

MEETINGS: 17
NO. OF REGULAR: 17

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
November 23, 2020 7:00PM

ROLL CALL: Trustee Jakubowski – Pr
Trustee Voll - Pr
Trustee Stempniak - Pr
Trustee Hamernik - Pr
Mayor Peterson– Pr

ON A MOTION BY, Trustee Jakubowski and seconded by Trustee Voll the November 9, 2020 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hamernik and seconded by Trustee Jakubowski the October 8, 2020 Zoning Board Minutes were accepted.

1. David Sieracki, 392 Terrace Blvd, for a variance to permit him to erect a 5ft fence within the front required setback as required by the Village Ordinance. Denied

ON A MOTION BY, Trustee Stempniak and seconded by Trustee Voll the October 1, 2020 Planning Board Minutes were approved.

1. 571 Terrace Blvd, Joseph Palumbo on behalf of Dr. Kristen Robillard for concept plan review for parking lot expansion, tabled pending a new submittal.
2. 571 Terrace Blvd, Joseph Palumbo on behalf of Dr. Kristen Robillard for possible change of occupancy classification, accepted.

ON A MOTION BY, Trustee Voll and seconded by Trustee Stempniak the October 5, 2020 Planning Board Minutes were approved.

1. 5230, 5238 and 5246 Transit Rd, Depew, New York, Dominic Corigliano on behalf of Corigliano Holdings for site plan approval for a proposed parking plan. Item tabled pending new site plan submittal with requested changes.
2. 571 Terrace Blvd, Joseph Palumbo of Carmina, Wood, Morris on behalf of Dr. Kristen Robillard for review of revised concept site plan and recommendation to the Zoning Board of Appeals for change of occupancy classification to a mixed-use commercial building – approved
3. 5391 Transit Rd, Todd Markevich of APD Engineering & Architecture, for concept plan review to add a second drive thru lane to their existing site – approved pending DOT if they return with comment
4. 4293 Broadway, Peter Sorgi of Hopkins, Sorgi & McCarthy PLLC on behalf of 4293 Broadway LLC for Site plan review for installation of Solar array for a 5MW ground mounted solar energy system consisting of solar modules/panels, new electrical equipment, and necessary uses including electrical lines, access roads, and concrete pads containing transformers. – approved with a condition and to make a recommendation to the Village Board to accept the SEQR Type 2.

SEQR- NEGATIVE DECLARATION -4388 BROADWAY

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

WHEREAS, The Depew Village Board has considered the Environmental Record prepared for this action, including any comments received from the public and Interested Agencies, and the proposed Negative Declaration.

WHEREAS, the Village of Depew Village Board, as lead agency, has reviewed the minutes of the Planning Board meeting held on July 2, 2020, in which the Planning Board recommended to the Village Board, as lead agency, that the proposed action involving the expansion of the existing parking lot and associated improvements at the above referenced property 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, as lead agency, has 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; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Depew, as lead agency, for the SEQRA review of the proposed action hereby issues a negative declaration in connection with this unlisted activity; 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 Hamernik and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski – Y
Trustee Voll -Y
Trustee Hamernik - Y
Trustee Stempniak - Y
Mayor Peterson – Y

Village Board of Trustees of the Village of Depew, New York, New York

**Resolution Classifying Broadway Solar Project as a Type II SEQR Action and
Approving Special Use Permit and Site Plan**

November 23, 2020

The following resolution was introduced: Trustee Voll

WHEREAS, on October 15, 2020, 4293 Broadway LLC filed an Application for Special Use Permit and Site Plan Approval regarding for a solar farm development consisting of 24.97± acres consisting of a Portion of (15 acres) of 4309 Broadway, Village of Depew, NY, bearing S.B.L. No. 103.19-1-13 and 4293 Broadway, Village of Depew, NY, bearing SBL No. 103.19-1-10, with said project referred to as “Broadway Solar Project”; and

WHEREAS, the Project is a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQR”) pursuant to 6 NYCRR 617.5(c)(14)(i) which states: “The following actions are not subject to review under this Part: "installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites: (i) closed landfills" and pursuant to 6 NYCRR 617 (a), Type II Actions “are not subject to review under this Part [and] These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8”;

Whereas, on November 5, 2020, the Village of Depew Planning Board unanimously recommended to classify the Depew Solar Project as a SEQR Type II Action and to approve the Special Use Permit and Site Plan; and

Whereas, the Broadway Solar Project meets the criteria for approval of Special Use Permit and Site Plan.

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, NEW YORK hereby resolves as follows:

1. The Broadway Solar Project is hereby classified as a Type II Action and therefore, no further environmental review is required; and
2. Special Use Permit and Site Plan are hereby approved for the Broadway Solar Project Approval, contingent upon:
 - a. New York State Department of Environmental Conservation Authorization;
 - b. New York State Department of Transportation Approval for Curb Cuts and Highway Work Permit; and
 - c. Village Engineer Approval of engineering plans.

Roll Call Vote:

	Yay	Nay
Kevin Peterson, Mayor	X_____	_____
Erica Stempniak, Deputy Mayor / Trustee	X_____	_____
Don Jakubowski, Trustee	X_____	_____
Audrey Hamernik, Trustee	X_____	_____
Edwin Voll III, Trustee	X_____	_____

Dated: November 23, 2020

AUTHORIZE MAYOR TO SIGN STOP DWI CONTRACT

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

BE IT RESOLVED, Mayor Kevin Peterson is authorized to sign the Stop DWI Contract with the County of Erie.

