

**Present at Meeting:** Harry Balz, Chair  
Bill McGhie, Vice-Chair  
Teri Schuerlein, Member  
Mike Raymond, Member  
William Siegle, Member (arrived late)  
Georgia McMeekin, Alt #1  
Dan Freebern, Alt #2

**Also Present:** Jim Steen, Zoning Administrator  
Leah Everhart, Town Counsel  
Bob Olson, Town Board Member  
Gary Frenz, ZBA Chair

Alyssa and Scott Hayes, Matt Fuller, Joyce & Lloyd Greenidge, Kay McKeon, Brandon Himoff

**Agenda Items:** **File # 2014-05U Tax Map 88.10-1-8.2 Scott Hayes/SFH Enterprises**  
**File# 2014-06CU Tax Map 38.15-1-35 Clearwater Lake Restoration Assoc.**  
**File # 2014-01SD Tax Map 55.-2-5.1 & 72.-1-17 Brant Lake Farm**

Chair Harry Balz, called the meeting to order

Pledge

*Harry Balz stated that Georgia McMeekin will be a voting member in the absence of William Siegle.*

**Approval of minutes:** *April 2014:* Bill McGhie made a motion to approve the minutes, 2<sup>nd</sup> by Teri Schuerlein. All Ayes.

*May 2014:* Bill McGhie made a motion to approve the minutes, 2<sup>nd</sup> by Teri Schuerlein. All Ayes.

*June 2014:* Teri Schuerlein made a motion to approve the minutes, 2<sup>nd</sup> by Bill McGhie. All Ayes.

*July 2014:* Correct Gladys Greenidge to Joyce Greenidge. Bill McGhie made a motion to approve the minutes with corrections, 2<sup>nd</sup> by Mike Raymond. All Ayes

**Communications:** None

**NEW BUSINESS:** File #2014-01SD  
Tax Map 55.-2-5.1 and 72.-1-17  
Brant Lake Farm  
State Rte. 8 and Grassville Road  
Subdivision

Matt Fuller, Attorney representing the applicant stated that the subdivision proposal is to carve a 100 acre contiguous parcel from two tax map parcels (55.-2-5.1 and 72.-1-17). The parcel will contain 1,000 feet of road frontage with a small shoreline parcel on the lake. Matt Fuller continued to state that the correct footage along Grassville Road is 402 feet and in speaking with the APA, a Jurisdiction Inquiry Form (JIF) will be sent to the APA in the near future, there are no wetlands on the properties.

Discussion ensued regarding whether this is considered a two or three lot subdivision.

Matt Fuller stated that there will be one legal description of the contiguous parcel off of the two existing parcels.

Jim Steen presented the Board with a map indicating that the yellow outline parcel indicates the existing 288 parcel, the pink outline indicates the existing 270 acre parcel and the green outline indicates the proposed 100 acre parcel. The project exceeds the frontage and the density requirements, and the need for the JIF is because the larger existing parcels are located in the Resource Management Zone, though the proposed parcel is not located in the Resource Management Zone.

Matt Fuller stated that this project could be considered a Boundary Line Adjustment.

Mike Raymond asked Matt Fuller the reason for the proposed Subdivision.

Matt Fuller stated that the applicants want to sell the parcel.

Jim Steen stated that this project could not be considered a Boundary Line Adjustment as the regulations state that a boundary line adjustment is the transfer of a parcel consisting of less than the minimum lot size required in the zoning district wherein the property is located.

Mike Raymond asked if there are any roads on the property?

Matt Fuller stated that the property is vacant and there is a snowmobile trail through the property.

Harry Balz asked the Board if they had any concerns

Bill McGhie stated that this Board does not know how the APA feels about the project.

Matt Fuller stated that he believes this will be non-jurisdictional, and will file the JIF.

Georgia McMeekin asked what the proposed frontage amounts are.

Matt Fuller stated that the approximate road frontage is 1,300 feet on State Rte. 8.

Leah Everhart stated that in reviewing the SEQRA form, there are two questions not answered on Page 2, #8 & 9. Leah Everhart also stated that, unless the applicant was planning to affirmatively merge two of the proposed parcels, the subdivision would likely result in three separate parcels, rather than two.

The Board and the applicants Attorney reviewed the SEQRA form to include the answers on page 2 #8 & 9.

Being no further questions or comments, Bill McGhie made a motion to deem the application complete and schedule a public hearing, 2<sup>nd</sup> by Mike Raymond. All Ayes.

*Harry Balz stated that William Siegle is now present and will take a seat at the table, replacing Georgia McMeekin as a voting member.*

**PUBLIC HEARING:** File#2014-05CU  
Tax map: 88.10-1-8.2  
SFH Enterprises, LLC  
6537 State Route 8  
Conditional Use to operate a retail business: woodcutting, landscaping, wood sales and service.

