

Present: Supervisor Donald Emhardt, Councilmen Thomas Carlson, Scott Cummings, Kenneth Burnett, and Leroy Parker Highway Superintendent, Terry Sanden, Town Clerk, Rebecca Luba, Deputy Clerk, Jessica Emhardt. Code Enforcement Officers, Frank Watson & Rick Walczak, and Town Attorney, Joel Seachrist

Absent:

Others Present: Greg Bacon(Post Journal), Karen Engstrom, Sharon Smead, Mark Smith, Marty Proctor, Tom Lescynski, Tom Fox and Atty. Sean Hopkins(Ellicott Development), Joan Hicks, Melissa Sanden, Paul & Barbara Rankin, Alan Bozer, Maureen Emerling, Doug Roushein, Jim Warner, Jeff Wagner, Laura Marsala, Pierre Chagnon, John Jablonski, Atty. Joe Calimeri,.

Supervisor 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 of 12/10/25, 12/17/25 and 1/2/26 as written.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker– Aye

Carried

Departmental Reports:

Town Clerk report for December submitted and on file. Monthly fees remitted totaled \$2,371.06 Dog License sales of \$158.00; Conservation sales of \$15.00, Building/Zoning fees of \$1,23.94, 7 Record Requests completed and 5 Marriage licenses were issued.

End of year reports have been completed, and annual records disposition report is available for review. Quarterly billing for Water Districts 3 & 4 and Sewer District 1 was processed and mailed 12/26/25. January dog license renewals mailed along with 2nd reminders for all expired licenses. Collection for the 2026 Property Tax began January 8th and will be collected through February 6th penalty free. There was an error in printing for the 2026 tax bills: the printing company erroneously printed Chautauqua's contact information on the tax bills for the towns of Ripley, Ellicott, and Busti, resulting in Chautauqua receiving calls and payments intended for these towns. A record is being maintained for all additional expenses incurred due to this error for from the printer. Town offices will be closed on 1/19/26 in observance of Martin Luther King Jr. Day.

Historian's Annual Report was submitted, filed with the Clerk's office and copied to the Board.

Frank Watson reported on December's activities including 7 permits issued, and 18 closed. A property violation was issued on Potter Rd. with notice to remedy by 1/12/26. There were 2 zoning hearings in December. The end-of-year statement for 2025 was submitted reporting a total of 359 permits being issued and 374 permits being closed out. Councilman Cummings inquired about the annual State report stating the Code Committee would like to review the report prior to being submitted.

Terry Sanden reported that the department plowed and sanded for 16 days in December. They assisted the village with plowing snow from the first snowfall, performed truck maintenance, fixed shoulders on Dean Road and Elm Flats, Prospect and Burdick Roads due to washouts and flooding.

Request to trade-in the Town's 2024 John Deere loader to purchase new loader from Five Star Equipment through Sourcewell Contract 011723-JDC. The trade-in value was quoted at \$184,000.00 making the total purchase price for the new 2026 John Deere loader \$31,000.00. Board members discussed the cost, noting that while prices have increased over the years, this represented good value considering the maintenance costs of older equipment. Sanden mentioned he had explored other brands but none came close to matching the trade-in offer.

Motion made by Councilman, Thomas Carlson to surplus the 2024 John Deere loader to be used as a trade-in for the purchase of a new 2026 loader not to exceed the 10/24/25 quoted price of \$31,000.00

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Supervisor Emhardt noted receipt of the assessor's report, which brought attention to a new state law regarding veterans' exemptions for disabled veterans. After consulting with the Veterans Administration, he recommended holding off on taking action as changes to the law were expected before it becomes final.

Scott Cummings indicated the board would likely support the exemption once finalized.

Committee Reports:

Councilman Cummings reported that the comprehensive plan had been completed and thanked both the town and village boards for their support. He noted that the next phase would be implementation and that members of the steering committee were interested in forming an implementation committee as outlined in the plan.

Cummings requested that the town board consider printing several copies of the plan for the code and zoning offices, board members, and the library. Supervisor Emhardt confirmed there are planning funds available for this purpose.

Supervisor Emhardt provided updates on water projects, noting that water installation was progressing through Dewittville with a few resident complaints, but fire hydrants had arrived and work was continuing. He also reported that the sewer project in Shorelands -Wooglin area, South and North Drive was approximately 99% complete, with final connections pending better weather. He anticipated having financial information compiled for the February meeting to set rates for that district.

Public Comment (Non-Agenda Items):

No comments were submitted

Agenda Items:

Tree Advisory Committee- Presentation

Laura Marsala, Chair of the Mayville Tree Advisory Committee and Chautauqua County Master Gardener, presented a proposal for establishing a formal Tree Board. She explained that the committee currently has 12 volunteers who provide education about tree planting and care, seek grants, hold Arbor Day ceremonies, and collaborate with various community organizations including the DEC, watershed conservancy, library, historical society, and local schools.

Marsala noted that establishing a formal Tree Board would enable the town to apply for Tree City USA designation, which was identified as a community goal in the comprehensive plan. This designation would provide support from the Arbor Day Foundation and improve the town's competitiveness when applying for grants.

She outlined different possible structures for a Tree Board based on examples from other local municipalities that have achieved Tree City USA status, including Jamestown (44 years as a Tree City USA), Cassadaga (4 years), and Celoron (12 years). The proposed board would advise, plan, seek grants, and focus on replacing native species affected by threats such as emerald ash borer, woolly adelgid, oak wilt, and pine beetles.

Tom Carlson noted that while the Village of Mayville was not currently interested in participating in a joint Tree Board, he saw no reason why the town couldn't move forward independently. He expressed support for the committee's work and the proposed formal Board.

The town attorney requested time to properly draft a resolution that would meet Tree City USA requirements, potentially requiring a local law rather than just a resolution. The board agreed to address this at the February meeting.

Board members expressed support for the initiative, noting it aligned with the comprehensive plan goals.

Public Hearing- Local Law 1 of 2026 Town Road Specifications

Notice of hearing was published in the Jamestown Post-Journal on January 2, 2026 and posted on the Clerk's signboard and Town website.

Motion made by Councilman, Scott Cummings to open the hearing at 7:21pm

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Supervisor Emhardt explained that the current highway specifications were outdated and needed updating to reflect modern practices, including proper surfacing requirements.

Scott Cummings confirmed with Highway Superintendent Terry Sanden that he was satisfied with the specifications for cul-de-sacs and dead-end streets. Sanden explained that each cul-de-sac turnaround would be different based on the layout of the area.

There was also discussion about surfacing options, with Sanden expressing a preference for hot mix asphalt for new roads rather than cold mix paving, which is more suitable for low-volume roads.

There were no comments from the public.

Motion made by Councilman, Thomas Carlson to close the hearing at 7:24pm

Second: Councilman Leroy Parker

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

**A LOCAL LAW AMENDING THE TOWN CODE TO ESTABLISH UPDATED STANDARDS FOR
DEDICATION OF STREETS AND HIGHWAYS**

BE IT ENACTED by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

The purpose of this Local Law is to promote the health, safety, and general welfare of the residents of the Town of Chautauqua by establishing uniform procedures and regulations for the design, construction, and dedication of streets and highways, adopting standards consistent with those of the Town of Chautauqua to ensure safety and environmental protection.

