

TOWN BOARD MEETING

Town of Westfield

May 5, 2021

PUBLIC HEARING

Town of Westfield

May 5, 2021

Public Hearing

Special Use Permit 8305 W. Main Rd (Concord Grape Heritage building)-1138 Holdings, LLC-Ghost Fish Brewery

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall auditorium, 23 Elm Street, Westfield, NY, with the following members: Masks were worn, social distancing practiced.

Supervisor:	Martha R. Bills	Guest:	William Bauer	Martin Hemmer
Councilmen:	David Spann		Lynne Vilardo	Don McCord
	Will Northrop		Carl Vilardo III	Marybelle Beigh
	James Herbert		Tom Laporte	Howard Ross
			Deb Best	Matt Swank
			Casey Best	James Alexander
			Renae Hemmer	Claudia Monroe
			Northland Power Inc.	
			Anne Waling , Jeffrey Nemeth	

Absent: David Brown

Town Attorney:	Joel Seachrist
Highway Superintendent:	David Babcock
Code Officer:	Bonnie Rae Strickland

Supervisor Bills made the motion to open the Public Hearing to hear all persons in regards to the Special Use Permit application. The application is for primarily brewing and packing gluten free beer in an existing commercial district location, pursuant to section 185-24(J) and 185-29(A) of the Town of Westfield zoning. Brewery operation will be in the western portion of the Concord Grape Belt Heritage building. Operation will consist of brewing and canning product for shipment. Applicant Matthew Swank was present to discussed volume, short term, long term lease, use of local materials, NYS materials, and potential growth phases for the future.

Proof of publication of the public hearing was posted by the Town Clerk. Letters were mailed to neighbors. The Town Supervisor received a letter of support from the President of Concord Grape Belt Heritage Association.

Councilman Will Northrop made the motion to close the public hearing at 7:36pm. Councilman David Brown seconded the motion. This was unanimously approved.

Respectfully submitted,
//original signed//
Andrea L. Babcock, Town Clerk

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The regular meeting of the Town Board of the Town of Westfield was called to order at 7:36pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members: Masks were worn, social distancing practiced.

Supervisor:	Martha R. Bills	Guest:	William Bauer	Martin Hemmer
Councilmen:	David Spann		Lynne Vilardo	Don McCord
	Will Northrop		Carl Vilardo III	Marybelle Beigh
	James Herbert		Tom Laporte	Howard Ross
			Deb Best	Matt Swank
			Casey Best	James Alexander
			Renae Hemmer	Claudia Monroe
			Northland Power Inc.	
			Anne Waling , Jeffrey Nemeth	

Absent: David Brown

Town Attorney:	Joel Seachrist
Highway Superintendent:	David Babcock
Code Officer:	Bonnie Rae Strickland

Pledge of Allegiance

Northland Power Inc. Anne Waling and Jeffrey Nemeth gave a presentation about a project that is being proposed in the Town of Westfield. The project; Vineyard Volts Solar is a 20MW solar project. An overview of Northland Power, Vineyard volts project, SEQR/Town permitting, community benefits, and battery storage was presented. The project is a 245acre project. The interconnection line is owned by Niagara Mohawk DBA National Grid. No application has been submitted to the Town at this time. The presentation was a general overview of the project.

Councilman Will Northrop made the motion to waive the reading of the April 7, 2021 minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilman David Spann seconded the motion. The motion was carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town's finances for the month of April. The report is always available in the Supervisors office. Everyone is welcome to view. All Board members have received a copy of the report and is accepted as submitted. Completed and submitted the AUD for 2020.

The Town Clerk's report together with a check in the amount of \$3,957.31 representing fees for the month of April 2021 will be turned over to Supervisor Bills. A check for \$90.00 representing fees for the month of March to NYS Department of Health, Marriage Licenses and a check in the amount of \$29.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$453.29 will be withdrawn on the 15th.

The Dog Warden's report was received and placed on file. The report received is for January 2021to current.

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Westfield Fire Department report for the month of April was received and placed on file.
The Town Court report for April 2021 was received and placed on file.
The WPD report for March and April 2021 was received and placed on file.

Highway:

Highway Superintendent's April report has been received and placed on file.

- Drainage in Barcelona on first Street is complete, pulled out trees from the harbor, sweeping roads, cleaning up yards from plowing.

