

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings. Highway Superintendent Dan Thorsell, Justice, Time Hull, Deputy/Zoning Clerk, Elizabeth Steinbach, Deputy Clerk, Jess Emhardt and Town Clerk, Rebecca Luba

Others Present: Marty Proctor, County Legislator, Tim Rice, Jeff and Sandy Wagner

Supervisor Donald Emhardt opened the regular meeting at 7:00 P.M. with the Pledge of Allegiance.

Motion made by Councilman, Scott Cummings to approve the minutes as presented to the board for the September 9, 2019 and October 4, 2019 meetings.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Departmental Reports:

Town clerk monthly fees remitted for August totaled \$11,137.29 dog license sales were \$594.00 conservation sales \$7,544.00 with the commission of \$382.07, building permit fees collected totaled \$2,316.40 and 7 marriage licenses were issued. Sexual harassment training has been completed for all personnel. New this year, the Board of Elections will be holding early voting polls starting Saturday, October 26, 2019.

Code enforcement office reported 14 building permits were closed in September with project cost totaling \$691,094.00. 31 permits were issued with the total project cost of \$2,181,694.00

Highway department report included black topped Elm St. for the Village, mowing roadsides & cutting brush with Gradall, installed one 24” & 30” cross tubes on Webber Rd., cut three trees in Pt. Chautauqua & had stumps ground, and patched roof on the highway building.

Town court monthly report for September was submitted and filed in the clerk’s office.

Committee Reports:

Building & Grounds Councilman Cummings inquired about the status of surveying Town properties. Supervisor Emhardt has contacted a surveyor and they will be done this fall/winter.

Public Comment:

Burl Swanson of the Dewittville Fire Department spoke about the two fire hydrants located within Water District 2 that were fitted with new steamer fittings in 2018. These hydrants were tested lowering the ISO rating which has helped residents within 1,000 feet save on home insurance. In order to keep these hydrants active, it is vital that they are kept clear of snow throughout the winter. The Town highway currently clears the hydrants for Water District 3. This could be added to their routes if needed. Supervisor Emhardt stated he would talk with the golf course regard the hydrant off of Rt. 430 since access to the hydrant would cross their property. The other hydrant is located by the pool inside Chautauqua Lake Estates so they too will be contacted to confirm accessibility and maintenance.

Agenda:

Public Hearing: Special Use Permit for CHQ Event Facility

Notice of hearing was published in the Post-Journal on 10/05/19.

Present for the hearing: Tim Rice, applicant.

Motion made by Councilman Thomas Carlson to open the hearing at 7:10pm.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Supervisor Emhardt reviewed the application submitted by Tim Rice for the operation of a Wedding or Private Event Facility on property located at 4324 Chautauqua-Stedman Road, and designated as tax map parcel Section 314.00, Block 1, Lot 2.1.

All fire inspections have been conducted and passed. Parking layout is currently being reviewed and will comply with Local Law 1 of 2019.

No comments in favor or opposition were received by the clerk. Floor was open for comment in which there were none.

Motion made by Councilman Thomas Carlson to close the hearing at 7:13pm.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Resolution- Negative Declaration

WHEREAS, Timothy Rice d/b/a Chautauqua Barns (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit that would permit him to operate a Wedding or Private Event Facility at 4324 Chautauqua-Stedman Road, which is designated as tax map parcel Section 314.00, Block 1, Lot 2.1, 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 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 Parts I and II of the Environmental Assessment Form, 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.

Motion made by Councilman Scott Cummings to adopt the resolution as presented.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye

Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye

Carried

Resolution-Special Use Permit

WHEREAS, Timothy Rice d/b/a Chautauqua Barns, hereinafter called the “applicant”, has submitted a special use application requesting permission to operate a Wedding or Private Event Facility, pursuant to Section 143-28(H)(30) and Section 143-65.1 of the Town of Chautauqua Zoning Code, on property located at 4324 Chautauqua-Stedman Road in the Residential-Agricultural (R-A) District, and

WHEREAS, the proposed action was the subject of a public hearing held by the Zoning Board of Appeals in regards to its zoning impact, on September 17, 2019, after publication of legal notice, at which time all persons having an interest in the application were heard, and recommendations in writing were made by that board, and

WHEREAS, the Town submitted a zoning referral to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and was advised by letter dated October 11, 2019 that the proposed use was of local option, and

WHEREAS, the Town Board has considered all the facts and papers before it, including the recommendations of the Town of Chautauqua Zoning Board of Appeals made after its September 17, 2019, and having heard those wishing to be heard at a public hearing held October 14, 2019, after publication of legal notice, and finds that the applicant will comply with all requirements of Section 143-65.1 of the Zoning Code, and further finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the application for a Special Use Permit to operate a Wedding or Private Event Facility at 4324 Chautauqua-Stedman Road, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

- 1.The applicant shall undertake the permitted use in accordance with the plans prepared, upon information and belief, by the applicant and submitted to the Town with the application, and to be bound by the terms of the application and the conditions of this permit, which are as follows:
- 2.This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the To
- 3.This permit does not authorize the erection of structures or buildings without building permits that are otherwise required by state or local law.
- 4.No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained “on site”. “On site” is defined as at least 30’ from the property boundaries of the parcel on which the event is permitted.
- 5.One parking space for every three persons attending an event shall be provided for on–site parking.
- 6.The general event area (the actual location(s) in which the gathering is to occur) shall be located 200’ from adjacent owner’s property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed above.
- 7.Sources of amplified sound including but not limited to recorded music, live musical performances, and spoken word shall commence no earlier than noon and shall be terminated by 10:00 p.m. on Sunday through Thursday and at midnight on Friday and Saturday nights.
- 8.No overnight accommodations shall be allowed in temporary structures such as tents or recreational vehicles.
- 9.Adequate sanitary restroom facilities shall be provided on site.
- 10.This Special Use Permit shall not be effective until the Applicant supplies to the Town Code Enforcement Officer the following information:
 - a. A diagram showing the areas that will be used for parking; and
 - b. A satisfactory electrical inspection report

11. Any failure or omission on the part of the applicant to carry out the conditions or requirement herein or accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Chautauqua Zoning Code and unless corrected in not more than ten (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.

