

**PUBLIC HEARING
Town of Westfield
September 7th, 2016
Public Hearing to Modify an Existing Cell Tower SUP (T-Mobile / Vilardo Road)**

Supervisor Bills called the public hearing to order at 7:20pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Joel Seachrist	Mike Landon	Nancy Walker
Dep Super: Walker	David Brown	Ann Kneer	Carol Landon	David
Councilmen:	Raymond Schuster	Ed Kneer	Brandon Smith	Tom Tarpley
	David Spann	Dave Cochran	Fred Bertrando	William Bauer
	James Herbert	Theresa Cochran	David Haskin	Randy McNeal
		Robert Mazza	Kathy Mazza	Kelly Brown

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to proposed improvements to the Existing Cell Tower T-Mobile, Vilardo Rd.

Supervisor Bills requested Proof of Publication of the public hearing from the Town Clerk.

The proposed SUP modification application from Crown Castle (T-Mobile) is as follows:

- 1) Addition of three (3) Antennas: Adding a single panel antenna to each existing Sector, together with associated cabling all designed to be consistent with the existing installation;
- 2) Addition of three (3) Smart Bias-TEE: Adding a single Smart-Bias TEE box behind each new antenna with associated cabling all designed to be consistent with the existing installation; and
- 3) Addition of an Equipment Cabinet: Adding one (1) equipment cabinet to the existing T-Mobile concrete pad at the base of the tower.

This is an enhancement upgrade and will not change the height or dimensions of existing antennas or base station equipment of the tower at the existing telecommunications tower at 8584 Vilardo Road.

No public comment was received.

Supervisor Martha Bills made the motion to move that the public hearing be closed at 7:22pm. Deputy Supervisor David Brown seconded the motion. This was unanimously approved.

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

PUBLIC HEARING
Town of Westfield
September 7th 2016
**Public Hearing to Operate a Small Seasonal Food Service Establishment located at Mazza
Chautauqua Cellars, LLC**

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Joel Seachrist	Mike Landon	Nancy Walker
Dep Super: Walker	David Brown	Ann Kneer	Carol Landon	David
Councilmen:	Raymond Schuster	Ed Kneer	Brandon Smith	Tom Tarpley
	David Spann	Dave Cochran	Fred Bertrando	William Bauer
	James Herbert	Theresa Cochran	David Haskin	Randy McNeal
		Robert Mazza	Kathy Mazza	Kelly Brown

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regards to the proposed modification to existing business operations.

Supervisor Bills requested Proof of Publication of the public hearing from the Town Clerk.

A letter was received from a neighbor in regards to the application.

Owner, Robert Mazza was present to discuss the proposed SUP modification application for Mazza Cellars, LLC.

- 1) To operate a small seasonal food service establishment in conjunction with the winery, distillery, and brewery.
- 2) Food will be prepared and offered during existing/established business hours during the Spring, Summer and Fall months. Potential winter offerings could occur.
- 3) The space is located as to not disturb neighbors and already acts as a patio for the winery, distillery, and brewery.

No further comments were made.

Supervisor Martha Bills made the motion to move that the public hearing be closed at 7:27pm. Deputy Supervisor David Brown seconded the motion. This was unanimously approved.

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

TOWN BOARD MEETING
Town of Westfield
September 7th, 2016

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Joel Seachrist	Mike Landon	Nancy Walker
Dep Super:	David Brown	Ann Kneer	Carol Landon	David Walker
Councilmen:	Raymond Schuster	Ed Kneer	Brandon Smith	Tom Tarpley
	David Spann	Dave Cochran	Fred Bertrando	William Bauer
	James Herbert	Theresa Cochran	David Haskin	Randy McNeal
		Robert Mazza	Kathy Mazza	Kelly Brown

Pledge of Allegiance

Councilman Raymond Schuster made the motion to waive the reading of the August 3rd and August 15th 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.

The Town Clerk’s report together with a check in the amount of \$6713.05 representing fees for the month of August 2016 was turned over to the Supervisor. State and County agencies received checks totaling \$3008.20.