Harry Balz stated that Applicant has submitted a SEQRA form, this project is a Conditional Use to operate a business. Harry continued on to state that this Board would like to encourage development and needs to get the "ducks in a row" as there was another firewood business down the road.

Lengthy discussion ensued regarding what is being sold on property and how the things were handled.

Teri Schuerlein asked how much land is being used for the business.

Scott Hayes showed the Board the tax map of the property.

Harry Balz asked if there are any comments or questions from the public.

Being no further comments or questions, Bill McGhie made a motion to close the public hearing, 2<sup>nd</sup> by Mike Raymond. All Ayes.

**UNFINISHED BUSINESS:** File#2014-05CU

Tax map: 88.10-1-8.2

SFH Enterprises, LLC

6537 State Route 8

Conditional Use to operate a retail business: woodcutting, landscaping, wood sales and service.

The Board reviewed the information provided in Part 1 of the SEQRA Environmental Assessment form and noted changes made: Question 1 – No and Question 5B – Yes. The Board then reviewed and answered the questions in Part II of the form.

Mike Raymond made a motion to declare a negative declaration, 2<sup>nd</sup> by Teri Schuerlein. All Ayes.

Jim Steen stated that the Board can impose reasonable conditions such as sawing at night, hours of operation etc. and if the Board chooses, now would be the appropriate time to have that discussion.

Harry Balz asked Scott Hayes what are his typical hours of operation.

Scott Hayes stated 7 am to dark.

Harry Balz asked Jim Steen if he has had any complaints regarding this operation.

Jim Steen stated he has not received any complaints.

Harry Balz stated that there is no need for conditions on this project.

Jim Steen stated that the noise ordinance is very vague.

The Board and the Applicant discussed the hours of tree cutting currently taking place and the Board discussed whether placing a limitation on those hours might be appropriate.

Leah Everhart stated that the Board could impose reasonable conditions on any approval, but clarified that the cutting of wood is not the subject of the Conditional Use, and that the applicant needs approval only to sell the wood on the premises. Attorney Everhart suggested that, if the Board wished to consider conditions, the conditions should be related to impacts that may result from the activity which is the subject of the approval, for example, addressing any increased traffic entering and leaving the property due to on-premises sales.

Being no further discussion, Mike Raymond made a motion to approve the Conditional Use as presented, permitting the sale of firewood on the premises, 2<sup>nd</sup> by Bill McGhie.

Scott Hayes asked if this permits him to sell "anything".

Alysia Hayes stated that the application is for a "Retail Business" and asked if rocks, sand, dirt could be sold.

Scott Hayes asked if the permit is limited to firewood.

Jim Steen stated that the application is for a retail business, and feels selling of boulders, rocks, dirt etc. is an accessory use and would not be an issue.

The Board agreed.

Harry Balz stated that a motion has been made and seconded, and asked for a vote.

All Board members voted Aye. The motion passed by majority vote.

**PUBLIC HEARING: File #2014-06CU  
Tax Map 38.15-1-35  
Clearwater Lake Restoration Association  
Conditional Use to replace dam and rehabilitate Clearwater Lake**

Harry Balz asked if there are any comments or questions from the public.

Being no comments or questions, Harry Balz asked of the Board had any comments or questions.

Mike Raymond asked if the plans for the dam are any further along.

Joyce Greenidge stated that there is a request from the APA for clarification.

Being no further comments or questions, Bill McGhie made a motion to close the public hearing, 2<sup>nd</sup> by Teri Schuerlein. All Ayes.

**UNFINISHED BUSINESS: File #2014-06CU  
Tax Map 38.15-1-35  
Clearwater Lake Restoration Association  
Conditional Use to replace dam and rehabilitate Clearwater Lake**

Bill McGhie stated that the information that was presented previously was thorough, and he had no further questions for the applicant.

Mike Raymond asked the Town Attorney if a SEQRA of required.

Leah Everhart stated that this is a Type II action, replacement of a structure in kind and does not require SEQRA review.

Being no further comments or questions, Mike Raymond made a motion to approve the Conditional Use to replace dam and rehabilitate Clearwater Lake, 2<sup>nd</sup> by William Siegle. All Ayes.

**Public Comments:** Bob Olson, Town Board Member, stated that he will be presenting the Town Board with a proposed revised fee schedule and would like this Board's opinion.

The Board member's did not have an issue with the proposed fee schedule.

**Board Comments:** Discussion ensued regarding the absence of the Chair and the Zoning Administrator at the July meeting.

Being no further business before the board Bill McGhie made a motion to adjourn the meeting 2<sup>nd</sup> by William Siegle. ALL AYES

**Next Meeting:** September 17, 2014

Respectfully submitted

*Christine Hayes, Acting Secretary*