SECTION 2. AMENDMENT TO TOWN CODE.

The Town Code of the Town of Chautauqua is hereby amended to supersede and revoke any prior highway specifications adopted by the Town of Chautauqua and to replace them with a new subsection 83(4) in Chapter 83, entitled "Dedication of Streets and Highways" which shall read as follows:

§ 83-4. Dedication of Streets and Highways.

- A. **Purpose.** The Town Board of Chautauqua, New York, does adopt the following procedures and regulations in an effort to create uniformity in the design and construction of all future highways, as well as the process under which highways are offered to the Town for dedication by private developers, in an effort to ensure the safety of residents and protection of the environment.
- B. **Title.** This section of the Code shall be cited as “Dedication of Streets and Highways.”
- C. **Requirements for Dedication.** Any owner or group of owners who desire to have a street or road taken over by the Town of Chautauqua as a public street or highway may declare by offering to dedicate such street or road to the Town and agreeing to comply with the following requirements. Before any street road or highway shall be accepted by the Chautauqua Town Board as a public Town highway, it shall meet the following minimum requirements:
 - 1. **Right-of-Way:** The right-of-way shall be not less than 50 feet, or 4 rods, in width.
 - 2. **Temporary Dead End Streets or Roads:** There shall be a turnaround provided at no more than 100 feet and no less than 50 feet from the end of the temporary dead-end street or road. This turnaround should be a minimum of 30 feet in width and 40 feet in depth. It must run perpendicular to the street/road at a 90° angle. This turnaround should preferably exit from the street/road to the left when traveling toward the dead end. Construction of the turnaround must be equivalent to that of the street/road requirements.
 - 3. **Permanent Dead-End Street/Road:** When the street/road is deemed to be a permanent dead-end street/road where the end of the street/road abuts adjoining property owners, there shall be a cul-de-sac constructed of the same specifications as the street/road. It shall have a minimum outside radius of cul-de-sac pavement of 50 feet, touch but not intersect such property line and the gores of land bounded by the adjoining property and by the perimeter of the circle shall be shown on the map as proposed dedication to the town and shall be included in any dedication of the street or road.
 - 4. **Natural Waterways:** Where a natural waterway crossing or adjacent to any street/road into which said street/road may drain, is deemed insufficient to carry off the drainage upon a proposed street/road, and in that event, at the discretion of the Town Planning Board and the Town Superintendent of Highways, a storm sewer of type, size and construction acceptable to the Planning Board and the Superintendent of Highways, shall be

installed. All bridging and sluice pipe deemed necessary to accomplish the above approved by the Town Superintendent of Highways shall be furnished by the owner. The cost of sluices, bridges, and pipes necessary to accomplish the above purpose shall be borne solely by the property owner seeking to dedicate said land for said purposes.

5. **Adverse Effects from Development:** When and in the event a street/road development shall cause adverse effects from watershed or any other problems on neighboring Towns, Villages, Cities or Property Owners etc. written approvals from these establishments must accompany all development plans and projections. A permanent easement shall be provided by the owner across private property and reserved to the Town of Chautauqua for the installation and/or maintenance of ditch or storm sewer to a natural water course shown on the map and included in the deed of dedication to the Town. Such permanent easement shall be not less than 30 feet in width.
 6. **Trees, Brush, Stumps, etc.:** All trees, brush, stumps and other growth must be removed from the full 50 feet right-of-way and any limbs, branches, brush, etc. protruding into the 50 feet right-of-way must also be removed.
 7. **Storm Water Management:** With adequate removal of clay, rocks, and topsoil, side ditches shall be formed not less than 1 foot lower than the finished center line grade. Ditches shall be formed so that there is a minimum of 40 feet between them. The fore and back slopes shall be in accordance with the instructions of the Town Superintendent of Highways depending on soil conditions and road grade. All sluice- or drain-pipes placed in ditches will be a minimum of 12 inches. If storm water is piped, subgrade edge drainage will be installed, as directed by Highway Superintendent, under the road to drain into drop inlet catch basins which will be used with any underground drainage and placed not more than 60 feet apart. Any storm water not directed to a ditch must be conveyed to catch basins by means of cement gutter installed to specifications set by the Town Superintendent of Highways. All driveways on the road must slope away from the bituminous surface at a slope of at least $\frac{3}{4}$ inch per foot to a point over the ditch line. Headwalls are not permitted in the right-of-way.
 8. **Subgrade:** The street/road shall be graded to a subgrade of 12 inches below the finished grade, properly crowned to shed water laterally to the side ditches, and thoroughly compacted to a width of not less than 36 feet. Upon the sub grade shall be spread coarse run of the bank or creek gravel consisting of 80% stone of sizes from $\frac{1}{2}$ inch to no larger than 8 inches (free from clay and soil) broken stone or slag compacted to depth of 12 inches for a width of not less than 30 feet. 6 inches of screened or crusher run gravel with stones no larger than 3 inches must then be applied and compacted to a width of no less than 28 feet.
 9. **Bituminous Surface:** Upon the compacted gravel there shall be two layers of bituminous asphaltic concrete with a width of no less than 28 feet. The base layer will consist of no less than 3 inches compacted of Dense Binder Type 3 (403.138902). The final topcoat will consist of no less than 1 $\frac{1}{2}$ inches compacted Top Course Type 7F (403.198202). Bituminous layers will be properly crowned so that the slope of the road drops from the center crown to the edges at a slope of no less than $\frac{1}{4}$ " per foot and no more than $\frac{3}{8}$ " per foot.
 10. **Intersecting Other Town Streets/Roads:** When and if a street/road intersects another Town street/road the proposed street/road must intersect at a 90° angle to enhance adequate visibility. There shall be no unnecessary curves or jogs in the street/road unless they are unavoidable due to contour of terrain of land. If curves or jogs are deemed necessary they must be approved by the Superintendent of Highways and may alter normal specification requirements.
 11. **Intersecting State or County Highways:** When and if a street/road shall intersect a State or County Highway, the owner shall submit to the Town Board and the Town Superintendent of Highways an approval, in writing, from the New York State Department of Transportation or the County Superintendent of Highways for said intersection.
- D. **Procedure for Dedication.** All applications for the dedication of streets shall be accompanied by three copies of a survey, prepared by a licensed land surveyor, dated within one year of the date of application and in a form that is proper for recording in the Chautauqua County Clerk's office. Such survey must show the profile of the proposed street and all other proposed improvements, and of each existing street within 200 feet of the proposed street. The

- E. **Applicability.** This Chapter shall apply to all users, properties, and facilities related to street or highway dedication within the Town of Chautauqua.
- F. **Administration and Enforcement.** The Town Board, or its designated agents, shall administer and enforce the provisions of this Chapter. Violations shall be subject to penalties as provided in the Town Code or applicable law.
- G. **Conflicts.** If there is any conflict between the provisions of this Chapter and any other provision of the Town Code, the more stringent requirement shall prevail. This Chapter shall not relieve any person or entity from compliance with applicable federal, state, or county laws, rules, or regulations.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Local Law is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Local Law.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Motion made by Councilman, Scott Cummings to adopt Local Law 1 of 2026 as written.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Sunset View PUD- Waterfront Consistency

WHEREAS, pursuant to §141-4 of the Town of Chautauqua Code, the Zoning Board of Appeals (“ZBA”) has reviewed the Waterfront Assessment Form (“WAF”) prepared by the Applicant dated October 8, 2025, along with supporting documentation

WHEREAS, during its meeting on November 18, 2025, the ZBA met to consider the consistency of the proposed project with the Chautauqua Lake Local Waterfront Revitalization Program (“LWRP”) policy standards and conditions set forth in §141-5 of the Town Code.

