

REGULAR MEETING
July 16, 2012

A regular meeting of the Town Board of the Town of Busti was held on July 16, 2012 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

Supervisor Jesse M. Robbins
Councilman Richard B. Thor
Councilman Todd M. Hanson
Councilman Kenneth J. Lawton
Councilman Richard A. Sanders

Supervisor Robbins called the meeting to order with the salute to the flag and a moment of silence was observed.

Present at the meeting were: Rebecca J. Anderson, Angelo & Diane Terrano, Laurie Robbins, Brett Muecheck, Tim & Candy Young, Joseph Casel, Loren & Gloria Parker, Attorney Joel H. Seachrist, Busti-Lakewood Recreation Director Diana Peterson, Highway Superintendent Melvin J. Peterson, Busti-Lakewood Police Chief John Bentley and Post Journal Reporter David Phillips.

Busti-Lakewood Police Chief John Bentley reported 923 incidents for June with a total of 6,312 to date.

Highway Superintendent Melvin J. Peterson reported on highway activities.

P. Christian Yates appeared before the board and presented the Chautauqua Lake Association Annual Report 2011 "A report on a year of continued improvement in Chautauqua Lake for the benefit of the entire community". He thanked the board for their continued support.

Supervisor Robbins noted it was 7:00 p.m. and time to open the Public Hearing for Joseph Casel for a special use permit requesting self storage units on his property located at 1422 Forest Avenue Extension. Upon roll call vote, all aye.

Proof of publication was placed on file.

Concerns regarding traffic, lighting and access to the business were discussed by the board and neighbors present.

Supervisor Robbins moved to close the public hearing which was duly seconded by Councilman Lawton: Upon roll call vote, all aye.

Supervisor Robbins moved to adopt the following negative declaration which was duly seconded by Councilman Hanson:

WHEREAS, Joseph Casel (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to operate three (3) self-storage units on parcels located at 1422 Forest Avenue, designated as tax map parcels Section 421.00, Block 1, Lots 1, 2, 3 and 16, 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.
Upon roll call vote, all aye.

Action of the Board: To consider the application of Joseph Casel for a Special Use Permit under Section 91-420(2) of the Town of Busti Zoning Code allowing him to operate three (3) self-storage unit buildings at 1422 Forest Avenue in the Town of Busti, on parcels designated on the Chautauqua County tax map as Section 421.00, Block 1, Lots 1, 2, 3 and 16.

Resolution moved by: Supervisor Robbins,

Seconded by: Councilman Lawton

WHEREAS, Joseph Casel (hereinafter, the "Applicant") has submitted an application requesting permission to three (3) self-storage unit buildings at 1422 Forest Avenue in the Town of Busti, on parcels designated on the Chautauqua County tax map as Section 421.00, Block 1, Lots 1, 2, 3 and 16, comprising approximately 105 acres, 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 Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held July 16, 2012 and finds justification to approve the application subject to the qualifications hereinafter set out, and

WHEREAS, Town Board makes the following findings of fact:

- (1) The use is proposed to be located on contiguous parcels under common ownership comprising more than 100 acres;
- (2) The use is secondary to and in support of the Applicant's existing commercial use known as Casel Auto Sales;
- (3) The use complies with Section 91-805 of the Town of Busti Zoning Code in that, among other things, it will not produce any noise, odors or lights to annoy neighboring properties.

NOW, THEREFORE, BE IT RESOLVED, that the application to operate and/or construct three (3) self-storage unit buildings at 1422 Forest Avenue (the "Use"), be and hereby is authorized. His neighbors present are in favor as long as the operation is from dawn to dusk, with no lights or gate for three years. Councilman Lawton moved to second the motion without the three year provision subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the Use in accordance with the application submitted to the Town, except as hereinafter modified, and agrees to be bound by the terms of the application and the conditions of this permit.
2. If operation of the Use 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, except as otherwise herein noted.

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 Busti 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.

Dated: July 16, 2012

Upon roll call vote:

Supervisor Robbins, aye

Councilman Thor, aye

Councilman Hanson, aye

Councilman Lawton, aye

Councilman Sanders, nay

The Applicant, Joseph Casel, agrees to abide by all the terms of this Special Use Permit.

Dated: July 16, 2012

By: Joseph Casel

Supervisor Robbins made the following motion which was duly seconded by Councilman Lawton:

RESOLVED, that Supervisor Robbins be authorized and directed to pay the presented General Fund, Highway Fund, Joint Recreation Fund and the Hazeltine Public Library for Abstract No. 12 from warrant #523 to and including warrant #552 in the amount of \$110,998.94.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Robbins, seconded by Councilman Hanson the meeting adjourned at 7:50 p.m.

All aye.

Diane M. VanDewark, Town Clerk