

## TOWN BOARD MEETING

Town of Westfield  
August 5<sup>th</sup>, 2009

7:20pm Public Hearing / SUP Amendment to Modify existing Cell Tower (Douglas Road)  
7:25pm Public Hearing / SUP Amendment to Modify existing Cell Tower (Persons Road)

7:30pm Town Board Meeting

1. Minutes
  - July 1<sup>st</sup>, 2009 Town Board Meeting
  - July 28<sup>th</sup>, 2009 / Special Meeting of the Town Board
  
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

- First Friday, August 7<sup>th</sup>, 2009
- Local Food Heroes Event. August 15<sup>th</sup>, 2009
- "Light the Lakes", September 6<sup>th</sup>, 2009
- 

### OLD BUSINESS

- Project Updates
- Dog Control Officer Hired
- 

### NEW BUSINESS

- **Resolution #39** - Negative Declaration (Cell Tower Modification / Douglas Rd)
- **Resolution #40** - Issuance of Amendment to Existing SUP to Modify Cell Tower / Douglas Road
  
- **Resolution #41** - Negative Declaration (Cell Tower Modification / Persons Rd)
- **Resolution #42** - Issuance of Amendment to Existing SUP to Modify Cell Tower / Persons Road

Audit of Bills

Executive Session - (if needed)

-----  
**Resolution No. 39 of 2009**  
Negative Declaration (Cell Tower Modification / Douglas Rd)

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of New Cingular Wireless PCS, LLC (a/k/a AT&T) for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, eight (8) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower on Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1, 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 full 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 New Cingular Wireless PCS, LLC.

-----  
**Resolution No. 40 of 2009**  
Issuance of Amendment to Existing SUP to Modify Cell Tower / Douglas Road

**WHEREAS**, New Cingular Wireless PCS, LLC (hereinafter, the "Applicant") submitted an application on July 8, 2009, for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, eight (8) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower on Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1, and

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

**WHEREAS**, the matter was referred to the Chautauqua County Planning Board pursuant to Section 239-m of the General Municipal Law, which responded through its designated agent, the Chautauqua County Department of Planning and Economic Development, by letter dated July 30, 2009, to advise that the proposed use would have little or no adverse county-wide or inter-municipal effects since the matter is of local concern, and

**WHEREAS**, the Town of Westfield Planning Board reviewed the application during a meeting held July 16, 2009 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 August 5, 2009 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 Applicant 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 Applicant 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 employed by any prior special permits for the project site, and bind and obligate the Applicant, its 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 expire automatically if the antenna arrays and other site changes are not operational by August 5, 2010.
7. This 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 permit.

-----

**Resolution No. 41 of 2009**  
 Negative Declaration (Cell Tower Modification / Persons Rd)

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of New Cingular Wireless PCS, LLC (a/k/a AT&T) for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, three (3) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, 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 full 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 New Cingular Wireless PCS, LLC.

-----

**Resolution No. 42 of 2009**  
 Issuance of Amendment to Existing SUP to Modify Cell Tower / Persons Road

**WHEREAS**, New Cingular Wireless PCS, LLC (hereinafter, the “Applicant”) submitted an application on July 8, 2009, for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, three (3) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, and

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

**WHEREAS**, the matter was referred to the Chautauqua County Planning Board pursuant to Section 239-m of the General Municipal Law, which responded through its designated agent, the Chautauqua County Department of Planning and Economic Development, by letter dated July 30, 2009, to advise that the proposed use would have little or no adverse county-wide or inter-municipal effects since the matter is of local concern, and

**WHEREAS**, the Town of Westfield Planning Board reviewed the application during a meeting held July 16, 2009 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 August 5, 2009 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 Applicant 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 Applicant 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 Applicant, its 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 expire automatically if the antenna arrays and other site changes are not operational by August 5, 2010.
7. This 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 permit.

-----