WHEREAS, the proposed Sunset View Planned Unit Development project involves establishing a Planned Unit Development (PUD) on approximately 35.5 acres of waterfront property (the “Project Site”), including 118 townhome units, 32 lots for single-family homes, 1 mixed-use building including 24 residential and an internal clubhouse, boat docks, a pool, walking trails, dog park, open space and all related site improvements (collectively the “Project”). The project layout is depicted on the Preliminary PUD Plan [Drawing C-100 – Date: 11/20/25] prepared by Carmina Wood Design. The Project Site is located within the waterfront area and requires an LWRP consistency determination from the Town Board.

WHEREAS, on November 18, 2025, the Zoning Board of Appeals issued a favorable Waterfront Consistency Recommendation to the Town Board based on its determination that the Project is consistent with all policy standards and conditions of the LWRP as set forth in §141-5 of the Town Code.

WHEREAS, the Town Board has considered the Zoning Board of Appeals' Waterfront Consistency Recommendation issued on November 18, 2025.

WHEREAS, consistent with the recommendation issued by the Zoning Board of Appeals on November 18, 2025, the Town Board has determined that the proposed project is consistent with all LWRP policy standards and conditions. No modifications to the project layout are required as the project advances multiple policies

through balanced development and the project layout has incorporated numerous modifications made during the review process.

WHEREAS, The basis for the Town Board's determination is provided below for each policy, based on the WAF responses indicating minimal adverse impacts (with most questions answered "No" regarding significant effects on resources), the resolution adopted by the ZBA on November 18, 2025, the Project's design which preserves open space, and the documentation submitted by the Applicant during the lengthy review process.

1. **Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development (Policy 1).**

Consistent: The PUD design clusters residential and commercial uses on a portion of the Project Site, preserving approximately 71.5% as greenspace (25.4 acres), makes efficient use of infrastructure, and incorporates waterfront amenities like a seasonal boat dock that will be accessible to the public, and on-site trails to benefit from the lake location without any resulting significant adverse environmental impacts.

2. **Preserve historic resources of the waterfront area of Chautauqua Lake (Policy 2).**

Consistent: The Project Site contains no known historic resources, as confirmed by the FEAF and the SHPO letter dated May 20, 2025 indicating no eligibility for state or national registers.

3. **Enhance visual quality and protect scenic resources in the Chautauqua Lake area (Policy 3).**

Consistent: The Project maintains scenic lake views through low-density layout, vegetated buffers and permanent open space, and building designs that are based on the topography of the Project Site. No significant alterations to shorelines or vistas are proposed.

4. **Minimize loss of life, structures, and natural resources from flooding and erosion (Policy 4).**

Consistent: Portions of the Project Site are in a flood-prone area, but the design elevates structures above base flood levels, incorporates appropriate erosion controls, and avoids construction in high-erosion zones; and implements stormwater management measures per the stringent stormwater quality and quantity standards of the NYSDEC in order to prevent adverse stormwater runoff impacts. Construction activities on the Project Site will be subject to appropriate erosion control measures to be set forth in the approved SWPPP.

5. **Protect and improve water resources (Policy 5).**

Consistent: The Project will connect to public water and sewer. Stormwater controls (e.g., pervious surfaces, detention areas) will be implemented to minimize runoff from the Project Site into Chautauqua Lake.

6. **Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities (Policy 6).**

Consistent: No significant fish/wildlife habitats are affected, as per WAF and FEAF. The Project avoids disturbance to important aquatic areas, and there is not a rare ecological community present on the Project Site. A Wetland Investigation Letter was prepared by Donald Wilson of Davey Resource Group dated April 8, 2025 based on his assessment of the Project Site and it included his professional opinion that there are not wetlands subject to the jurisdiction of either the United States Army Corps of Engineers ("USACE") nor the NYSDEC on the Project Site. On August 9, 2025, Robert Cornish of the New York State Department of Environmental Conservation ("NYSDEC") issued a Parcel Jurisdictional Determination stating as follows: "The New York State Department of Environmental Conservation (DEC) has reviewed your proposed Parcel Jurisdictional Determination (JD) for the 5621 E Lake Road property, parcel 263.15-1-22. Based on the information provided in your July 25, 2025 request, the DEC has determined that there are no DEC regulated freshwater wetlands and/or adjacent areas identified on the parcel referenced above. Therefore, in accordance with Article 24 of the Environmental Conservation Law (ECL) and 6 NYCRR Part 663, no freshwater wetlands permit is required. Pursuant to ECL section 24-0703, this letter shall remain valid for a period of five years from the date it is issued (through 8/27/2030)." The Parcel Jurisdictional Determination issued by the NYSDEC dated August 19, 2025 and the Wetland Investigation Letter prepared by Donald Wilson of Davey Resource Group dated August 8, 2025 confirm the Project will not result in any potentially significant adverse on wetlands.

7. **Protect and improve air quality in the Chautauqua Lake area (Policy 7).**

- Consistent:** Construction activities will generate unavoidable temporary emissions. The Project does not involve any industrial use and as such will not result in any long-term adverse air quality impacts.
8. **Minimize environmental degradation in the Chautauqua Lake communities from solid waste and hazardous substances and wastes (Policy 8).**
Consistent: No hazardous materials storage will occur and there will not be waste generation beyond typical residential/commercial levels.
9. **Provide for public access to and recreational use of waterfront, public lands, and public resources of the waterfront area (Policy 9).**
Consistent: The Project includes walking trails, a seasonal boat dock, and community amenities including a dog park, enhancing recreational opportunities along the lakefront.
10. **Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations (Policy 10).**
Consistent: The Project includes a seasonal boat dock that will consist of a maximum of 40 boat slips for seasonal use. The current layout of the seasonal boat dock is depicted on a plan prepared by Carmina Wood Design dated September 16, 2025. The seasonal boat slips will be available to residents, their guests and the public on a first-come basis. The Project will encourage and support facilities and water-dependent recreational uses. The Project Site's waterfront location is appropriate, and the Project does not displace existing water-dependent uses.
11. **Promote the sustainable use of fish resources in Chautauqua Lake (Policy 11).**
Consistent: No impacts to fish habitats or water quality will result from the Project, which will include the installation of a stormwater management system complying with the applicable stringent stormwater quality and quantity standards of the NYSDEC.
12. **Protect existing agricultural lands in and adjacent to the Chautauqua Lake waterfront revitalization area (Policy 12).**
Consistent: The Project Site does not consist of agricultural land. The Project will not have any adverse impacts in or adjacent to the Chautauqua Lake waterfront revitalization area.
13. **Promote appropriate use and development of energy and mineral resources (Policy 13).**
Consistent: No energy or mineral extraction is involved; the Project includes energy-efficient buildings per the requirements of the NYS Energy Code, which will be confirmed via the building permit application review process.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby issue this Waterfront Consistency Determination for the Project.