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

Trustee Jakubowski - Y
Trustee Voll -Y
Trustee Hamernik -Y
Trustee Stempniak -Y
Mayor Peterson -Y

AUTHORIZE MAYOR TO SIGN PERMISSION

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

WHEREAS, Erie County Water Authority has requested permission to install fire hydrants on the following streets:

One (1) on the Northwest corner of Erie Street & Highland Ave.
One (1) on the Northeast corner of Short St. & Wenona St.
One (1) on the Southeast corner of S. Kokomo St. & Broadway
One (1) on the Northeast corner of Muskingum St. & Laverack Ave.
One (1) on the Southwest corner of Rossiter Ave & George Urban Blvd.

WHEREAS, the installation of these additional hydrants along with the water line size upgrades will not only offer greater protection to the village residents but greatly enhance fire suppression operations, and

WHEREAS, the Village will pay the yearly contract fee with Erie County Water

WHEREAS, Village law requires that the Board of Trustees are responsible for granting or denying permission for additional fire hydrants within the Village,

NOW THEREFORE, BE IT RESOLVED, that permission is granted by the Board of Trustees and Mayor Kevin Peterson is authorized to sign any documents needed for the Erie County Water Authority to add the new fire hydrants on the above-mentioned streets.

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

Trustee Jakubowski - Y
Trustee Voll -Y

Trustee Hamernik -Y
Trustee Stempniak -Y
Mayor Peterson -Y

CHANGE OF PAYROLL DATES

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

BE IT RESOLVED, due to the Thanksgiving Holiday our payroll pay date will be Wednesday November 25, 2020 instead of Thursday November 26, 2020.

And

BE IT FURTHER RESOLVED, due to the Christmas Holiday our payroll pay date will be Wednesday December 23, 2020 instead of Thursday December 24, 2020.

The foregoing resolution was seconded by Trustee Hamernik, and **CARRIED**.

EMPLOYMENT APPLICATIONS - N/A

DEPARTMENT HEAD REPORTS – Building - October 2020

UNFINISHED AND OTHER BUSINESS – N/A

PUBLIC CONCERNS AND COMMENTS

Bob Brandon SAID THAT THE Senator is very busy with some new laws he is supporting. One for the LOSAP points program for the fire fighters, another for a deferment program for taxes and a small business loan disaster program to help them get through the COVID-19 pandemic.

Captain Curr – COVID is the biggest issue right now for the department and they are doing everything they can to remain vigilant in the fight against it. The staff is doing an amazing job. They have received some complaints of speeding on Main Street where they set up some radar zones to make people aware of the speed limit and that we are watching.

Chief Rzeszutek please see attached report

Superintendent Mazurek wants to commend the guys on the job they are doing picking up all the leaves around the Village. Working on some drain intakes soon. 2 new plow trucks will be ready the first part of December. All ready to go when the snow comes. Plows are all set as well. The Mayor asked if they are using the street sweeper at the gutter helmets and the answer is yes.

Rec. Director Ferguson – the rink is currently closed. Has heard from quite a few others that they got visited by the ECDOH and some were found to be out of compliance. Guys did a great job and the parents seemed happy. Christmas tree has been ordered and lights will be on at Fireman’s park. Mayor Peterson explained that

Tyler, his fiance Mary Kate and Greg Sojka donated the decorations at Fireman's Park. We won't be having a tree lighting ceremony, but please, feel free to drive by, take pictures, etc. And big thank you to the Sojka's!!!

Attorney Alba – the Zoning and planning boards have been very busy lately, but all good is coming out of it.

Trustee Hamernik said that the turkey drive is going very well, 1200 turkey's to Tri County Food Pantry, 600 to Trinity and 400 to St. Martha's. DHS students of Finance helped by donating their time. Matthew's Table will be a drive through of ham and scalloped potatoes.

Trustee Jakubowski – COVID has again put many things on hold again. He thinks strongly that cancelling Begger's Night was by far, the best decision the board made.

Trustee Voll – Happy Thanksgiving everyone! Thank you John Wasick for donating his van to be at St. Mary's on 11/28 from 12-4 if people would like to visit and give a donation.

Trustee Stempniak – she reminded everyone that very soon she will be on maternity leave for 12 weeks. She is looking for someone to step up, particularly for the Tree Board to make sure that gets carried forward.

Captain Curr – also reminded everyone that as of 12/1 the department will be enforcement the no parking street ban from 2am on. Residents will have a 3 day reminder grace period, but after that, tickets will be written.

There was a comment about the light at Broadway and Penora and if we could look into getting a turning lane there. Another comment came from a resident who wanted to thank the board for always starting our board meetings with a prayer and the pledge to allegiance!!!!

EXECUTIVE SESSION

ON A MOTION BY, Trustee Stempniak, pursuant to Open Meeting Law Section 105 we adjourn to executive session to discuss a matter.

The Executive Session Began: 7:55 PM and was adjourned with the meeting being called back to order by Mayor Peterson at 8: 26 PM

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Jakubowski and seconded by Trustee Voll, the following claims are to be paid: \$389,899.19 General, \$1,163.40 Sewer Fund, \$91,355.51 Capital Projects, \$482,418.10 Capital was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski, seconded by Trustee Hamernik, the meeting was adjourned with a prayer of healing for Cheryl Book, Daniel Shanley and Bill Wannak 8:27 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator