

PUBLIC HEARING
Town of Westfield
May 7th, 2008
(Proposed Art Gallery / Keller)

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	David Babcock	Sandy Brown	Lisa Newell
Councilmen:	Raymond Schuster	James Pacanowski	Jack Gulvin	Brittany Mason
	David Brown	Joel Seachrist	Janet Nass	Natalie Luder
	Carl Vilardo, Jr.	Marybelle Biegh	Sara Herrman	Jim Mason
	James Herbert	Claude Abbey	Shirley West	Bre Meleen
		Jordan Sanderson	Nancy Nixon	Claire Quadri
		Robert Williams	Shoddy Flore	M.Quinn-Fullmer
		Carol Ford	Steve Kelly	Jack Gulvin

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a SUP submitted by Robert and Sheila Keller to operate an art gallery on a parcel of land located at 8418 West Main Road, Westfield. The application had been satisfactorily reviewed by the Planning Board and the County Planning Department. There were no questions from the audience.

There being no further business, David Brown moved and Raymond Schuster seconded the motion that the public hearing be closed at 7:30pm. This was unanimously approved.

Respectfully submitted,
//original signed//
Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING
Town of Westfield
May 7th, 2008**

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	David Babcock	Sandy Brown	Lisa Newell
Councilmen:	Raymond Schuster	James Pacanowski	Jack Gulvin	Brittany Mason
	David Brown	Joel Seachrist	Janet Nass	Natalie Luder
	Carl Vilardo, Jr.	Marybelle Biegh	Sara Herrman	Jim Mason
	James Herbert	Claude Abbey	Shirley West	Bre Meleen
		Jordan Sanderson	Nancy Nixon	Claire Quadri
		Robert Williams	Shoddy Flore	M.Quinn-Fullmer
		Carol Ford	Steve Kelly	Jack Gulvin

WACS Superintendent Mark Sissel & District Business Manger Alan Holbrook gave a presentation on the current proposed school budget (vote is May 20th, 2008) in addition to an update on future key issues.

Raymond Schuster moved and David Brown seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$6246.07 representing fees for the month of April 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$476.53.

The Supervisor's report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>Key - MM Balance</u>
Gen. A	\$447,467.00	\$159,257.00	\$7552.52	\$794,214.65
Gen B	89,192.00	15,135.00	55.72	111,168.18
Hwy DA	244,251.00	121,565.00	198.62	364,882.64
Hwy DB	34,476.00	15,837.00	144.22	218,527.08
Sewer HO1	22,791.00	19,167.00	-0-	17,372.96
Water HO2	43,776.00	35,943.00	-0-	92,558.94
Wfd. Fire	64,593.00	0.00	-0-	67,724.70
Sherm. Fire	7,443.00	0.00	-0-	7,612.81
Totals:	\$953,989.00	\$374,762.00	\$7,951.08	\$1,674,061.96

The Dog Warden's report for April 2008 was received and placed on file.

The Fire Department Report for April 2008 was received and placed on file.

The Historian report for April 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for the previous month.

Code Enforcement:

- Submitted Written Report

Barcelona Harbor:

- Jim Herbert discussed highlights from Harbor activities which included a plaque honoring Robert Smith, a concern over swimming off of break walls, and ladders for the pier.

In Public Comment, no one addressed the Town Board.

Announcements:

- Supervisor Bills announced that the Memorial Day Parade will be held 5/26/2008 starting at 10:00am and that the Information Booth in Barcelona opens on 5/26/2008.
- Supervisor Bills also announced that a New Resident Reception will be held 5/15/2008.

Old Business:

- David Brown moved and Carl Vilaro seconded a motion that the Town Board accept the bid from Russell Standard Corp. for oil & accept bids from Erie Sand and Gravel and Country Side Sand and Gravel for stone. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.
- Raymond Schuster moved and David Brown seconded a motion that the Town Board accept the all estimates and bids received from contractors for the Town Barn with the exception of steel. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.
- A Ripley-Westfield Lakefront Plan session was held highlighted with discussions on grant opportunities and The Dudley Breed proposal.
- The Town received a letter from the NYS DOT stating the Speed Study on Rte 5 was completed with no changes being implemented.

New Business:

- Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 20 of 2008
Negative Declaration
Proposed Art Gallery / Keller Property

WHEREAS, Robert and Sheila Keller (hereinafter, the “Applicants”) have submitted an application for a Special Use Permit to operate an art gallery on a parcel of land located at 8418 West Main Road, Westfield, designated as tax map parcel Section 209.00, Block 1, Lot 32, 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.

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

- David Brown offered the following resolution and moved its adoption:

Resolution No. 21 of 2008
Issuance of SUP for Art Gallery / Keller Property

WHEREAS, Robert and Sheila Keller (hereinafter, the “Applicants”) have submitted an application requesting permission to operate an art gallery on a parcel of land located at 8418 West Main Road, Westfield, designated as tax map parcel Section 209.00, Block 1, Lot 32, 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 public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held April 17, 2008 and 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 25, 2008 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 7, 2008, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate an art gallery at 8418 West Main Road (the "Facility"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicants shall undertake the project in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this permit.

2. The parking area depicted on the map attached to the application shall be of a size no less than twice the square footage of the proposed gallery space.

3. If operation of the Facility has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicants shall be required to apply for a new permit should it intend to continue the project.

4. The terms, conditions, and requirements of this permit bind and obligate the Applicants, their successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.

5. Any failure or omission on the part of the Applicants 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 Applicants, 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 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 Use Permit.

This was seconded by Carl Vilardo. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

-
- Supervisor Bills announced that the Babcock & Brown Wind Farm SUP application is available for viewing in the Town office.
 - Martha Bills moved and David Brown seconded a motion that the Town Supervisor be authorized to enter into an agreement with EDR as a Wind Project consultant. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.
 - Martha Bills moved and Raymond Schuster seconded a motion that a Public Hearing date of June 4th, 2008 (7:20pm & 7:25pm @ Eason Hall) be set for SUP applications for a Campground on Taylor Road & a Gift Shop on Sherman Road. Unanimously carried.

- Raymond Schuster moved James Herbert seconded a motion that James Brotz be appointed to the Planning Board. Unanimously carried.
- Martha Bills moved and Carl Vilaro seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.

At 8:55pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to discuss a specific issue. Unanimously carried.

At 9:15pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

- Martha Bills offered the following resolution and moved its adoption:

Resolution No. 22 of 2008
Authorization to Sign Agreement with Behan Planning, Inc.

BE IT RESOLVED, that the Supervisor is hereby authorized to sign an agreement for an amount not to exceed \$3,000 with Behan Planning, Inc. to assist the Town in writing a Grant application under Title 11 of the NYS Environmental Protection Fund to prepare or implement Local Waterfront Revitalization Programs.

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilaro, aye; Raymond Schuster, aye.

The next Town Meeting is scheduled for Wednesday, June 4th, 2008 @ 7:30pm.

There being no further business, at 9:20pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,
//original signed//
Timothy C. Smith, Town Clerk