Motion made by Councilman, Scott Cummings **Second:** Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Sunset View PUD- Special Use Permit

Applicant: 1200 Group, LLC c/o Ellicott Development Company
Property Address: 5621, 5687 and 5695 East Lake Road, Mayville, NY 14757
Size of Project Site: 35.5 Acres
Zoning Classification: Residential-Lakeside (R-L) District

WHEREAS, the Applicant is seeking Preliminary PUD Plan Approval and a Special Use Permit from the Town Board for the proposed Sunset View Planned Unit Development Project to be located on approximately 35.5 acres of waterfront property (the "Project Site") that consists of 118 townhome units, 32 lots for single-family homes, 1 mixed-use

building including 24 residential units and an internal clubhouse and related community space, a seasonal boat dock, a pool, walking trails, a dog park, a stormwater management system, utility improvements and connections, open space and all related site improvements (collectively the “Project”). The project layout is depicted on the Preliminary PUD Plan [Drawing C-100 – Date: 11/20/25] prepared by Carmina Wood Design; and

WHEREAS, the modifications to the Project since the review process commenced in July of 2024 includes but is not limited to the following:

- Townhome roadway extension/connection added for enhanced emergency access to the Project.
- Shifted the mixed-use building to south approximately 100 ft. and up slope approximately 130 ft. for increased buffer from Chautauqua Lake Estates to the north and to prevent Chautauqua Lake Estates view blockage looking towards the south.
- Reduced mixed-use building height by a floor to two-stories on upslope side and three-stories on downslope. Also reduced mixed-use building length to 200 ft. This reduced the upper floors residential unit density from 40 units to 24 units.
- The density of the residential components of the Project was reduced to 174 units so that the project density is 4.9 residential units per acre.
- Reconfiguration of Fairview Drive to modify layout of the single-family component of the Project and so that Fairview Drive will consist of a public roadway designed to comply to current applicable technical standards.
- Added landscape buffer embellishment along north property line to screen light and sound from mixed-use building/amenity area to Chautauqua Lake Estates.
- The originally submitted Landscape Plans updated utilizing Chautauqua Watershed Conservancy supplied plant list.
- Outdoor amenity areas re-organized to establish buffer with restaurant patio and to Chautauqua Lake Estates.
- Elimination of the originally proposed northernmost curb cut from the Project Site onto East Lake Road based on input received from the NYS Department of Transportation.
- The seasonal boat dock layout has been modified and will consist of a maximum of 40 boat slips for seasonal use. The current layout of the seasonal boat dock is depicted on a plan prepared by Carmina Wood Design dated September 16, 2025. The seasonal boat slips will be available to residents, their guests, and the public on a first-come, first-served basis;

and

WHEREAS, the Applicant’s Amended PUD Application dated May 2, 2025 with attached supporting documentation included a detailed narrative prepared for the purpose of providing a description of the Project and detailed information regarding the proposed PUD as specified in Section 144-23A(3) of the Town of Chautauqua Zoning Code; and

WHEREAS, the Project was referred to the Chautauqua County Planning Board by the Town on June 26, 2025 in accordance with NYS General Municipal Law Section 239-m since the Project Site is within 500 feet of a NYS Highway; and

WHEREAS, on July 1, 2025, the Concept Review Committee adopted a resolution in accordance with Section 143-20C of the Zoning Code by a unanimous vote recommending approval of the requested Special Use Permit for the establishment of the Sunset View PUD based on its determination that the Project will be in the Town's best interest and will promote the health, safety, morals, comfort, convenience and general welfare of Town; and

WHEREAS, the Project was reviewed by the Chautauqua County Planning Board during its meeting held on July 8, 2025; and

WHEREAS, on July 11, 2025, Courtney Domst issued a Reply on behalf the Chautauqua County Planning Board stating as follows: "The Board's review considered the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-l. Based on this review, the Chautauqua County Planning Board finds that the proposed action would have no major county-wide or inter-community impacts and that the proposal is approved; and Additionally, the Chautauqua County Planning Board offers the following informal comments regarding the proposed site plan: 1. It is recommended that any proposed construction and development efforts consider the appearance and character of the neighborhood properties with regards to the project's building design, layout, landscaping, signage, lighting, etc.; and 2. Any necessary access changes to and from this property should be designed in accordance with generally accepted engineering standards to minimize potential traffic safety problems associated with vehicular movement between the property and adjacent roadways. The appropriate highway or transportation departments should be contacted if the right-of-way, driveways, ditches, etc. are to be modified."; and

WHEREAS, the Town Board adopted Local Law No. 2 of 2025 on September 10, 2025 for the purpose of amending Section 143-21 of the Zoning Code titled "Permitted uses; definitions; standards and application procedure" to permit limited commercial uses within a PUD in mixed-use buildings. More specifically, Local Law No. 2 of 2025 added the following as a permitted use within a PUD: "Commercial space including retail uses, restaurants, and office space if such commercial space is located in a mixed-use building that includes upper floor residential units so long as such commercial space does not exceed 15,000 sq. ft. in total. Additionally, the commercial space shall not include any drive-through facilities."; and

WHEREAS, Local Law No. 2 of 2025 as adopted by the Town Board on September 10, 2025, and was filed with the New York State Department of State on September 15, 2025; and

WHEREAS, on November 10, 2025, the Applicant submitted a request for a written interpretation of certain sections of the Zoning Code to Frank Watson, the Town's Code Enforcement Officer; and

WHEREAS, during its meeting on November 18, 2025, Zoning Board of Appeals adopted a resolution recommending approval of the requested Special Use Permit for establishment of a PUD by the Town Board; and

WHEREAS, on November 21, 2025, the Applicant filed a Variance Application and supporting documentation for the purpose of seeking area variances from the Zoning Board of Appeals for the Project; and

WHEREAS, on December 4, 2025, Frank Watson, the Town's Code Enforcement Officer, issued a letter regarding his interpretations of relevant sections of the Zoning Code requested by the Applicant on November 10, 2025. The interpretations of the relevant sections of the Zoning Code issued by the Town's Code Enforcement Officer are summarized below as follows:

- Allowable Density: The 174 residential units on a 35.5-acre site, resulting in a density of approximately 4.9 units per acre is acceptable and permissible within a PUD under the Zoning Code. Sections 143-20A and 143-20B expressly authorize PUDs to exceed the density limitations of

the underlying zoning district (here, the Residential-Lakeside (R-L) District). Section 143-20A states that a PUD is "an authority granted by a special use permit to allow construction of dwelling units within the designated area approved for development of the PUD without regard to the land area limitations of the district in which the PUD is made applicable." Similarly, Section 143-20B provides that a PUD application may "authorize an increase in the density of the area of the approved parcel over the area limitations of the district in which the parcel is located."

