

TOWN BOARD MEETING

Town of Westfield

May 2nd, 2012

7:20pm Public Hearing (SUP) Outdoor Family Recreation Area

7:25pm Public Hearing (SUP) 6' Fence

7:30pm Town Board Meeting

1. Minutes - Town Board Meeting, April 4th, 2012
Minutes - Special Meeting, April 16th, 2012
2. Monthly Reports
 - Supervisor's Monthly Report
 - Town Clerk's Monthly Report
 - Dog Warden's Report
 - Fire Dept. Monthly Report
 - Historian's Monthly Report
 - Town Court Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- Spring Clean-up (Saturday, May 5th, 9:00-1:00 @ Transfer Station)
- eWaste Turn-in (Saturday, May 12th, 9:00-1:00 @ Town Barn)

OLD BUSINESS

- Project Updates
- Set Public Hearings for Local Law #1

NEW BUSINESS

- **Resolution #21-2012** Negative Declaration SUP for 6' High Fence (Hudson)
- **Resolution #22-2012** Issuance of SUP to Construct 6' High Fence (Hudson)
- **Resolution #23-2012** Negative Declaration SUP for Outdoor Family Rec Area (Lu)
- **Resolution #24-2012** Issuance of SUP for Outdoor Family Rec Area (Lu)
- **Resolution #25-2012** Auth. for Supervisor to Sign Rural Development Documents for Barcelona Water
-

Next Town Board Meeting is Wednesday, 6 June 2012 @ 7:30pm

Audit of Bills

Executive Session - (if needed)

Resolutions for 5/2/2012 meeting:

Resolution No. 21 of 2012
Negative Declaration SUP for 6' High Fence (Hudson)

WHEREAS, Thomas Hudson (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct a 6' high fence at 7518 East Main Road, Westfield, designated as tax map parcel Section 193.00, Block 1, Lot 29, and

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed use, and

WHEREAS, the Board has determined that the proposed use will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

Resolution No. 22 of 2012
Issuance of SUP to Construct a 6' High Fence (Hudson)

WHEREAS, Thomas Hudson (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct a 6' high fence at 7518 East Main Road, Westfield, designated as tax map parcel Section 193.00, Block 1, Lot 29, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and a public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held April 18th, 2012 and unanimously recommended approval of the application, and

WHEREAS, the Town Board finds that the additional 2' of fence height will not unreasonably impede visibility from adjacent properties, nor adversely affect light and air movement, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held May 2nd, 2012 and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to construct a 6' fence at 7518 East Main Road (the "Use"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the Use in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agrees to be bound by the terms of the application and the conditions of this permit.
2. If construction of the Use has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicant shall be required to apply for a new permit should he intend to continue the project.
3. The terms, conditions, and requirements of this permit bind and obligate the Applicant, his successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.

4. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
5. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

Resolution No. 23 of 2012
Negative Declaration SUP for Outdoor Family Rec Area (Lu)

WHEREAS, Mei Lu (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to operate an outdoor commercial recreation facility on a parcel located on the Westfield-Sherman Road, designated as tax map parcel Section 243.00, Block 1, Lot 30.2, and

WHEREAS, the proposed BirdieBall golf course use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed use, and

WHEREAS, the Board has determined that the proposed BirdieBall use will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

Resolution No. 24 of 2012
Issuance of SUP for Outdoor Family Rec Area (Lu)

WHEREAS, Mei Lu (hereinafter, the “Applicant”) has submitted an application requesting permission to operate an outdoor commercial recreation center on a parcel of land located on the Westfield-Sherman Road, which is designated as tax map parcel Section 243.00, Block 1, Lot 30.2, and

WHEREAS, the two primary activities that the Applicant requests are a “BirdieBall” golf course and helicopter rides, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued with regard to the BirdieBall golf course only, after examination of the record and a public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during meeting held March 28, 2012 and April 18, 2012 and recommended approval of the application, with conditions, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and it advised by letter dated March 20, 2012 that the application is a matter of local concern, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at

a public hearing held May 2, 2012 and finds justification to approve the BirdieBall part of the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate a BirdieBall golf course as a commercial recreation use on the parcel designated as Section 243.00, Block 1, Lot 30.2 (the "Use"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. This permit is intended to permit only the operation of a BirdieBall golf course, and no other activity listed in the Application at this time.
2. The Applicant shall undertake the Use in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agrees to be bound by the terms of the application and the conditions of this permit.
3. If operation of the Use has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicant shall be required to apply for a new permit should he intend to continue the project.
4. The terms, conditions, and requirements of this permit bind and obligate the Applicant, her successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town, except as otherwise herein noted.
5. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
6. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

Resolution No. 25 of 2012

Auth. for Supervisor to Sign Rural Development Documents for Barcelona Water System

WHEREAS, the Town is pursuing a loan and grant from the United States Department of Agriculture/Rural Development to fund improvements to the Barcelona water system; and

WHEREAS, if the Town receives a loan and grant package it may be necessary to perform various environmental studies and issue bonds for the project;

NOW, THEREFORE, BE IT RESOLVED:

1. The Supervisor is hereby authorized to execute all documents related to a Rural Development loan and grant package for the Barcelona water system; and
2. The Supervisor is further authorized to issue a request for qualifications for the various professional services that may be required to complete the project, including, but not limited to, bond counsel and fiscal advisor.