MEETINGS TO DATE 6
NO. OF REGULARS: 5

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
JUNE 11, 2012

ROLL CALL: Trustee Nolder
Trustee Nolder
Trustee Pecora
Trustee Nikonowicz
Mayor Hoffman

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Nolder, the May 29, 2012 Village Board Minutes were approved.

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Nikonowicz, the June 7, 2012 Planning Board Minutes were approved.

APPOINT RECREATION ATTENDANTS PT

Pursuant to Section 4-400 of Village Law, I Mayor Steven P Hoffman, hereby appoint the following to the summer recreation program at salaries as stipulated in the current budget:

See attached list at end of minutes.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

ADOPT LOCAL LAW #4 OF 2012 –ZONING CODE CHAPTER 260

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

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on May 14, 2012 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law amending Chapter 260 Zoning Code.

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.
Local Law is available on the village web page – www.villageofdepew.org, SEQR and Negative Dec are attached.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

ADOPT LOCAL LAW #5 OF 2012 –PAWN SHOP CHAPTER 165

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

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on May 29, 2012 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law Chapter 165 Pawn Shop.

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.
Local Law, SEQR and Negative Dec are attached.

VILLAGE OF DEPEW
JUNE 11, 2012

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

AWARD BID- 2012 SANITARY SEWERS & MANHOLE REHABILIATION PROJECT

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

BE IT RESOLVED, that upon the recommendation of Nussbaumer & Clarke, the bid for the Erie County Community Development Funds Sanitary Sewer & Manhole Rehabilitation Project 2012 in the bid amount of $115,070 be awarded to:

United Survey Inc
25145 Broadway Ave.
Cleveland, OH 44146

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

ACCEPT NOTICE OF NEGATIVE DECLARATION – TIM HORTONS

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

BE IT RESOLVED, that upon the recommendation of the Planning Board that unanimously approved the site plan for a Tim Horton's restaurant to be built at 5892 Transit Rd Depew NY, the Village Board hereby accepts the Notice of Negative Declaration – Unlisted Action for Tim Horton's 5892 Transit Rd Depew.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

TABLE SPECIAL USE PERMIT

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

The Special Use Permit is hereby tabled for Lancaster Auto & Truck, Allen Sterling, 3111 Walden Avenue Depew NY for an automobile service station at this location. The permit is renewable on an annual basis. Location must be incompliance with all village and state codes and the conditions set by the Planning Board.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of their physical:

CENTRAL HOSE CO
Charles Krampen 94 Arlington Depew NY 14043

HOOK & LADDER CO
David Williams 4866 Transit Rd Depew NY 14043

EXPLORER POST
Zachary T. Amborski 21 Caroline Ln Depew NY 14043

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: Recreation – Kelsey Sharp, Jacob Maryniewski, Taylor Myers, Matthew Beck, Nathan Godson, Lindsey Wiechelt, Alexis Aquino, Peter Schneider, Brendan Geisel, Ken Nowak, Emily Orlando; DPW – Chris Burns, Paul Coleman, David Simpkin

DEPARTMENT HEAD REPORTS: Clerk/Treasurer's May 2012, Building Dept May 2012, Police May 2012
ON A MOTION BY, Trustee Nikonowicz, seconded by Trustee Hammer, the department head reports were accepted as presented.

REPORT OF THE VILLAGE ATTORNEY
No Report

REPORT OF THE VILLAGE ENGINEER
No Report

COMMITTEE REPORTS:
None

UNFINISHED AND OTHER BUSINESS –

PERMISSION OUTDOOR MUSIC

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

WHEREAS, Bruce Vona, owner of The AUD, 6036 Transit Rd, Depew NY 14043 has filed a registration statement as required by Village Code §148-11 Article III – Amplified Sound with the Village Administrator on June 11, 2012 for a DJ to perform on the patio on Monday Night Cruise Night from 6 pm until 9 pm from June 11, 2012 till the end of September 2012, weather permitting; and

WHEREAS, there will be no sound truck involved and only a small amplifier will be used on the outdoor patio for the amplification of the music; and

BE IT RESOLVED, the Village Board agrees to waive the $25 per day fee as required by the Village Code §148-13 and approves the registration statement.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

PUBLIC CONCERNS AND COMMENTS –
Art Domino – Village Historian – thankful for the furniture donations received from the St. Augustine Church from Blessed Mother Teresa Parrish (formerly St. James). He also received a lamp donated from Jack Ott's mother.

