

REGULAR MEETING  
March 19, 2012

A regular meeting of the Town Board of the Town of Busti was held on March 19, 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 Kenneth J. Lawton  
Councilman Richard A. Sanders – absent

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, Lorie Robbins, Loren & Gloria Parker, Todd Hanson, Tom Erlandson, Doug Justham, Robert & Judy Schultz, Busti-Lakewood Recreation Director Diana Peterson, Code Enforcement Officer Melanie Eddy, Lakewood-Busti Police Chief John Bentley, Highway Superintendent Melvin J. Peterson and Post Journal Reporter David Phillips.

Highway Superintendent Melvin J. Peterson reported on highway activities: pump station at Knowlton drainage basin, water hookup on Southwestern Drive, transfer station wiring upgrades, Vukote canal cleanup and trading in a pick up truck through county bid.

Lakewood-Busti Police Chief John Bentley reported 2,440 incidents to date and presented the Lakewood-Busti Police Annual Report for 2011, with 10,091 incidents.

Councilman Lawton will be presenting a proposal for a historical sign for “George A. Simpson” in memory for his donation of land at Vukote at the next board meeting.

Councilman Thor moved to set the following public hearing which was duly seconded by Supervisor Robbins:

PLEASE TAKE NOTICE THAT a public hearing will be held by the Town Board of the Town of Busti, at 121 Chautauqua Avenue, Lakewood, New York, on the 9th day of April, 2012, at 7:00 p.m., pursuant to Section 159-135(c) of the Town of Busti’s Junked Vehicles Law.

The purpose of such hearing is to permit Lee Fischer and Sharon Fischer and/or the owners of certain junked vehicles located on property belonging to them an opportunity to be heard as to why eleven (11) vehicles located on properties belonging to the Fischers in the Cottage Park area have not been removed pursuant to a Notice of Apparent Violation served on them on January 18, 2012, and for the Town Board to determine whether the continued presence of such vehicles constitutes a public nuisance and/or a threat to the health, safety and general welfare of the community.

Any resident of the Town of Busti is entitled to be heard upon the matter at such public hearing.

Upon roll call vote, all aye.

Supervisor Robbins moved that the Edward F. Loomis Jr. Park pavilion rental be established at \$50 each from a.m. to 4:30 p.m. and 5:00 p.m. to 11:00 p.m. for all Town of Busti residents.

Upon roll call vote, all aye.

Councilman Thor moved the appointment of Patricia Allenson and Janet Henderson to the Hazeltine Public Library which was duly seconded by Councilman Lawton.

Upon roll call vote, all aye.

Upon the recommendation of David Paterniti, Chairman of the Planning Board, Supervisor Robbins moved the appointment of Randy Peterson to the board for a 7 year term which was duly seconded by Councilman Thor.

Upon roll call vote, all aye.

Supervisor Robbins moved that clerk's, code enforcement officer, justices and planning/zoning board members be approved to attend the 19<sup>th</sup> Annual Southern Tier West Local Government Conference on May 9, 2012.

Upon roll call vote, all aye.

Supervisor Robbins moved to set the following public hearing which was duly seconded by Councilman Thor:

PLEASE TAKE NOTICE that the Town Board of the Town of Busti will hold a public hearing on April 9, 2012 at 7:15 p.m. at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York 14750 for the following local law:

Town of Busti  
Local Law No. 1 of 2012

A LOCAL LAW REGULATING SELF-STORAGE FACILITIES IN THE  
CONSERVATION-AGRICULTURAL (C-A) DISTRICT

Be it enacted by the Town of Board of the Town of Busti, County of Chautauqua and State of New York, as follows:

SECTION 1. AUTHORITY.

This local law is promulgated pursuant to the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(10);
2. New York Statute of Local Governments, §10(1) and (7);

3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);
4. New York Town Law §130 (11)(peace, good order and safety), (15)(promotion of public welfare); and
5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(general powers).

## SECTION 2. SELF-STORAGE IN THE C-A DISTRICT.

Section 91-420(2) shall be amended to read as follows:

2. Permitted uses subject to securing a special use permit from the Town Board of the Town of Busti:
  - Self-Storage Facility, provided that such facility shall be located on a parcel (or on contiguous parcels under common ownership) comprising not less than 100 acres, shall be secondary to an existing commercial use on the same parcel, shall comply with Section 91-805 hereof, and shall not be used for the storage of toxic, radioactive, or other substances harmful to the health, safety, and welfare of the general public.

## SECTION 3. VALIDITY AND SEVERABILITY

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

## SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Upon roll call vote, all aye.

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

RESOLVED, that Randy Erickson be authorized to attend the dog control unit training on April 17<sup>th</sup> & 18<sup>th</sup> in Webster, New York to be paid for by the town.

Upon roll call vote, all aye.

Supervisor Robbins noted the following reports & correspondence:

Legal Notice Zoning Board of Appeals March 28, 2012.

Planning Board Minutes March 14, 2012.

Town Picnic on June 30<sup>th</sup>.

Supervisor Robbins offered 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. 4 from warrant #163 to and including warrant #195 in the amount of \$20,804.14.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:30 p.m.

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Diane M. VanDewark, Town Clerk