

REGULAR MEETING  
June 17, 2013

A regular meeting of the Town Board of the Town of Busti was held on June 17, 2013 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 Todd M. Hanson  
Councilman Kenneth J. Lawton  
Councilman Brett A. Muccheck  
Councilman Richard B. Thor

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: Angelo & Diane Terrano, Lori Robbins, Rudy Mueller, Philip Caflisch, Judy Beckerink, Jim Dahlie, Highway Superintendent Melvin J. Peterson, Busti-Lakewood Recreation Director Diana Peterson, Attorney Joel H. Seachrist, Lakewood-Busti Police Chief John Bentley.

Rudy Mueller asked on the progress of adopting a draft erosion, stormwater and sedimentation law submitted by Chautauqua Lake Watershed. Discussion followed by the board no action was taken.

Lakewood-Busti Police Chief John Bentley reported 4,685 incidents to date.

Highway Superintendent Melvin J. Peterson reported on highway activities.

Supervisor Robbins noted receipt of two bids from Greg Lepley for \$4,150 and Thomas Windoft for \$3,101 for a 2001 Interstate 18DT Trailer and moved to accept the bid from Greg Lepley in the amount of \$4,150 which was duly seconded by Councilman Hanson.

Upon roll call vote, all aye.

Assessor Randall G. Holcomb presented the 2013 Grievance Report to the board.

Supervisor Robbins moved the appointment of Randall G. Holcomb as Town Assessor for a six year term of office October 1, 2013 – September 30, 2019 which was duly seconded by Councilman Muccheck:

Upon roll call vote, all aye.

Councilman Muccheck offered the following motion which was duly seconded by Councilman Thor:

RESOLVED, that upon the recommendation of Busti-Lakewood Recreation Director the following employees be approved for the 2013 summer youth Program:

Jen Wells	Playground Supervisor	\$ 7.92/hr.
Nicole Bush	Counselor	7.87/hr.
Kyle Radack	Counselor	7.33/hr.
Brooke Hnatyszyn	Counselor	7.33/hr
Nick Baglia	Counselor	7.25/hr

The playground program is an 8 week program that runs 5 days/wk from 8am-5pm for youth ages 5 to 12 years old. The program will start Monday, June 24<sup>th</sup> and run through Friday, August 16<sup>th</sup>.

Upon roll call vote, all aye.

Supervisor Robbins noted the following correspondence:

Public Hearing 6/24/2013 – Village of Lakewood; Site Plan Review  
Planning Board Meeting Minutes for June 13<sup>th</sup>

Councilman Muecheck reported that he met with Lisa Schmidtfrerick-Miller to look at map overviews starting at Loomis Park up through the wetlands for a trail up to Stoneman Park and connect to Mall Boulevard. He stated that connecting out to the Lawson Town Park in Busti will require some work and he is looking to find the right places and easiest ways to connect.

Councilman Hanson stated that a comprehensive plan meeting will be held this Wednesday, June 19<sup>th</sup>.

Supervisor Robbins noted it was 7:00 p.m. and time to open the public hearing on the application of Phineas & Sara Demink, d/b/a Southern Tier Brewing on June 17, 2013 at 7:00 p.m. for a special use permit for a Empty Pint Pub, Tasting Room and Tours in the Industrial District. Said property is known as Section 385.00, Block 1, and Lot 44.2 of the official tax map of the Town of Busti.

All aye.

Philip Caflisch's concern is the loud music from the brewery and is requesting that the decibel levels be checked.

Jim Dahlie also expressed his concerns regarding the brewery's noise and appearance and requested a buffer of trees.

Judy Beckerink also is concerned about the noise problem and suggested the owners of the brewery come up on the hill one night and listen to the music. She expressed how the neighborhood has changed since the brewery moved into the Industrial Park. The brewery is allowed music eight Sundays during the summer months.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Thor:

**WHEREAS**, Southern Tier Brewing Company, Inc. (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to operate a brewery pub and tasting room at 2072 Stoneman Circle, designated as tax map parcel Section 385.00, Block 1, Lots 42, and

**WHEREAS**, the proposed uses have been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act),

**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 uses, and

**WHEREAS**, the Board has determined that the proposed uses 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 Southern Tier Brewing for a Special Use Permit for a recreation use secondary to its ongoing manufacturing concern, that would allow it to operate a pub and a tasting room pursuant to Section 405(20)(B)(1) of the Town of Busti Zoning Code, on a parcel located at 2072 Stoneman Circle, designated on the Chautauqua County tax map as Section 385.00, Block 1, Lots 44.2.

**Resolution moved by: Councilman Lawton**

**Seconded by: Councilman Muecheck**

**WHEREAS**, Southern Tier Brewing (hereinafter, the "Applicant") has submitted an application for a Special Use Permit allowing it to operate a pub, known as the Empty Pint Pub, and a separate tasting room pursuant to Section 405(20)(B)(1) of the Town of Busti Zoning Code, 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 June 17, 2013 and finds justification to approve the application subject to the qualifications hereinafter set out,

**NOW, THEREFORE, BE IT RESOLVED**, that the application to operate the Empty Pint Pub and a separate tasting room as secondary recreational uses at 2072 Stoneman Circle (the "Uses"), be and hereby are authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the Uses 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 Uses 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, its 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.
6. This Special Use Permit has no time limitation and if they fail to meet any of the requirements on this Special Use Permit it could be revoked at any time.

The Applicant, Southern Tier Brewing, agrees to abide by all the terms of this Special Use Permit.

Dated: June 17, 2013

SOUTHERN TIER BREWING  
By: Phineas DeMink

Upon roll call vote, all aye.

Supervisor Robbins moved 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, and the Joint Recreation Fund for Abstract No. 12 from warrant #387 to and including warrant #436 in the amount of \$51,637.45.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:45 p.m.

All aye.

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Diane M. VanDewark, Town Clerk