Stated in the July 6’ 2016 minutes, the Supervisor’s report was not available due to new computer software being implemented. The July Supervisor’s report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>MM Balance</u>
Gen. A	\$586,795.86	\$331,008.30	\$16,118.41	\$969,114.36
Gen B	74,163.01	44,705.60	75.18	88,314.90
Hwy DA	311,448.00	169,327.99	515.84	505,860.19
Hwy DB	133,680.84	93,195.31	737.55	249,319.42
Sewer HO1	23,627.34	22,609.64	-0-	5,271.15
Water HO2	15,634.26	13,189.57	-0-	101,033.66
Water HO7	50,951.15	38,688.20	-0-	-0-
T Funds	-0-	-0-	-0-	-0-
Wfd. Fire	54,039.18	-0-	-0-	54,638.09
Sherm. Fire	9,859.96	9,788.27	-0-	179.93
Totals:	\$1,260,199.60	\$722,512.88	\$17,446.98	\$1,973,731.70

The Supervisor’s report is as follows: August

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>MM Balance</u>
Gen. A	\$603,120.99	\$363,584.42	\$ 16,118.41	\$946,224.44
Gen B	75,826.26	56,205.60	75.18	76,441.70
Hwy DA	311,448.00	190,955.15	515.84	469,081.22
Hwy DB	234,618.44	305,192.05	737.55	120,956.63
Sewer HO1	23,627.34	22,630.87	-0-	5,249.92
Water HO2	15,634.26	13,189.57	-0-	101,033.66
Water HO7	50,951.15	38,688.20	-0-	-0-
T Funds	-0-	-0-	-0-	-0-
Wfd. Fire	54,039.18	-0-	-0-	54,638.09
Sherm. Fire	9,859.96	9,788.27	-0-	179.93
Totals:	\$1,379,125.58	\$1,00,234.13	\$17,446.98	\$1,773,805.59

The Dog Warden's report for August 2016 was received and placed on file.

The Fire Department Report for August 2016 was received and placed on file.

The Historian's report for August 2016 was received and placed on file.

The Town Court report for August 2016 was received and placed on file.

The WPD report for August 2016 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for July and August 2016 and highlighted on fuel usage, ditching, shouldering of roads, sluice pipe replacement, and tree trimming.
- Sealing roads, Bliss, Allen, Knight, Gale, Hardscrabble, and Light road.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 12 permits were issued in the Town in addition to continuing construction on residential homes in the Town for August 2016.

Deputy Supervisor David Brown made the motion to approve Code Enforcement Officer Bonnie Rae Strickland to attend Western Southern Tier Building Officials Conference September 12, 13 and 14th, 2016 in Mayville NY and not to exceed \$350.00. Councilman Raymond Schuster seconded the motion. The motion was carried unanimously.

Barcelona Harbor:

- The Highway Supervisor, David Babcock highlighted that the bollards and chains are up at the Harbor. Councilman James Herbert highly commended the appearance of them.
- Kelly Brown, Harbor Master was present to highlight the activity at the harbor for the 2016 season. Kelly Brown announced the closing date of the Harbor for September 18th, 2016.

Public Comment:

Theresa Cochran spoke on behalf of the residents of North Gale St. Voicing concerns about Bentley Tree Service’s intentions with regard to the old Harris Junkyard site. Their main concerns are what exactly his plans are, whether the Town has sufficient zoning code, and who will enforce them. Approximately 12 property owners on North Gale Street were present and several of them raised similar concerns.

Supervisor Bills and Attorney Joel Seachrist responded in turn to advise that the Town Board understood the concerns of the residents and had already adopted a nine-month moratorium on new manufacturing concerns within the Commercial-Manufacturing District. The Town will conduct a planning and zoning analysis to determine whether the current zoning scheme is adequate within the C-M District. Attorney Seachrist, summarized the moratorium law and various provisions were discussed.

Announcements:

- Planning board meeting is scheduled for Wednesday, September 14th, 2016 at 4:00pm.
- School Tax collection has begun for Westfield Central School. Collection will take place at 23 Elm St located at the Town offices. Tax Collector, Jill Fredd and Deputy School Tax Collector Andrea Babcock will collect Monday-Friday 9-4 starting September 6th, 2016 until 10/07/2016 without penalty. 10/8/2016-11/08/2016 at a 2% penalty.
- Budget forms have been sent out to all department heads for submission of 9/20/2016 for Supervisor approval.

Old Business:

Supervisor Bills commented on the following projects:

- Waiting for a letter of conditions from USDA-RD, for Shorehaven Water Project.
- Applications are also being considered for E. Lake Rd and West Main Rd water districts.
- Amenities have been ordered for the Hamlet project. The Hamlet project will be completed in the Fall of 2016. Councilman David Spann highlighted on the parking lot project on Peacock Drive, Moose Beach in Barcelona of the signage, and improvement to the creeks access.
- Breakwall information will be available once received. The timeframe for completion will be approximately 6 weeks and is weather dependent.

New Business:

Resolutions for 9/7/2016:

Deputy Supervisor David Brown offered the following resolution and moved for its adoption:

Resolution No. 39 of 2016

Negative Declaration / SUP Modification for Cell Tower (T-Mobile), Vilardo Road.

WHEREAS, the Town Board of the Town of Westfield is considering the application of T-Mobile Northeast LLC and Crown Castle for modification of an existing Special Permit to allow the placement of three (3) new antennas, three (3) Smart-Bias TEE boxes, and a new equipment cabinet on the existing tower and within the existing compound at 8584 Vilardo Road, on a parcel designated as tax map Section 208.00, Block 2, Lot 19, and

WHEREAS, the 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 use, and

WHEREAS, the Board has determined that the facility changes proposed in the application will not have a significant environmental impact

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the application of T-Mobile Northeast LLC and Crown Castle.

This was seconded by Councilman David Spann. Voting was as follows: Supervisor Martha Bills, aye; Deputy Supervisor David Brown, aye; Councilman Raymond Schuster, aye; Councilman David Spann, aye; Councilman James Herbert, aye.

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

Resolution No. 40 of 2016

Issuance of SUP Modification for Cell Tower (T-Mobile), Vilardo Road

Action of the Board:

To consider the application of T-Mobile Northeast LLC and Crown Castle for modification of an existing Special Permit to allow the placement of three (3) new antennas, three (3) Smart-Bias TEE boxes, and a new equipment cabinet and appurtenant equipment on the existing tower and within the existing compound at 8584 Vilardo Road, on a parcel designated as tax map Section 208.00, Block 2, Lot 19, and

WHEREAS, T-Mobile Northeast LLC and Crown Castle (hereinafter, the “Applicants”) submitted an application on July 8, 2016, for modification of an existing Special Permit to allow the placement of three (3) new antennas, three (3) Smart-Bias TEE boxes, and a new equipment cabinet and appurtenant equipment on the existing tower and within the existing compound at 8584 Vilardo Road, , on a parcel designated as tax map Section 208.00, Block 2, Lot 19, and

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

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held August 10, 2016 and recommended approval of the application, 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 September 7, 2016 on the application, and finds ample justification to approve the application subject to the qualifications hereinafter set forth

NOW, THEREFORE, BE IT RESOLVED, that the application be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. All changes to and construction on the site shall comply with the site plans submitted with the application, unless hereinafter modified.
2. The Applicants shall comply at all times with the current applicable standards and regulations of the FCC and of all other agencies of the federal government with authority to regulate such facilities, if any.
3. The Applicants shall not unreasonably interfere with the future shared use of the facility by other parties.
4. The terms, conditions, and requirements of this special use permit are cumulative with those emplaced by any prior special permits for the project site, and bind and obligate the Applicants, their successors and assigns.
5. The permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town of Westfield Town Board.
6. This permit shall become effective after the Applicants approve 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 permit.

This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Deputy Supervisor David Brown, aye; Councilman Raymond Schuster, aye; Councilman David Spann, aye; Councilman James Herbert, aye.

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

Resolution No. 41 of 2016

Negative Declaration / SUP modification for Mazza Chautauqua Cellars LLC, 8398 West Route 20

WHEREAS, Mazza Chautauqua Cellars LLC has applied to modify its existing Special Use Permit for a distillery/brewery/winery at 8398 West Route 20 to allow the operation of a restaurant or seasonal food service establishment on a parcel designated on the official tax map of Chautauqua County as Section 209.00, Block 1, Lot 30.1, 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 an 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 and modification will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use and modification.

This was seconded by Councilman Raymond Schuster. Voting was as follows: Supervisor Martha Bills, aye; Deputy Supervisor David Brown, aye; Councilman Raymond Schuster, aye; Councilman David Spann, aye; Councilman James Herbert, aye.

Supervisor Martha Bills offered the following resolution and moved for its adoption:

Resolution No. 42 of 2016
Issuance of SUP Modification for Mazza Chautauqua Cellars LLC, 8398 West Route 20

WHEREAS, the factual background of this matter is as follows:

- (1) Mazza Chautauqua Cellars LLC (hereinafter, the “applicant”) submitted an application to modify an existing Special Use Permit on July 21, 2016 to allow it to operate a restaurant or seasonal food service establishment in addition to the existing stillery/brewery/winery. The Applicant owns approximately 69 acres of land at the site, comprising tax map parcels Section 209.00, Block 1, Lots 15.1 and 30.1. The applicant uses the facility to produce and sell beer, distilled, and wine products.
- (2) The Town of Westfield Planning Board reviewed the application at a meeting held August 10, 2016 and thereafter recommended that it be approved;
- (3) The Town Board has adopted a Negative Declaration for purposes of the State Environmental Quality Review Act, finding that the proposed facility will have no significant negative environmental impacts;
- (4) 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 September 7, 2014 after publication of legal notice and the mailing of notification to adjacent property owners; and

WHEREAS, Town Board makes the following findings of fact:

- (1) **The restaurant use is compatible with the Residential-Agricultural District in general and with this particular neighborhood.**

Within a half mile on either side of the proposed location are a popular ice cream stand, nursery, auto

repair shop, winery, veterinary clinic, and an old roadside motel now converted to residential units. This is not a pristine agricultural neighborhood and has not been for decades. Indeed, the use of these premises as an “agritourism” use, including seasonal food service is more in keeping with the spirit of the Residential-Agricultural District than are many of the business that already exist in the area.

(2) The proposed modification meets the standards required of Special Use Permits within the Town of Westfield.

Section 185-50 of the Town’s Zoning Law sets the factors the Town Board must consider when it reviews a Special Use Permit application, including “the location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use, the location of the site with respect to the existing or future streets giving access to it, the nature and height of buildings, walls and fences and such other factors as the Board shall deem necessary to consider . . .”

We find that the new restaurant use would have little or no impact on the surrounding neighborhood. The use would be conducted within existing buildings on a 69 acre parcel, and situated well back from Route 20 and the closest neighbors. Within the buildings, the location where the food would be served is sheltered from view. The nature and intensity of the facility as proposed is no greater than other agritourism/winery businesses in the general vicinity and around the Concord Grape Belt region.

The use is also consistent with the 1997 Comprehensive Plan of the Town of Westfield in that it promotes “increased tourism” (p. 31), targets development in an area that is already commercially-developed (p. 32), is an “agricultural-compatible” use on the Route 20 corridor (p. 60), and enhances the use of Route 20 as a scenic drive.

NOW, THEREFORE, BE IT RESOLVED, that the application to modify the existing Special Use Permit to allow the operation of a restaurant / seasonal food service establishment at 8398 West Route 20, 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 map prepared, upon information and belief, by the applicant, and submitted to the Town with its application on July 21, 2016 and as thereafter supplemented, and to be bound by the terms of the application and the conditions of this permit.
2. The applicant shall comply with all applicable regulations of the Chautauqua County Health Department.
3. 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 the applicant to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
4. 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.

This was seconded by Deputy Supervisor David Brown. Voting was as follows: Supervisor Martha Bills, aye; Deputy Supervisor David Brown, aye; Councilman Raymond Schuster, aye; Councilman David Spann, aye; Councilman James Herbert, aye.

Supervisor Martha Bills made the motion to hold 3 Public Hearings prior to the next Town board meeting October 5th, 2016. SUP application for 6722 Munson Rd at 7:15pm. Sherman FD 7:20, Westfield FD, 7:25. This was seconded by Councilman David Spann. The motion was carried unanimously.

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- Warrants dated September 7th, 2016 (voucher #'s 153-202) in the amount of \$156,209.57 were drawn on the following funds:

General	\$33,556.26	Edgewater Water District	\$4.18
General Part-Town	\$275.00	Sherman FD	\$0.00
Highway	\$89,626.86	Trust & Agency	\$0.00
Highway Part-Town	\$32,725.01		
Forest Park Sewer Fund	\$22.26		

- Warrants dated September 7th, 2016 (voucher #'s 31-39) in the amount of \$4,862.84 were drawn on the following funds:

These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman Raymond Schuster 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 Raymond Schuster, aye; Deputy Supervisor David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye.

The next Town Meeting is scheduled for Wednesday, October 5th, 2016 @ 7:30pm

At 8:33pm Supervisor Bills made the motion to adjourn the regular town board meeting, and move to Executive Session to discuss a pending litigation action and a particular employee history. Deputy Supervisor Brown seconded the motion. The motion was carried unanimously.

At 9:15pm Supervisor Martha Bills made the motion to move to regular session. Councilman Raymond Schuster seconded the motion. The motion was carried unanimously.

There being no further business, at 9:20p.m. Councilman David Spann moved and Deputy Supervisor David Brown seconded a motion to adjourn. The motion was carried unanimously.

Respectfully submitted,
//original signed//

Andrea Babcock, Town Clerk