CLAIMS AND ACCOUNTS
ON A MOTION BY Trustee Pecora, seconded by Trustee Nolder, the following claims are to be paid: General $918,307.73 Sewer $6,638.68, the motion was **CARRIED.**

ADJOURNMENT-
ON A MOTION BY Trustee Nikonowicz, seconded by Trustee Pecora, the meeting was adjourned at 7:16 pm with the Mayor wishing all the students a safe summer and reminding drivers to not text and to keep any eye out for the public walking and biking. The motion was **CARRIED**.

Respectfully submitted,
Elizabeth C. Melock
Elizabeth C. Melock
Village Administrator

Lifeguards

Matthew Beck

Taylor Myers

Nick Weigand

Robert Nowicki

Miranda Smaczniak

Brandy Amorsi

Allison Hall

Elizabeth Hall

Janelle Gange

Allison Brackowski

Kelsey Grosch

Shelby Derkovitz

Lindsay Weichlt

Kelsey Martin

Nathan Godson

Ashley Joya

Marissa Ward

Alexis Aquino

Park Attendants

Quentin Steffan

Kelsey Sharp

Brandon Garry

Jacob Maryniewski

Ed Lubecki

Rebecca Schneider

Kayla Nicomenti

Kenny Nowak

Brendan Geisel

Matthew Cox

Ticket Takers

Lauren Lubecki

Kevin Stevens

Gina Hall

Hannah Steffan

Megan Lucarelli

Summer 2012-Hires

Local 4 of 2012 - Zoning Code

EXHIBIT A

EAF and Negative Declaration

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: [X] Part 1 [X] Part 2 [ ] Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

[X] A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

[ ] B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

[ ] C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

LOCAL LAW 4 OF 2012 ZONING CODE
Name of Action

VILLAGE OF DEPEW
Name of Lead Agency

STEVEN HOFFMAN
Print or Type Name of Responsible Officer in Lead Agency

MAYOR
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

6/11/12
Date

website

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action LOCAL LAW 5 OF 2012 ZONING CODE

Location of Action (include Street Address, Municipality and County)

ENTIRE VILLAGE OF DEPEW

Name of Applicant/Sponsor STEVEN HOFFMAN

Address 85 MANITOU ST

City / PO DEPEW State NY Zip Code 14043

Business Telephone 716-681-4396

Name of Owner (if different)

Address

City / PO State Zip Code

Business Telephone

Description of Action:

REVISION TO VILLAGE OF DEPEW ZONING CODE CHAPTER 260 - LOCAL LAW 5 OF 2012

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☑ Urban ☑ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
   ☐ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: ENTIRE acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? _____
   a. Soil drainage: ☐ Well drained _____% of site ☐ Moderately well drained _____% of site.
   ☐ Poorly drained _____% of site
   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No
   a. What is depth to bedrock _____ (in feet)

5. Approximate percentage of proposed project site with slopes:
   ☑ 0-10% _____% ☐ 10- 15% _____% ☐ 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? _____ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☒ Yes ☐ No

If yes, explain:

VARIOUS PARKS AND PLAYGROUNDS LOCATED IN THE VILLAGE OF DEPEW

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

CAYUGA CREEK, SCAJAQUADA CREEK

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

N/A

b. Size (in acres):

17. Is the site served by existing public utilities? ☒ Yes ☐ No

a. If **YES**, does sufficient capacity exist to allow connection? ☒ Yes ☐ No

b. If **YES**, will improvements be necessary to allow connection? ☐ Yes ☒ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☒ Yes ☐ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: ALL acres.

b. Project acreage to be developed: N/A acres initially; _____ acres ultimately.

c. Project acreage to remain undeveloped: N/A acres.

d. Length of project, in miles: _____ (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. _____ %

f. Number of off-street parking spaces existing _____; proposed _____

g. Maximum vehicular trips generated per hour: _____ (upon completion of project)?