- Single-Family Residential Lots are Permitted within a PUD: Section 143-20B(7) states that "[a]ny tract or parcel of land proposed to be developed in the nature of a subdivision shall be subject to other articles of this chapter and shall not be treated as a planned unit development under this Article IV." This provision is intended to prevent the use of the PUD process for developments that are exclusively subdivisions of single-family homes on individual lots, as it would undermine the flexibility and mixed-use goals of Article IV. However, the Sunset View PUD is not exclusively a subdivision; it incorporates a variety of residential types and ancillary uses, consistent with the permitted uses in Section 143-21A, which allows any dwelling use permitted in R or R-L Districts, as well as other varieties of residential development approved under Article IV. Furthermore, as you note (referring the Zoning Code Interpretation Request dated November 10, 2025), the Zoning Code lacks a separate subdivision review process, and Article IV does not prohibit the creation of individual lots within a PUD for sale, provided the overall project aligns with the comprehensive planning objectives in Section 143-2. Thus, my interpretation is that the inclusion of the 32 single-family lots is permissible as part of the mixed PUD design.
- Sections 143-59B(1) and 143-59B(2) of the Zoning Code do not Apply to the Project: The proposed Sunset View PUD includes a seasonal boat dock with up to 40 slips for recreational use by project residents, their guests, and the public. Sections 143-59B(1) and 143-59B(2), commonly referred to as "anti-funneling" regulations, do not apply to this aspect of the project because future lot owners and residents will not be deeded or otherwise granted any exclusive legal rights to lake access. Section 143-59B regulates access to lakefront lots in specified districts, including PUDs, where such access is granted "by deed, easement, contract or otherwise" to non-lakefront owners for recreational purposes. Section 143-59B(1) requires a minimum 10,000 square feet of lakefront area free of overnight habitation structures if access is granted in this manner. Section 143-59B(2) imposes additional area and width requirements for access granted to four or more non-lakefront lots, parcels, or dwellings. My understanding and interpretation of these requirements is that they are triggered only when legal rights to waterfront access are conveyed or permitted via deed, easement, license, contract, or similar mechanism to entities who do not themselves own lakefront lots. Here, the seasonal boat slips will be available on a "first-come, first-served" basis to residents, guests, and public patrons of the restaurant in the mixed-use building, without any conveyance of ownership interests, easements, or other legal rights. The last clause of Section 143-59B(1) regarding structures for overnight habitation applies conjunctively only when access rights are granted. Since no such rights will be granted, the anti-funneling provisions are inapplicable, and the dock as proposed would comply with the general definition of "dock" in Section 143-3B;

and

WHEREAS, the Town Board held public hearings on the requested Special Use Permit for the Project during its meetings on October 8, 2025 and December 10, 2025; and

WHEREAS, the Town Board issued a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA") during its meeting on December 10, 2025, based on its determination that the Project will not result in any potentially significant adverse environmental impacts; and

WHEREAS, the Applicant's request for area variances for the Project was referred to the Chautauqua County Planning Board, to which on December 2, 2025, Courtney Domst issued a Reply stating as follows: "This letter is in response to your municipal zoning referral received in full by this office on December 1st, 2025 regarding several area variances to support the proposed PUD project at Tax Parcels 263.15-1-22, 263.10-2-2.3, 263.10-2-2.1. These parcels are located in the R-L Zoning District. As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of a state road. I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-I. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of local concern."; and

WHEREAS, during its meeting on November 18, 2025, the Zoning Board of Appeals met to consider the consistency of the proposed project with the Chautauqua Lake Local Waterfront Revitalization Program ("LWRP") policy standards and conditions set forth in §141-5 of the Town Code; and

WHEREAS, on November 18, 2025, the Zoning Board of Appeals adopted a resolution issuing a favorable Waterfront Consistency Recommendation to the Town Board based on its determination that the Project is consistent with all policy standards and conditions of the LWRP as set forth in Section 141-5 of the Town Code; and

WHEREAS, the Town Board has considered the Zoning Board of Appeals' Waterfront Consistency Recommendation issued on November 18, 2025, and adopted a Waterfront Consistency resolution on January 14, 2026; and

WHEREAS, Section 123-D of the Zoning Code states as follows: "The Town Board, in considering an application hereunder, shall make specific findings in a written decision, whether in favor of granting or denying the special use permit. In rendering such decision, the Town Board may exercise such discretion reserved for legislative matters so as to ensure that public health, welfare and safety are protected, and environmental resources and aesthetic concerns are most efficiently programmed and safeguarded, and any authorization hereunder shall not create fiscal burdens upon the community at large or an adverse impact upon adjacent property owners, and the intent and purpose of § 143-2 of this chapter are fulfilled.";

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the Preliminary PUD Plan and grants a Special Use Permit to establish the Sunset View PUD based on the following findings and subject to the conditions listed below:

1. The Project is consistent with Section 143-19 of the Zoning Code ("Intent and purpose of Planned Unit Development (PUD) Districts") since the Project layout provides open spaces and landscaping, includes recreational facilities, and provides a mixture of residential units and limited commercial space that will improve the well-being, health and general welfare of the residents and enhance the aesthetics of the project area.
2. The Project is consistent with Section 143-2 of the Zoning Code (titled "Purpose") which states: "This chapter is enacted for the purposes of promoting the public health, safety, morals, comfort, convenience and general welfare, securing the most appropriate use of land, conserving and

protecting property and property values, protecting the character and stability of agriculture, residential and business areas, and promoting their orderly and beneficial development, facilitating adequate and economic provisions for public improvement, providing adequate air, light, privacy and convenient access to property and lessening or avoiding congestion in the public streets and highways. The Town of Chautauqua finds it necessary to regulate the location and use of buildings and other structures, setback lines for buildings, the size of lots, yards, courts and other open spaces, and the use of land for trade, industry, residences, recreation or for other purposes and, for such purposes, divides the entire Town into districts or zones.”

3. The Project will not create fiscal burdens upon the community at large or an adverse impact upon adjacent property owners. The Project will generate substantial annual property taxes for taxing jurisdictions including the Town and with the exception of the reconstructed Fairview Road to be constructed as a public roadway, all on-site infrastructure will be privately-owned and maintained. The Town Board’s finding that the Project will not result in adverse impacts upon adjacent property owners is based on its consideration of the many modifications to the project layout made based on input received during the lengthy review process as well as the reasoned elaboration contained in the Negative Declaration issued by the Town Board pursuant to SEQRA on December 10, 2025.
4. The Project is consistent with the 2025 Final Draft Comprehensive Plan for the Town of Chatauqua and Village of Mayville (the “Comprehensive Plan”) including the four Key Issues identified as the most important needs and opportunities facing the communities over the coming decade. Those Key Issues are as follows: Economic Vitality, Land Use and Development, Community Livability and Housing and Mobility and Access and the basis for consistency with these Key Issues is as follows:

a. Economic Vitality: The Project will expand the local property tax base through the addition of up to 174 residential units and limited commercial space. The Project will support local tourism through the addition of new, well-appointed vacation rental opportunities and an emphasis on year-round outdoor active living for residents and guests. In addition, the Project’s proposed restaurant and taproom will be a popular destination open to the public, accessible by land or water, and offering panoramic views of the Lake.

b. Land Use and Development: The Project exemplifies smart growth practices through redevelopment of the former golf course in a manner that is consistent with the existing development in the vicinity of the Project Site. The Project is consistent with the traditional pattern of land use in the Town where recreational and residential development occur along the lakeshore. The Project does not threaten to fragment the local landscape with the loss of existing farmland and natural habitats. Instead of requiring specific expansion of existing infrastructure through dispersed development indicative of sprawl, the Project relies upon existing infrastructure in place or already in the process of being improved or expanded through various municipality sponsored utility projects currently underway. The Project avoids the costs and environmental impacts associated with extending services to outlying rural areas.