12. 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 of herein contained in consideration of the granting of this Special Use Permit.

Motion made by Councilman Kenneth Burnett to grant the Special Use Permit as presented in the resolution.

Second: Councilman Dave Ward

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Change Order- Sewer District 1 Pump Station and Force Main Project- Ledge Creek Development

Mike Manning with O'Brien and Gere presented the Board with a change order for Sewer District 1 PS and FM project. The new retaining wall behind the pump station is failing. The wall supplier has offered to provide replacement modules but noted that the system would be most successful if the backfill material was closely controlled relative to moisture and density. Ledge Creek Development Inc. feels this would be ineffective due to the typical weather conditions and has requested an alternate plan to remove the wall and construct an embankment at the pump station site creating a grading plan that would include swales to convey drainage and an 8-inch culvert under the roadway. This would also require tearing down the existing CLE garage and relocating it to the NW corner of the property. The change order would result in a decrease of \$40,500 from the original contracted price.

Motion made by Councilman Scott Cummings to approve the change order dated October 15, 2019 and authorize Supervisor Emhardt to execute change order 1A-02.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Highway Equipment- Wood Chipper

A new wood chipper is needed for the highway department. Bids were requested through Sourcewell, a government co-op agency. A quote from Niagara Frontier was presented to the Board.

Motion made by Councilman Scott Cummings authorizing the Highway Superintendent to purchase a new wood chipper through Niagara Frontier for a total not to exceed \$49,385.81 as per the quote dated 10/10/19.

Second by Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Kenneth Burnett - Aye
Councilman Thomas Carlson – Aye

Carried

Sub-Division- Mandolin Ridge

The public hearing originally set for Mandolin Ridge sub-division tonight at 7:15p.m was postponed due a delay in plans. Plans must be forwarded to the Town Board and Clerk no less than 10 days prior to such hearing to meet advertising requirements for public review.

Motion made by Councilman, Scott Cummings to set a public hearing on Tuesday, November 12, 2019 at 7:15PM contingent upon the receipt of plans.

Second: Councilman Dave Ward

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Sponsorship-Chautauqua County Fairgrounds Bench

Dave Wilson of the Chautauqua Fairgrounds sent a letter requesting municipalities to participate in advertising on a wooden bench that would be placed around the fairgrounds for \$100 per bench. A scavenger hunt is planned for participants of the fair to find the municipal benches throughout the grounds for a prize. They feel this would be a great way for fairgoers to see all parts of the grounds while learning the names of municipalities in the County.

Motion made by Councilman Thomas Carlson to sponsor one(1) bench at \$100.00 for the 2020 Fair.

Second by Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Kenneth Burnett - Aye
Councilman Thomas Carlson – Aye

Carried

Zoning Change Request- Residential-Lakeside District to Permit Chickens

A request was made at the August board meeting to consider changing the current zoning law to permit chickens in a Residential-Lakeside(R-L) District. Tad and Tina Newell had presented information on the benefits of raising chickens and other municipality laws on harboring chickens. After review of the information and discussion, the Board felt it would not be in the best interest of the Town and it's residents to permit chickens in the RL District. However, the current zoning law does permit chickens in the Residential-Agricultural District.

Motion made by Councilman Scott Cummings to not change the current zoning law to permit chickens in the Residential-Lakeside District.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Motion made by Councilman Dave Ward to approve the Supervisor's report for September.

Second by Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye
 Councilman Kenneth Burnett - Aye
 Councilman Thomas Carlson – Aye

Carried

Motion made by Councilman Scott Cummings approve the vouchers as presented to the board for payment.

Abstract #010, Voucher # 610-698

10/15/2019
 16:12:06

**Abstract # 010
 Summary by Fund**

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND - TOWNWIDE	13,280.74	149,365.46	162,646.20
B	GENERAL FUND - OUTSIDE VILLAGE		1,287.16	1,287.16
DA	HIGHWAY FUND - TOWNWIDE		8,180.42	8,180.42
DB	HIGHWAY FUND - OUTSIDE VILLAGE	14,788.95	18,637.04	33,425.99
SL1-	PT CHAUTAUQUA LIGHTING DISTRICT		312.61	312.61
SL2-	DEWITTVILLE LIGHTING DISTRICT		293.49	293.49
SL4-	BAYBERRY LANDING LIGHTING DIST		18.33	18.33
SW1-	CHAUTAUQUA HEIGHTS WATER DISTR	582.49	9,789.31	10,371.80
SS1-	CHAUTAUQUA HEIGHTS SEWER DISTR	457.89	2,791.84	3,249.73
H3-	CAPITAL PROJECT- ENGINEER	17,619.27	333,581.13	351,200.40
SW3-	WATER DISTRICT 3 CONTRTACTUAL	21.02	1,789.19	1,810.21
Total:		46,750.36	526,045.98	572,796.34

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
 Councilman Scott Cummings – Aye
 Councilman Dave Ward – Aye
 Councilman Thomas Carlson – Aye
 Councilman Kenneth Burnett – Aye

Carried

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:02P.M.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye
 Councilman Scott Cummings – Aye
 Councilman Dave Ward – Aye
 Councilman Thomas Carlson – Aye
 Councilman Kenneth Burnett – Aye

Carried

Rebecca Luba, RMC
 Town Clerk
 Town of Chautauqua

