

**PUBLIC HEARING**  
**Town of Westfield**  
**May 6<sup>th</sup>, 2009**  
**(Johnson Estate Winery Warehouse Facility)**

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	Fred Johnson	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Harold Nass
	David Brown	Claude Abbey	Jack Gulvin
	Carl Vilardo, Jr.	David Babcock	Alex Gerould
	James Herbert		

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by Johnson Estate Winery to construct a Warehouse facility at their current location on West Main Road. Mr. Fred Johnson (applicant) provided a brief description of the project. Questions were answered satisfactorily.

There being no further questions or comments, David Brown moved and Carl Vilardo seconded the motion that the public hearing be closed at 7:31pm. This was unanimously approved.

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

**TOWN BOARD MEETING  
Town of Westfield  
May 6<sup>th</sup>, 2009**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:32pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Fred Johnson	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Harold Nass
	David Brown	Claude Abbey	Jack Gulvin
	Carl Vilardo, Jr.	David Babcock	Alex Gerould
	James Herbert		

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 \$1175.21 representing fees for the month of April 2009 was turned over to the Supervisor. State and County agencies received checks totaling \$533.00 .

The Supervisor's report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>HSBC - MM Balance</u>
Gen. A	\$454,441.00	\$175,600.00	\$8466.00	\$882,275.43
Gen B	81,280.00	33,226.00	55.72	127,414.65
Hwy DA	237,893.00	113,172.00	198.62	333,007.39
Hwy DB	21,021.00	12,095.00	533.88	221,671.89
Sewer HO1	22,249.00	18,897.00	-0-	17,542.98
Water HO2	41,809.00	33,765.00	-0-	96,029.14
Wfd. Fire	68,763.00	-0-	-0-	69,473.83
Sherm. Fire	8,014.00	-0-	-0-	8014.20
Totals:	\$935,470.00	\$386,755.00	\$9,254.22	\$1,755,429.47

The Dog Warden's report for April 2009 was received and placed on file.

The Fire Department Report for April 2009 was not available.

The Historian's report for April 2009 was received and placed on file.

The Town Court report for April 2009 was received and placed on file.

Highway:

- The Town Highway Superintendent discussed a required re-bid for crushed stone and work being done for Harbor improvements. There was also some discussion in reference to a Beach Cleaning machine and possible procurement.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for April 2009.

Barcelona Harbor:

- The Pier is now open daily. There was discussion of a brochure (highlighting Pier assets, prices, & fishing), the low water pressure at the pier, and dredging / breakwall ladders.

In Public Comment, there were questions about the Spring Clean-up and the Tire Amnesty Program.

Announcements:

- Supervisor Bills announced that Spring Clean-Up is May 16<sup>th</sup>, 2009 (9:00am to 1:00pm).
- She also announced the schedule for the Memorial Day Parade

Old Business:

- Supervisor Bills provided updates water projects (East Main Road, Grant submitted for Barcelona, and Pier beautification projects).
- David Brown moved and Raymond Schuster seconded a motion to accept a bid for stone from Erie Sand & Gravel. This was unanimously approved.

New Business:

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

**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.

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.

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

**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 16<sup>th</sup>, 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 17<sup>th</sup>, 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 6<sup>th</sup>, 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.

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.

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

**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.*

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

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- James Herbert moved and Raymond Schuster seconded a motion authorizing the Supervisor and Highway Superintendent to spend up to \$400 for a share of a 'Sea Lion' information sign and to approve the layout and location at the Pier.

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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.

The next Town Meeting is scheduled for Wednesday, June 3<sup>rd</sup>, 2009 @ 7:30pm.

There being no further business, at 8:25pm Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

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