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially				
Ultimately				

i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? _____ tons/cubic yards.

3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☒ N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: _____ months, (including demolition)

7. If multi-phased:

   a. Total number of phases anticipated _____ (number)

   b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

   c. Approximate completion date of final phase: _____ month _____ year.

   d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☐ No

9. Number of jobs generated: during construction _____; after project is complete _____

10. Number of jobs eliminated by this project _____ .

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

    If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

    a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

    b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

    If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☒ Yes ☐ No

16. Will the project generate solid waste? ☐ Yes ☒ No

    a. If yes, what is the amount per month? _____ tons

    b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No

    c. If yes, give name _____ ; location _____

    d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

    a. If yes, what is the anticipated rate of disposal? _____ tons/month.

    b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☐ Yes ☒ No

    If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.

23. Total anticipated water usage per day _____ gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

    If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	■ Yes	☐ No	VILLAGE BOARD	5/14/12
City, Town, Village Planning Board	☐ Yes	■ No		
City, Town Zoning Board	☐ Yes	■ No		
City, County Health Department	☐ Yes	■ No		
Other Local Agencies	■ Yes	☐ No	EC DEP	4/30/12
Other Regional Agencies	☐ Yes	■ No		
State Agencies	■ Yes	☐ No	DEC	6/8/12
Federal Agencies	☐ Yes	■ No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ■ Yes ☐ No

If Yes, indicate decision required:

■ Zoning amendment ☐ Zoning variance ☐ New/revision of master plan ☐ Subdivision

☐ Site plan ☐ Special use permit ☐ Resource management plan ☐ Other

2. What is the zoning classification(s) of the site?

REVAMPING ENTIRE VILLAGE CODE FOR ZONING PROCEDURES. NO CHANGES TO ZONING CLASSIFICATIONS WERE MADE.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

SEE REVISIONS IN ZONING CODE

4. What is the proposed zoning of the site?

NO CHANGES TO ZONING CLASSIFICATIONS WERE MADE

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

SEE REVISIONS IN ZONING CODE

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ■ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

ALL ZONING CLASSIFICATIONS ARE IN THE ZONING CODE FROM R1-M2.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ■ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

   a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name STEVEN HOFFMAN Date 6/11/12

Signature

Title MAYOR

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 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.

! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.

! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.

! The number of examples per question does not indicate the importance of each question.

! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.

b. **Maybe** answers should be considered as **Yes** answers.

c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.

d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.

e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.

f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Impact on Land			
1. Will the Proposed Action result in a physical change to the project site? NO ☒ YES ☐			
Examples that would apply to column 2			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☐	☐	☐ Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☐	☐	☐ Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐ Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☐	☐	☐ Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☐	☐	☐ Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a santary landfill.	☐	☐	☐ Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
   ☒ NO ☐ YES

• Specific land forms:	☐	☐	☐ Yes ☐ No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
   ☒ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	☐	☐	☐ Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐ Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐ Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

4. Will Proposed Action affect any non-protected existing or new body of water?
   ☒ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	☐	☐	☐ Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

	1	2	3
• Proposed Action will require a discharge permit.	☐	☐	☐ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐ Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐ Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐ Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐ Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	☐	☐	☐ Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☐	☐ Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐ Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐ Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐ Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?
   [■] NO [ ] YES

Examples that would apply to column 2

• Proposed Action would change flood water flows	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action may cause substantial erosion.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action is incompatible with existing drainage patterns.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action will allow development in a designated floodway.	[ ]	[ ]	[ ] Yes [ ] No
• Other impacts:	[ ]	[ ]	[ ] Yes [ ] No