The Project will support small businesses and year-round visitor attractions. There are not any wetlands located on the Project Site. Limiting improvements within an appropriate buffer zone around the Lake helps to preserve environmental quality and water resources as well as protecting sensitive ecosystems. The current and historic condition of the Project Site is devoid of any provisions for stormwater management and the reduction of lake-harmful watershed. The Project involves the installation of an extensive stormwater management and bio-retention system that will comply with the stringent stormwater quantity and quality standards of the NYS Department of Environmental Conservation.

Consistent with the Future Land Use Map and the applicable Lakeside Community zone which encompasses the Project Site, the Project represents low-density development and has been deliberately designed is oriented to take advantage of lake access and views.

The Project supports recreation, tourism, and small-scale commercial uses that will serve current and future residents and visitors. The Project will maintain public access along its portion of lakeshore and will not diminish the scenic character of the same. While the Project will require the removal of several existing trees on the Project Site, the Project's proposed landscape plans will result in a substantial net increase in trees, strengthening the local tree canopy. Additionally, as proposed, new tree planting specifications on the Project Site have been designed to follow native species guidelines as provided by the Chautauqua Watershed Conservancy. Consistent with the Plan, the Project will promote a healthy tree canopy that will support effective stormwater management, mitigate heat impacts, and enhance visual appeal.

c. Community Livability and Housing: The Project begins to address the growing issue of the area's aging housing stock that is increasingly unable to meet the needs of current residents and future potential home buyers based on demographic shifts in the local population. An aging housing stock also translates into increased maintenance costs and poor energy efficiency when compared to new home construction utilizing modern, low-maintenance and high-efficiency building materials coupled with advanced construction methods. The range of housing types to be provided by the Project will cater to a variety of resident needs and levels of affordability.

d. Mobility and Access: The Project will incorporate EV charging stations that will support the growth of an effective EV network in the Chautauqua region.

Preliminary PUD Plan and Special Use Permit Conditions
for the Sunset View PUD

1. The Applicant shall obtain all necessary approvals of the detailed plans and specifications for the public water system, sanitary sewer connections, stormwater management system, and other infrastructure improvements to be constructed by the Applicant and where applicable, to be deeded to a Homeowners' Association(s) to be formed in connection with the Project. Copies of all necessary approvals and permits for the Project as well as the approved HOA documentation shall be provided to the Town upon approval.

2. When applying for building permits, the Applicant shall furnish a detailed survey map prepared by a licensed surveyor showing the precise boundaries, lot lines (where applicable), building locations, and facilities and other required information relevant to the building permit application. The Code Enforcement Officer may, in his or her discretion, grant a building permit where the detailed survey map deviates slightly from the approved Preliminary PUD Plan.

3. The Applicant shall furnish a specimen deed (or deeds) for conveyance of individual units/lots, which deed(s) shall be approved by the Town Attorney and shall contain or make reference (by liber and page) to the conditions, covenants, restrictions, reservations of easements, and other obligations subject to which title to each residential unit, lot, or condominium will be conveyed.

4. The Project shall be constructed in substantial conformance with the approved project plans, including the Preliminary PUD Plan (Drawing C-100, dated 11/20/25), Fire Truck Routing Plan (Drawing FT-100, dated 05/27/25) and Landscaping Plans (Drawings L-100 – L-105, dated 05/27/25), all prepared by Carmina Wood Design.

5. The Applicant shall construct the Project in accordance with the area variances granted by the Zoning Board of Appeals during its meeting on December 16, 2025 as follows:

- a. Signage allowing three ground signs with maximum face areas of 48 sq. ft. per side (one sign) and 32 sq. ft. per side (two signs), illuminated by non-flashing, non-LED sources (§143-16B);
- b. Minimum lot size of 8,000 sq. ft., minimum lot width of 60 ft., minimum front yard depth of 20 ft., minimum side yards of 7.5 ft., and minimum rear yard of 30 ft. for the 32 single-family home lots (§143-17);
- c. Minimum dwelling size of 500 sq. ft. for up to eight residential units in the mixed-use building (§143-18A);
- d. Maximum lot coverage of 35% for the 32 single-family home lots (§143-18B); and
- e. Three-story height for townhome buildings and mixed-use building (§143-21C(3)).

6. A minimum of 71.5% of the total Project Site (approximately 25.4 acres out of 33.5 acres) shall consist of greenspace.

7. At least 40% of the gross area of the Project Site shall be preserved as permanent open space, free of buildings, roadway and parking areas, and such preservation shall be legally assured by filing of appropriate covenants, deed restrictions, or other agreements to the satisfaction of the Town Board. Common recreational facilities, such as swimming pools, tennis courts, basketball, volleyball, beach areas, playground equipment and shuffleboard courts, for the use solely of the residents of the PUD and their guests may be credited toward the 40% of required permanent open space. The permanent open space shall be conveyed to a Homeowners' Association ("HOA"). The HOA shall be established by the Applicant prior to the issuance of any certificates of occupancy, and its governing documents shall include provisions for the perpetual preservation and maintenance of the on-site stormwater management system, the permanent open space, walking trails, dog park, pool, and other relevant community amenities.

8. All residential units (118 townhomes, 32 single-family homes on individual lots, and 24 residential units in the mixed-use building) shall connect to the existing public water and sanitary sewer systems, with any necessary expansions or improvements designed and constructed in accordance with the regulations of the North Chautauqua Lake Sewer District and Central & South Sewer District and applicable Health Department standards. No on-site septic systems or private wells shall be permitted.

9. The seasonal boat dock shall be limited to a maximum of 40 slips, available on a first-come, first-served basis to project residents, their guests, and the general public (including patrons of the publicly accessible restaurant/taproom in the mixed-use building). No exclusive or non-exclusive ownership interests, easements, licenses, or other legal rights to the slips shall be granted to residents via deed, contract, or otherwise. Copies of the required approvals/permits for the seasonal boat slip needed from the New York State Office of General Services and the New York State Department of Environmental Conservation.

10. Stormwater management measures, including pervious surfaces, detention areas, vegetated buffers, and erosion controls, shall be implemented in compliance with the New York State Department of Environmental Conservation ("NYSDEC") stormwater quality and quantity standards, as detailed in the approved engineered plans, the Engineer's Report and the Stormwater Pollution Prevention Plan ("SWPPP") to be prepared by a licensed civil engineer.

11. The Project shall incorporate energy-efficient building designs in accordance with the New York State Energy Code, to be verified during the building permit review process.

12. No energy or mineral extraction activities shall be permitted on-site.

13. The mixed-use building shall include approximately 14,400 square feet of first-floor commercial, management, and community facility space, with the upper floors limited to the 24 residential units.

14. The Project shall be constructed in phases. Each phase of the Project shall be constructed to comply with all technical standards including, but not limited to, emergency access, stormwater management, sanitary sewer, and water. The relocation and construction of Fairview Road as a public roadway will be included in the construction of Phase I of the Project.

15. All recreational facilities (e.g., walking trails, pool, dog park) shall be accessible to Project residents and maintained by the HOA(s) to be formed by the Applicant, with provisions in the HOA documentation for public access to be provided where appropriate (e.g., trails connecting to waterfront areas) to promote recreational use.

