees approves the contract for court finishing work by:

Dubs Construction
88 Randy Way
Cheektowaga, NY 14227

The foregoing resolutions were seconded by Trustee _____, and duly put to a roll call vote which resulted in the following:

Trustee Adolf -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022
Agenda Item # 12

_Approved ___Denied

**SEQRA- NEGATIVE DECLARATION - 4801 Broadway Street, SBL 104.17-1-12.111 and
0 Broadway Street, SBL 104-7-1-12.112**

Trustee _____, offered the following resolution and moved for its adoption:

WHEREAS, Royal Wash Development seeks to construct a 4,100 SF car wash facility with approximately 25 parking and vehicle vacuum stations at 4801 Broadway Street, SBL 104.17-1-12.111; 0 Broadway Street, SBL 104-7-1-12.112; the total Project site is 1.35 acres; the Project includes dual access drives from Broadway and Transit; the Project also includes vehicle circulation and stacking lanes, surface parking, perimeter landscape buffers, and site lighting.

WHEREAS, the proposed action described above is subject to review under the State Environmental Quality Review Act ("SEQRA")

WHEREAS, the Village Board preliminarily declared itself Lead Agency, classified the proposed action as Unlisted, and conducted a coordinated environmental review of the proposed action pursuant to SEQRA.

WHEREAS, more than thirty days have passed since the Village Board transmitted its Lead Agency Solicitation notice, together with a full statement of the proposed action, to all involved and interested agencies; and

WHEREAS, the Village Board, has considered the Environmental Record prepared for this action, including any comments received from the public and Interested and Involved Agencies, this proposed Negative Declaration, and documents from the Project Sponsor, including Downstream Sewer Capacity Analysis, Traffic Impact Study, Short Environmental Assessment Form, Site Plan Drawings as revised, Application documents submitted on January 20, 2022; February 9, 2022; and June 3, 2022.

WHEREAS, the Depew Village Board, as lead agency, has reviewed the minutes of the Depew Planning Board meeting held on August 4, 2022, in which the Planning Board recommended to the Village Board, as lead agency, that the proposed action is consistent with an unlisted SEQR action and furthermore, that the proposed action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Village Board of the Village of Depew, as lead agency, concurs with the recommendation of the Planning Board;

WHEREAS, the Village Board, as lead agency, has completed Parts 2 and Part 3 of the SEQRA Environmental Assessment Forms enclosed with this Resolution and applied the criteria listed in 6 NYCRR 617.4(b) to this action and considering all the relevant documentation and information submitted, determines that this action will not have a significant adverse impact on the environment;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board, as lead agency for the SEQRA review of the proposed action, hereby issues a negative declaration in connection with this unlisted activity and finds that the proposed action will have no significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any necessary documents relating to an issuance of a negative declaration.

The foregoing resolution was seconded by Trustee _____ and duly put to a roll call vote which resulted in the following:

Trustee Adolf –
Trustee Ziemba-
Trustee Kucewicz -
Deputy Mayor Hamernik -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
August 22, 2022

Agenda Item # 13

____Approved ____Denied

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Every Question in Part was answered "no, or small impact," and no additional explanation is required. Lead Agency conducted a coordinated review of an unlisted proposed action and adopted a corresponding negative declaration.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> 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.	
Village of Depew Village Board <hr/> Name of Lead Agency Kevin Peterson <hr/> Print or Type Name of Responsible Officer in Lead Agency <hr/> Signature of Responsible Officer in Lead Agency	August 22, 2022 <hr/> Date Village of Depew Mayor <hr/> Title of Responsible Officer <hr/> Signature of Preparer (if different from Responsible Officer)

PRINT FORM