IMPACT ON AIR

7. Will Proposed Action affect air quality?
   [■] NO [ ] YES

Examples that would apply to column 2

• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	[ ]	[ ]	[ ] Yes [ ] No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action will allow an increase in the amount of land committed to industrial use.	[ ]	[ ]	[ ] Yes [ ] No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	[ ]	[ ]	[ ] Yes [ ] No
• Other impacts:	[ ]	[ ]	[ ] Yes [ ] No

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?
   [■] NO [ ] YES

Examples that would apply to column 2

• Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.	[ ]	[ ]	[ ] Yes [ ] No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐ Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
   ☒ NO ☐ YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☐	☐	☐ Yes ☐ No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?
    ☒ NO ☐ YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐ Yes ☐ No
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐ Yes ☐ No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
☒ NO ☐ YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☐	☐	☐ Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐ Yes ☐ No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
☒ NO ☐ YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐ Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐ Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
☒ NO ☐ YES

Examples that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐ Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

• Proposed Action to locate within the CEA?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

	1	2	3
• Alteration of present patterns of movement of people and/or goods.	☐	☐	☐ Yes ☐ No
• Proposed Action will result in major traffic problems.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

	1	2	3
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	☐	☐	☐ Yes ☐ No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

	1	2	3
• Blasting within 1,500 feet of a hospital, school or other sensitive facility.	☐	☐	☐ Yes ☐ No
• Odors will occur routinely (more than one hour per day).	☐	☐	☐ Yes ☐ No
• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	☐	☐	☐ Yes ☐ No
• Proposed Action will remove natural barriers that would act as a noise screen.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?
☒ NO ☐ YES

• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐ Yes ☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	☐	☐	☐ Yes ☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐ Yes ☐ No
• Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?
☐ NO ☒ YES

Examples that would apply to column 2

• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐ Yes ☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐ Yes ☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐ Yes ☐ No
• Proposed Action will cause a change in the density of land use.	☐	☐	☐ Yes ☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐ Yes ☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.)	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	☐	☐	☐ Yes ☐ No
• Proposed Action will create or eliminate employment.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

Adoption of revised zoning laws will have long term beneficial impacts to the growth and character of the community. The inclusion of comprehensive regulations governing signage, exterior lighting, and required landscaping will aid in this effort.

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☒ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.

2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).

3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

   To answer the question of importance, consider:

   - The probability of the impact occurring
   - The duration of the impact
   - Its irreversibility, including permanently lost resources of value
   - Whether the impact can or will be controlled
   - The regional consequence of the impact
   - Its potential divergence from local needs and goals
   - Whether known objections to the project relate to this impact.

Reset

12-12-79 (3/99)-9c

SEQR

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number LL 4 OF 2012 Date: 6/8/12

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The VILLAGE OF DEPEW as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

LOCAL LAW 4 OF 2012 ZONING CODE MODIFCATIONS TO CHAPTER 260

SEQR Status: Type 1 ☑
Unlisted ☐

Conditioned Negative Declaration: ☐ Yes
☑ No

Description of Action:

REVISIONS TO THE ZONING CHAPTER 260 OF THE DEPEW VILLAGE CODE TO MAKE THE CODE CONSISTENT WITH NYS CODES.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

ENTIRE VILLAGE

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

REVISIONS WERE NEEDED TO THE VILLAGE CODE TO ALLOW FOR CLARIFICATION OF THE CODE, ENFORCEMENT, LANDSCAPING LANGUAGE TO IMPROVE THE LOOK OF THE VILLAGE THROUGH DEVELOPMENT.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of pubication In the ENB)

For Further Information:

Contact Person: STEVE HOFFMAN

Address: 85 MANITOU ST DEPEW NY 14043

Telephone Number: 716-681-4396

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of DEPEW

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

EXHIBIT B

Local Law

See web page
www.villageofdepew.org

Local Law 5 of 2012
Pawn Shop

EXHIBIT A

EAF and Negative Declaration

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
VILLAGE OF DEPEW

2. PROJECT NAME
LOCAL LAW 5 OF 2012 PAWN SHOP

3. PROJECT LOCATION:
Municipality VILLAGE OF DEPEW County ERIE

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
ENTIRE VILLAGE OF DEPEW

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

6. DESCRIBE PROJECT BRIEFLY:
REGULATIONS FOR PAWN SHOPS IN THE VILLAGE OF DEPEW

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

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

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☑ Residential ☑ Industrial ☑ Commercial ☐ 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 ☑ No 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 If Yes, list agency(s) name and permit/approvals:

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: STEVEN HOFFMAN Date: 6/8/12

Signature: _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead 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 617.6? 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:

N/A

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

N/A

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

N/A

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:

N/A

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

N/A

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NONE

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

N/A

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 this determination.

VILLAGE OF DEPEW	6/8/12
Name of Lead Agency	Date
STEVEN HOFFMAN	MAYOR
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	LIZ MELOCK
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

12-12-79 (3/99)-9c

SEQR

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number LL 5OF 2012 Date: 6/8/12

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The VILLAGE OF DEPEW as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

LOCAL LAW 5 OF 2012 PAWN SHOP CHAPTER 165

SEQR Status: Type 1 ☐
Unlisted ☑

Conditioned Negative Declaration: ☐ Yes
☑ No

Description of Action:

REVISIONS TO THE PAWN SHOP CODE CHAPTER 165 OF THE DEPEW VILLAGE CODE TO MAKE THE CODE CONSISTENT WITH NYS CODES AND GIVE MORE ENFORCEMENT CAPABILITIES.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

ENTIRE VILLAGE

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

REVISIONS WERE NEEDED TO THE VILLAGE CODE TO ALLOW FOR CLARIFICATION OF THE CODE AND ENFORCEMENT EFFORTS.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of pubication In the ENB)

For Further Information:

Contact Person: STEVE HOFFMAN

Address: 85 MANITOU ST DEPEW NY 14043

Telephone Number: 716-681-4396

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of DEPEW

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

EXHIBIT B

Local Law

Chapter 165, PAWN SHOPS AND SECONDHAND DEALERS

§ 165-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:
SECONDHAND DEALER -- Any person or company which engages in the business of purchasing, selling or otherwise dealing in, whether as a principal or an agent, secondhand articles of precious metals, jewelry, electronic devices, hand or power tools and/or firearms. Pawnbrokers, precious metals dealers and transient merchants, for the purposes of this chapter, shall be classified as secondhand dealers.
SECONDHAND PROPERTY -- Any precious metals, jewelry, electronic devices, hand or power tools or firearms which are not new which have been previously sold or offered for sale, including but not limited to watches, rings and all other jewelry and firearms.

§ 165-2. Exemptions.

A. Dealers in secondhand or used motor vehicles, used clothing, used books and used furniture are exempted from the provisions of this chapter.
B. Thrift shops and similar secondhand stores, operated by bona fide religious or charitable organizations, are exempted from the provisions of this chapter.

§ 165-3. Records and reports.

A. Each secondhand dealer shall maintain, for a period of one year following the purchase of secondhand property, the following records concerning the seller of such secondhand property:
   (1) Full name.
   (2) Residence address.
   (3) Home telephone number.
   (4) Place of employment.
   (5) Business telephone number.
   (6) Age.
   (7) Sex of each person from whom the secondhand property is purchased.
   (8) The signature of the seller.
   (9) The driver's license number of the seller or the number from another form of identification issued by a governmental agency.
B. Each secondhand dealer shall maintain a specific description of the secondhand property item, on a form provided by the Police Department, which description is accurate and as reasonably complete as the nature of the item permits. The description of the secondhand property item shall include, but not be limited to:
   (1) The type of item purchased.
   (2) The substance of which the item is made.
   (3) The name of the manufacturing company where the item was made, if that can be determined.
   (4) Any permanent initialing or marking on the secondhand property item, including

any brand, monogram or hallmark, or serial number.
(5) The quantity of the secondhand property purchased.
(6) The date of the purchase.
(7) The amount paid by the dealer for the item.