16. The Project shall obtain a Highway Work Permit from the New York State Department of Transportation for the driveway connection to East Lake Road. A copy of the Highway Work Permit needed from the NYSDOT shall be provided to the Town upon its receipt by the Applicant.

17. The Applicant shall complete the land exchange with "The Villas at Chautauqua Point" in accordance with the Land Exchange Agreement entered into by the parties dated December 9, 2025. This transaction involves an exchange of the martini-glass-shaped parcel located on the Project Site and property closer to the lake prior owned by the Applicant. The land exchange shall be completed prior to the issuance of any building permits for the Project. The exchange shall be documented through a recorded deed with a copy of the recorded deed to be provided to the Town.

18. Prior to the issuance of any certificates of occupancy for the Project, The Villas at Chautauqua Point shall apply for and obtain the necessary modifications to its existing Planned Unit Development (PUD) to reflect the land exchange described above.

19. No signs shall be erected without obtaining any necessary sign permits being obtained from the Code Enforcement Office.

20. The Applicant shall obtain all necessary approvals and permits from state, county, and local agencies prior to the issuance of any building permits or commencement of construction activities, including but not limited to approvals from the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Chautauqua County Health Department, North Chautauqua Lake Sewer District and Central & South Sewer District.

21. Prior to the issuance of any building permits, the Applicant shall submit final engineering plans, an Engineer's Report and SWPPP for all infrastructure, including roads, utilities, stormwater management, and site improvements, for review and approval by the Town's designated consulting engineer. Any recommended modifications to the above technical documentation required by the Town's consulting engineer to comply with applicable standards shall be incorporated into the technical documentation to be approved by the Town's consulting engineer prior to the commencement of construction activities in furtherance of the Project.

22. The Applicant shall enter into a Road Use Agreement with the Town of Chautauqua to protect local roads from damage during construction activities, including provisions for traffic management, repair obligations, and bonding (if determined to be necessary). The Road Use Agreement shall be approved by the Town Attorney and executed prior to the mobilization of heavy equipment or delivery of construction materials at the Project Site.

23. Upon substantial completion of the Project and certification by the Town Engineer that it meets Town standards, the portion of the internal roadway known as Fairview Road shall be dedicated to the Town of Chautauqua as a public highway. The dedication shall include all necessary easements, deeds, and maintenance agreements, subject to acceptance by the Town Highway Superintendent and the Town Board.

24. Construction activities shall be limited to the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays, with no construction activities permitted on Sundays or legal holidays.

Motion made by Councilman, Thomas Carlson

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye

Councilman Thomas Carlson- Aye

Councilman Kenneth Burnett – Aye

Councilman Scott Cummings – Aye

Councilman Leroy Parker – Aye

Carried

Town Water Projects- RFQ for Engineering Services

The Board discussed proposals from engineering firms for water projects, specifically Water District 1 and Water District 5. Scott Cummings noted that while the proposals were similar in scope, Square Engineering had previously helped the town secure grant funding for some of these districts.

Motion made by Councilman, Scott Cummings to retain Square Engineering for the town water projects.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

*Councilman Carlson excused himself at 7:34pm to leave the meeting to take a call.

Water District No. 1 Extension- Grant Acceptance

Supervisor Emhardt announced that the town was awarded a \$5 million grant from NYS Department of Health Drinking Water State Revolving Fund for the construction and installation of a water line from the green water tower across from Chautauqua Lake Estates to the Village of Mayville.

Motion made by Councilman, Scott Cummings to accept \$5 million State grant.

Second: Councilman Leroy Parker

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Absent
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Water District No. 1 Extension- SEQRA Notice of Determination

SEQRA-Negative Declaration

The Extension of Water District No. 1 in the Town of Chautauqua, Chautauqua County, New York

WHEREAS, the Town of Chautauqua is proposing the Town of Chautauqua Water District No. 1 Extension (Project), located in the Town of Chautauqua, Chautauqua County, New York; and

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Chautauqua completed a coordinated environmental review informing requested interested and involved agencies of the Town’s desire to act as the Lead Agency; and

WHEREAS, the Town of Chautauqua Town Board has considered the significance of any potential environmental impacts per the SEQRA Regulations and completed the appropriate SEQR documentation for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Chautauqua Town Board hereby established itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based on review of the SEQR documents, SEQR regulations, interested and involved agency comments, and other available supporting information, the Town Board hereby

determines that the Project will not have a significant adverse impact on the environment and will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a result of such findings, the Town Board hereby directs the Supervisor to sign the FEAF Part 3 of SEQR indicating that a Negative Declaration has been issued for the Project; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion made by Councilman, Scott Cummings **Second:** Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Absent
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Councilman Carlson returned to the meeting at 7:41pm.

Water District No. 1 Extension- Order Calling Public Hearing

ORDER CALLING PUBLIC HEARING

The Extension of Water District No. 1 in the Town of Chautauqua, Chautauqua County, New York

WHEREAS, the Town Board of the Town of Chautauqua, Chautauqua County, New York, has duly caused to be prepared a map showing the boundaries of a proposed extension of Water District No. 1 in said Town (hereinafter, “Water District No. 1” or simply, the “District”), a general plan to install water main, along with source, treatment, and storage improvements to the said District, and a report of the proposed method of financing and operation thereof; and

WHEREAS, said map, plan and report, including an estimate of the cost, were prepared by Square Engineering, competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of the proposed extension of said District shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said District consist of the installation of a new groundwater well, installation of a third high-lift pump, expansion of the existing treatment building, and installation of a treatment storage tank; installation of approximately 450 linear feet of 3-inch water main, approximately 6,400 linear feet of 6-inch, approximately 15,350 linear feet of 8-inch water main, approximately 4,000 linear feet of water service piping; installation of 212 water services; installation of approximately 37 fire hydrants; installation of approximately 62 mainline valves, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the maximum estimated cost of said improvements is \$11,479,000; and

WHEREAS, the Town has been awarded a \$5,000,000 grant from the New York State Department of Health’s Drinking Water State Revolving Fund (DWSRF) and interest-free financing of up to \$6,823,370 from the Infrastructure Investment and Jobs Act (IIJA) for the proposed project; and

WHEREAS, for any remaining balance after the application of the grant and loans, the proposed method to be employed for financing such improvement is the issuance of serial bonds, and

WHEREAS, assuming the Town receives the grant and no-interest financing mentioned above, the estimated cost of said District to the typical one- or two-family home therein is estimated to be between \$925 and \$1,176 in the first year in which operation, maintenance, debt service, and other charges and expenses are to be paid, depending on the project's final grant and loan funding package, and

WHEREAS, a detailed explanation of the manner by which said estimated costs of fees and first-year costs to the typical property were computed has been filed in the office of the Town Clerk at 2 Academy Street in Mayville, New York where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, said capital project for said District and the extension thereof have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects and a Short Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal office hours; and

WHEREAS, it is now desired to call a public hearing upon the question of the extension of said District and the improvements proposed therefor, all pursuant to Section 209-d of the Town Law;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Chautauqua, Chautauqua County, New York, shall be held at the Chautauqua Community Building, 2 Academy Street, Mayville, New York, in said Town, on the 11th day of February, 2026, at 7:15 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the extension and increase and improvement of the Water District in said Town as described in the preambles hereof, and the improvements proposed therefor, and to consider the map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. It is hereby determined that all expenses of the Water District No. 1, including all Districts heretofore or hereafter established, shall be a charge against the entire area of said Water District No. 1, as extended, including said District hereinbefore described, except that the area currently served by water within said District shall be treated as a separate benefit district within the larger district.