Code Enforcement:

The Code Enforcement Officer submitted a written report for April 2021 has been received and accepted.

- Councilman Will Northrop made a motion to refer a Special Use Permit to the Town Planning Board for a 12x24 shed for camping on a vacant property and set a Public Hearing for June 2, 2021 at 7:25pm. Seconded by Councilman David Spann and carried unanimously.

Barcelona Harbor:

- Councilman and harbor committee member James Herbert and volunteers conducted soundings. Town Highway crew removed a lot of debris that has been a hazard to navigation. Water levels have been normal and hoping to maintain the water level. Boaters are directed to go out the Eastside and avoid the channel entrance. The Board thanked the volunteers including Highway Superintendent David Babcock for changing his and his staffs schedule around to help with making this happen.
- Supervisor Bills attended a shallow draft harbor meeting by the Army Corp of Engineers. Our harbor is one of the most serious problems of the Great Lakes recreational harbors. Continuing to work with congressional representatives along with the County. No funding is available in the President's budget for small harbors for this year. Still looking for funding.
- Potentially opening Memorial weekend. Still looking for pier help, interviews will be conducted for the Harbor Master position and Pier attendants with the Town Supervisor and Harbor committee member and Highway Superintendent.

Public Comment:

- Claudia Monroe spoke to the board about a project that she is envisioning for the Welch Building. The project is to house a few agencies in the building for autistic individuals.
- Marybelle Beigh approached the board for the Town historian position. Supervisor Bills welcomed Marybelle back to Westfield. The historian position is something that can be discussed. No action was taken.
- Barcelona property owners voiced concerns about additional parking and the amount of traffic. Property owners were concerned more parking means more people. Highway Superintendent has been in contact with property owners with direct access to road ways, enhancing the roadways and sides of the streets The Town is looking at the amount of congestion. The Town is looking to improve public road access and public demands for lake access with the use of the Town right of way and Town road ways. Studies and plans were done years ago and the Town is gradually moving forward with the plans. Property owners were concerned that work is going to take place and did not receive any notification of plans. Property owners asked about fencing, charging a fee for beach use and or parking use, including if the Town could purchase lake property to be used as parking. A discussion ensued. Supervisor Bills thanked everyone for attending and voicing questions and concerns and hopes to work together to resolve these concerns.

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Announcements:

- E-Waste will be held May 15th 9:00am-1:00pm a charge of \$10.00 per CRT will be charged located at the Town Shop 118 Chestnut St.
- Drive thru Rabies Clinic will be held May 22 10:00am-1:00pm at the Town Shop at 118 Chestnut St.
- Assessor with the tentative assessment roll:
Monday, May 10th 9:00am- 1:00pm, Saturday, May 15th 9am-1pm
Tuesday, May 11th 1:00pm- 5:00pm, Tuesday, May 18th 4pm-8pm
The Board of Assessment Review will meet (Grievance Day) on May 25, 2021
(2:00pm - 4:00pm), (6:00pm-8:00pm)
- Farmers Market-May 29th 9:00am-2:00pm
- Memorial Day Parade

Project Updates:

- Route 5 East Lake Road Water Project No.1received permission to use funds leftover from the grant for some additional parts for the future.
- Welch Building mowing bids; bids were not received at bid opening, will need to go out to bid again.
- Route 5 East Lake Road Water Project No.2 the Supervisor received news that we will be funded, more information will be forthcoming. The project will go all the way to the Portland line.
- Received the final plans for the Welch Trail.
- Handicap Kayak launch is scheduled to be installed at the end of front street, first street.
- The Welch building has been advertised for sale, receiving a lot of interest from developers, and working on a request for proposal procedure and will review when received.

New Business:

Councilman Will Northrop offered the following resolution and moved for its adoption

Town of Westfield
Resolution No. 21 of 2021

Negative Declaration, 1138 Holding LLC, 8305 West Main Rd

WHEREAS, 1138 Holdings, LLC (hereinafter, the “Applicant”) submitted a special use permit application on April 14, 2021 requesting permission to construct and operate a brewery and potential small retail operation at 8305 West Main Road, on a parcel designated on the official tax map of Chautauqua County as Section 209.00, Block 2, Lots 13 and 14 in the Town of Westfield, 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

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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 Parts I and II of the Environmental Assessment Form, 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.

This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Spann, aye; Councilman James Herbert aye; Councilman Will Northrop, aye.

Councilman Will Northrop offered the following resolution and moved for its adoption

Town of Westfield

Resolution No. 22 of 2021

Special Use Permit, 1138 Holding LLC, 8305 West Main Rd

To consider the application of 1138 Holdings LLC for a Special Use Permit allowing it to operate a brewery and related retail operation at 8305 West Main Road on a parcel of land known as tax map parcel Section 209.00, Block 2, Lots 13 and 14.

WHEREAS, 1138 Holdings LLC (hereinafter, the “Applicant”) submitted a special use permit application on April 14, 2021 requesting permission to operate a brewery and related retail operation at 8304 West Main Road on a parcel designated on the official tax map of Chautauqua County as Section 209.00, Block 2, Lots 13 and 14 (the “Project”), pursuant to Sections 185-24(J)(30) and 185-29(A) of the Town of Westfield Zoning Code, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act (SEQRA) has been addressed and a negative declaration was issued after careful consideration of all potential adverse environmental impacts, an examination of the record, and a public hearing, and

WHEREAS, the proposed use was the subject of a public hearing held by the Town Planning Board in regards to its zoning impact, held April 14, 2021, after publication of legal notice, at which time all persons having an interest in the application were heard, and the Planning Board has recommended that we approve the project, and

WHEREAS, the Town Board has considered all the facts and papers before it, including all SEQRA issues, and has heard those wishing to be heard at a public hearing held May 5, 2021 after publication of legal notice, and finds ample justification to approve the application subject to the qualifications hereinafter set forth,

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NOW, THEREFORE, BE IT RESOLVED, that the application of 1138 Holdings LLC for a Special Use Permit to operate a brewery at 8305 West Main Road be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the application, site plans, drawings, and any other supplemental information submitted with or pursuant to its application submitted on April 14, 2021, and shall be bound by the terms of the application and conditions of this permit.
2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
3. This permit does not authorize the erection of structures for which building permits would otherwise be required by state or local law.
4. Any failure or omission on the part of the Applicant to carry out the conditions or requirement herein or 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 the Applicant 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 of herein contained in consideration of the granting of this Special Use Permit.

This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Spann, aye; Councilman James Herbert aye; Councilman Will Northrop, aye.

Councilman David Spann offered the following resolution and moved for its adoption

Town of Westfield
Resolution No. 23 of 2021
Use of Highway Right-of-Way

BE IT RESOLVED, the Town Board of the Town of Westfield hereby consents to Town highway right-of-way use, location Mt. Baldy Road, Applicant; Chris Keefe. Starting address; Borne and ending address; 6640. Project information; Dig trench approximately 950 ft alongside of the road and cut across road to install conduit for electric department.

This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Spann, aye; Councilman James Herbert aye; Councilman Will Northrop, aye.

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Councilman James Herbert offered the following resolution and moved for its adoption

Town of Westfield

Resolution No. 24 of 2021

Solicit Professional Services for Solar Energy Projects

BE IT RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Supervisor to circulate an RFP for legal, engineering and environmental professional services to review any applications for solar energy projects proposed to be constructed within the Town of Westfield.

This was seconded by Councilman Will Northrop. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Spann, aye; Councilman James Herbert aye; Councilman Will Northrop, aye.

At 9:10pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.

Warrants dated May 5, 2021 (voucher #'s 178-241) in the amount of \$93,368.24 were drawn on the following funds:

General	\$23,415.58
General Part-Town	\$11,895.00
Highway	\$ 9,133.44
Highway Part-Town	\$48,888.80
Forest Park Sewer	\$ 31.85
North Town Water-Shorehaven	\$ 3.57

Warrants dated May 5, 2021 (voucher #'s 18-20) in the amount of \$2,716.21 were drawn on the following funds:

Welch Building	\$2,716.21
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These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman Will Northrop seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop, aye;

There being no further business, at 9:25pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to move to executive session to discuss a particular personal history and sale and lease of real property. Unanimously carried.

At 9:40pm Supervisor Martha Bills moved and Councilman James Herbert seconded a motion to return to regular session. Unanimously carried.

No action was taken.

There being no further business at 9:50pm Supervisor Martha Bills moved and Councilman James Herbert seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,
// original signed //
Andrea L Babcock, Town Clerk