C. A copy of the records of any purchase of secondhand property shall be immediately available at the request of the Police Department.

§ 165-4. Holding period.

Each secondhand dealer shall retain possession of any secondhand property purchased by that dealer in an unaltered condition for a period of 15 calendar days following the purchase. However, this section may not be interpreted to limit the right of the secondhand dealer to transfer ownership of the secondhand property before the end of the fifteen-day holding period, as long as the dealer retains physical possession of the secondhand property for the remainder of the fifteen-day holding period. Further, this section shall not prevent secondhand dealers from allowing the true owner of an article of secondhand property to redeem, repurchase or recover the article at any time within the fifteen-day holding period.

§ 165-5. Purchase of secondhand property from certain persons prohibited.

No secondhand dealer may purchase any secondhand property from any intoxicated person, any person under the age of 18 years or any person providing obviously false information pursuant to § 165-3.

§ 165-6. Hours of business.

No secondhand dealer shall have his or her shop or store open for the transaction of business nor shall he or she purchase any used precious metals, jewelry, electronic devices, hand and power tools or firearms from persons other than other licensed dealers between the hours of 10:00 p.m. and 7:00 a.m.

§ 165-7. Inspection of records and premises of secondhand dealers.

A. The premises and required records of each secondhand dealer may be inspected during regular business hours at least once every month by the Chief of Police or the Chief's designee.
B. The examination permitted by Subsection A above may include an examination of both the stock and the required records to determine that the records are being maintained as set forth by § 165-3 and that the secondhand dealer is complying with the holding period required by § 165-4.

§ 165-8. License required.

A. Secondhand dealers, including precious metals dealers, pawnbrokers and transient merchants, shall pay to the Village Clerk an annual license fee of $100, before engaging in business. Persons dealing primarily in new property and licensed by the

Village as such dealers shall not be required to pay the additional license fee required by this section, but shall abide by all other provisions of this chapter.

§ 165-9. Issuing authority; fees; age restrictions.

A. The Village Clerk is authorized to issue a license to carry on the business of soliciting, buying and dealing in used precious metals, jewelry, electronic devices, hand and power tools or firearms, upon payment to the Village of the sum of $100. A license is valid for the calendar year for which issued. No used precious metals license will be issued to any person under the age of 18.

§ 165-10. Application procedure for license.

Every person wishing to obtain a license shall file with the Village Clerk an application, supplied by that office, containing the following information:

A. The name and description of the applicant. Individuals operating under a trade name shall present a certified copy of the trade name certificate. A partnership conducting a business, whether or not under a trade name, shall submit a photostatic copy of the partnership certificate; a corporation shall furnish a photostatic copy of its certificate of incorporation.
B. A statement as to whether or not the applicant has within the past 10 years been convicted of any crime or violation of any municipal ordinance.
C. The name and address of the owner or owners of the business premises where the secondhand dealer conducts business.
D. A corporate applicant shall furnish the name, address and title of the officers of the corporation or the designated agent of service upon whom process or other legal notice may be served.

§ 165-11. Revocation or suspension of license.

A. The Village Clerk may, in his or her discretion, after notice to the licensee and an opportunity for a prompt hearing before the Village Clerk, suspend or revoke a license granted under this chapter for cause. No refund of the unearned portion of the license fee shall be made.
B. Notice to the licensee by personal service or by certified mail at the address set forth on the application is sufficient notice for the purpose of this section.

§ 165-12. Penalties for offenses.

Any person, firm, association or corporation or other legal entity who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed $500 or imprisonment not to exceed 60 days, or both.