Section 3. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the *Jamestown Post-Journal*, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Motion made by Councilman, Scott Cummings **Second:** Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Absent
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

**Councilman Carlson returned to the meeting at 7:41pm.

Water District No. 5- Order Calling Public Hearing

The Board discussed the need for another public hearing for Water District 5 due to changes in water and meter prices that required state Comptroller approval. The previous attempt to hold this hearing had encountered publishing deadline issues.

ORDER CALLING SECOND PUBLIC HEARING

The Establishment of Water District No. 5 in the Town of Chautauqua, Chautauqua County, New York

WHEREAS, the Town Board of the Town of Chautauqua, Chautauqua County, New York, has duly caused to be prepared a map showing the boundaries of a proposed Water District No. 5 in said Town (hereinafter, the "Water District No. 5" or simply, the "District"), a general plan to serve said District, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan, and report, including an estimate of the cost, were prepared by Barton & Loguidice, D.P.C., competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost, and Square Engineering has now prepared an addendum to said map, plan, and report with updated cost estimates, which addendum is also on file in the office of the Town Clerk; and

WHEREAS, the Town Board previously called a public hearing on the proposed establishment of Water District No. 5, which hearing was duly held, and the Town thereafter submitted the proposed district to the Office of the New York State Comptroller for approval pursuant to Town Law; and

WHEREAS, during the period of the Comptroller's review, the Town successfully negotiated a lower wholesale water purchase rate with the Chautauqua Utility District, thereby reducing the estimated cost to the typical one- or two-family home below the threshold that would require further approval by the State Comptroller; and

WHEREAS, the Town's bond counsel has recommended that the Town Board re-notice and re-hold the public hearing on the establishment of Water District No. 5 with the updated, lower cost estimates in order to provide the most current information to the public and to establish a clear record for financing; and

WHEREAS, although the Town Board previously adopted an order on December 10, 2025 calling a public hearing regarding the establishment of Water District No. 5, the required notice was never published in the official newspaper and no public hearing was conducted; and to cure this procedural defect, provide proper notice to the public, and comply with legal requirements, the Town Board now desires to re-adopt the order and call a new public hearing; and

WHEREAS, the boundaries of said extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said District consist of the installation of approximately 28,000 linear feet of 4" and 8" water main, including original furnishings, equipment, machinery, apparatus,

valves, hydrants, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the maximum estimated cost of said improvements is \$9,312,000; and

WHEREAS, the proposed method to be employed for financing such improvement is the issuance of serial bonds, and

WHEREAS, the Town intends to apply to other sources of low interest loan and grant funding that would reduce the local costs and the cost estimates, including the Water Infrastructure Improvements Grants and Drinking Water State Revolving Fund administered by the New York State Environmental Facilities Corporation; and

WHEREAS, the estimated cost of said District to the typical one- or two-family home therein is estimated to be between \$1,091 in the first year in which operation, maintenance, debt service, and other charges and expenses are to be paid, depending on the project's final grant and loan funding package, and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs has been filed in the office of the Town Clerk at 2 Academy Street in Mayville, New York where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, said capital project for said District and the establishment thereof has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects and a Short Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal office hours; and

WHEREAS, it is now desired to call a second public hearing upon the question of the establishment of said District and the improvements proposed therefore, all pursuant to Section 209-d of the Town Law;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Chautauqua, Chautauqua County, New York, shall be held at the Chautauqua Community Building, 2 Academy Street, in Mayville, New York, in said Town, on the 27th day of January 2026, at 5:00 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the increase and improvement of the Water District in said Town as described in the preambles hereof, to be known as to the Water District No. 5, and the improvements proposed therefor, and to consider the map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. It is hereby determined that all expenses of the Water District No. 5, including all Districts heretofore or hereafter established, shall be a charge against the entire area of said Water District No. 5, including said District hereinbefore described.

Section 3. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the Jamestown Post-Journal, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town

maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Motion made by Councilman, Scott Cummings **Second:** Councilman Leroy Parker

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Battery Energy Storage Systems- Proposal for Assistance with BESS Law

Supervisor Emhardt presented a proposal from Wendel Engineering to develop a Battery Energy Storage System (BESS) law at a cost between \$2,000 and \$6,000, depending on the amount of work required. He mentioned that while updating the town's code and zoning was a future goal, the BESS law needed to be completed before the current moratorium expired.

Councilman Cummings expressed support for using Wendel, particularly if Drew Riley would be handling the work, noting his effectiveness in previous projects.

Motion made by Councilman, Thomas Carlson to approve the proposal from Wendel Engineering to develop a Battery Energy Storage System law

Second: Councilman Leroy Parker

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Non-Agenda Items

Supervisor Emhardt reported that third-wing renovations in the town building were progressing, though they had discovered mold on the roof where leaks had occurred, requiring remediation. Additionally, bids for 60 new windows were out with expected returns in February.

In response to a question from Tom Lescynski about Beaujean Road, Supervisor Emhardt explained they were planning to issue an RFP to address cleanup issues once the snow was gone.

Scott Cummings inquired about starting the process for updating the town's code and zoning. Supervisor Emhardt agreed to contact Wendel for a proposal, and Cummings suggested also seeking a proposal from Ostrander Consulting, who had assisted with the comprehensive plan.

Motion: made by Councilman Thomas Carlson to approve the Supervisor's report for December.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #013, Voucher #815 - 886 and Abstract #001, Voucher #001-018

Abstract # 013
Deposit of 12/11/2025 – 01/13/2026

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	101,328.84
B	GENERAL FUND- OUTSIDE VILLAGE	9,539.61
DA	HIGHWAY FUND – TOWNWIDE	17,977.77
DB	HIGHWAY FUND – OUTSIDE VILLAGE	9,760.37
H3	CP WATER DISTRICT 2 EXT.-Pt. Chautauqua	750.00
H4	CP WATER DISTRICT 2- SUPPLY/EXTENSION	59,091.75
H5	CP SEWER DISTRICT 1 – NORTH EXTENSION	97,409.80
SL1	WATER DISTRICT 5 - PT CHAUTAUQUA	418.85
SL2	DEWITTVILLE LIGHTING DISTRICT	444.95
SL4	BAYBERRY LANDING LIGHTING DIST	28.82
SS1	SEWER DISTRICT 1	24,356.55
SW1	WATER DISTRICT 2	6,180.16
SW3	WATER DISTRICT 3	25.00
Total:		327,312.47

Abstract # 001
Deposit of 12/11/2025 – 01/13/2026

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	163,735.41
DA	HIGHWAY FUND – TOWNWIDE	85,249.78
SS1	SEWER DISTRICT 1	60,526.00
SW1	WATER DISTRICT 2	127.79
Total:		309,638.98

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 7:47 P.M.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye
Councilman Thomas Carlson- Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker – Aye

Carried

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua