

TOWN BOARD MEETING

Town of Westfield
May 6th, 2009

7:25pm Public Hearing / SUP Application (Johnson Estate Winery)

7:30pm Town Board Meeting

1. Minutes
 - April 1st, 2009 Public Hearing (CDBG)
 - April 1st, 2009 / Town Board Meeting
 - April 7th, 2009 / Special Meeting of the Town Board
2. Monthly Reports - Supervisor's Monthly Report
 - Town Clerk's Annual 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, 16 May 2009)
- Memorial Day Parade 10:30am / 25 May 2009 (organizes at 10:00am)

OLD BUSINESS

- Project Update
- Bid Results (Re-Bid for Crushed Stone)
- Extension of Contract for Michael Pusbach (through 12/31/2009) @ \$7.50 / hr

NEW BUSINESS

- Resolution #26 Negative Declaration (Warehouse Building / Johnson Estate Winery)
- Resolution #27 Issuance of SUP for Warehouse Building / Johnson Estate Winery
- Resolution #28 Authorization for Supervisor to Sign "Light the Lakes" Agreement

Audit of Bills

Executive Session - (if needed)

Resolutions for 5/6/2009 meeting:

Resolution No. 26 of 2009
Negative Declaration
(Warehouse Building / Johnson Estate Winery)

WHEREAS, Johnson Estate Winery (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to construct a Warehouse Building on a parcel of land located at 8419 West Main Road, Westfield, designated as tax map parcel Section 209.00, Block 2, Lot 4, 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. 27 of 2009
Issuance of SUP for Warehouse Building / Johnson Estate Winery

WHEREAS, Johnson Estate Winery (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to construct a Warehouse Building on a parcel of land located at 8419 West Main Road, Westfield, designated as tax map parcel Section 209.00, Block 2, Lot 4, 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 16th, 2009 and unanimously recommended approval of the application, 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 April 17th, 2009 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 6th, 2009, 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 Warehouse Building at 8419 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 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 Winery Warehouse 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 agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

Resolution No. 28 of 2009

Authorization for Supervisor to Sign "Light the Lakes" Agreement

BE IT RESOLVED, that the Town Board Town of Westfield hereby authorizes the Supervisor to sign the
Light the Lakes Participation Agreement.
