



Town of South Bristol
6500 Gannett Hill Road West
Naples, New York 14512-9216
585.374.6341

Zoning Board of Appeals Meeting Agenda

Wednesday, October 25, 2017

7:00 p.m.

Call to Order

Pledge of Allegiance

Minutes

Approval of May 24, 2017 Zoning Board of Appeals Meeting Minutes

New Business

Special Use Permit:

Application #2017-0006
Tax Map #167.00-1-9.110
Gary DeVries
5500 Stid Hill Road

Consideration of meetings during November and December

Old Business

Other

Motion to Adjourn

Town of South Bristol Zoning Board of Appeals Meeting Minutes Wednesday, October 25, 2017

Present: Robert Bacon
Thomas Burgie
Albert Crofton
Carol Dulski
Jonathan Gage
John Holtz

Guests: Alexandra DeVries

Call to Order

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:00 p.m. followed by the Pledge of Allegiance. There was a roll call of board members present.

Minutes

Chairman Burgie called for a motion to approve the May 24, 2017 meeting minutes. Albert Crofton made a motion to approve the meeting minutes which was seconded by Jonathan Gage. The motion was unanimously accepted by all board members present.

New Business

The Rules of Order were read by Robert Bacon.

Special Use Permit Application #2017-0006:

Public Hearing Notice read by Diane Graham:

LEGAL NOTICE TOWN OF SOUTH BRISTOL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of South Bristol Zoning Board of Appeals will hold a public hearing on the following application:

Application #2017-0006 for property owned by Gary DeVries located at 5500 Stid Hill Road, Tax Map #167.00-1-9.110 who is looking for a special use permit to allow for more than 1,000 square feet accessory structures for a home business per the town code §170-16.2(d)(4).

SAID HEARING will take place on the 25th day of October, 2017 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road West, South Bristol, NY.

All interested parties may appear in person or by representative.

Chairman Burgie: This is your opportunity to tell us what you are trying to do. In the application there was a list of the items we need to consider when considering whether or not to grant this permit and also there were three things specifically on home occupations in addition to that list. If you have not been given that, they are pretty easy to address. Could you present your case on what you are trying to do and try to address those six items? There is no conservation overlay district.

Alexandra DeVries: I actually brought a couple of books here that Gary was basing the business off from and had ideas. There is one about solar kilns, forestry. Basically we want to start a small home business to get our kids to learn to have a good work ethic. We are not in it to make a lot of money. Do a small local business. If it does not do well that is fine, but he wants to do hardwood flooring maybe some custom woodworking for people. Keep it local and small. He wants to build a solar kiln in building that has a ventilated system to dry hardwood. It doesn't use electric. It's all solar. It dries the wood. In the main building he wants to do a workshop for all the tools we want to use.

Answer to questions one and two he thinks that it is consistent with the comprehensive plan for the town because it is captured by town code §170-2 *"It is the further purpose of this chapter to conserve and promote wherever possible the natural beauty of the land, its lakes, streams, forests and hills to the end that they may be enjoyed to the fullest by this and succeeding generations of Town residents and others by encouraging the most appropriate use of land throughout the Town."* This is basically what we want to do. We do not really want to destroy everything. We do not want to have a forester come in, rip us off, take all the trees, and ruin the land. We want to have a nice local little business using all the local wood that we have and represent South Bristol.

Answer to number three it will not affect the neighborhood by any means. We do not really have many neighbors and in the section of the road that we live on we are currently one of two all year-round residents. There is another that is being built. Pretty much everyone is like keep to yourself. We are way up on the hill. We are not near anybody. We have neighbors that are currently building the two down below. One is adding to their property and one is building a property. We can hardly hear them. They are not going to hear us. We do not want to disturb anybody. Everybody up there just wants to keep the peace. They obviously do not care because they are not here.

Answer to number four it will not be detrimental to nearby property because again we do not have anybody near us. We do have a seasonal couple that has their driveway off from ours. It is pretty close and we talked to the lady and she is very okay with everything. Again it is not even close to her property.

Answer to number five with the impact on the physical or environmental conditions the solar kiln again there is no electricity. It is all based off of the sun. So there is not going to be any waste or any electricity that is going to be negatively impacting the environment.

Chairman Burgie: Number six is not applicable here.

Alexandra DeVries: Okay. That is what I thought.

Chairman Burgie: We are going to address the SEQR in just a moment. Your husband filled out a form that gives us information about the SEQR.

Visitation reports: Anyone able to go up and take a look?

Albert Crofton: I drove by and he is correct it is remote.

Jonathan Gage: I went up and spoke with Mrs. DeVries on the phone. I called Mr. DeVries first. He discussed different aspects of it so that when I went up there I would be able to see as it is reflected in the different diagrams here. When you are up there, you do not see any other places at all. You have to go all the way down the driveway to the lower level to see any places. It was very quiet up there. I saw

bulldozers working below because there was a truck for one of the companies down there and I could not hear that from up there. Where everything is spread out in the woods this is portrayed exactly as in the diagrams.

Carol Dulski: I took a ride. I saw a chicken. No one came out. It is remote. It is quiet up there.

Alexandra DeVries: If I was there, I apologize. I am a little busy with the baby.

John Holtz: I went up there. We had a nice conversation and visit. It looks like what he wants to do there is not really another place on the property to do it. We talked about the arc of the sun for the solar kiln drying. It looks like the best location they own there and it seems like it would not have any impact on anything. The only thing that I would worry about as I was leaving is being on a designated abandoned road. Is that to say that a business can go on an abandoned road? Is that a complication or not? I thought I would bring it up.

Alexandra DeVries: Actually I can partly answer that. He is very interested in the whole abandoned road. He has looked into it a lot and it is technically qualified abandoned which means that town does not technically have to take care of it if they do not want to but it is public. Anybody can go on it and the town does not have to take care of it.

John Holtz: If we as a town board say we are approving of this business to go in there, I am sure that a business would like better access for a customer base and everything. I do not know if that complicates things. Through our conversation you are not looking at a high volume of traffic.

Alexandra DeVries: No. We want to keep it small.

John Holtz: I do not know if that is an issue or not. Other than that it satisfied everything.

Chairman Burgie: I have not seen anything written addressing that. This in actuality is a home occupation smaller size than a separated business or anything of that nature. I did not see anything that prohibited a home occupation being on an abandoned road. If anybody knows of anything different, please bring it up.

Robert Bacon: I did a drive by also. I had similar questions as John Holtz. You think about it as an abandoned road but the town does not maintain it. Do the neighbors maintain it? It sounds like you have already talked to the neighbor and if there is additional truck traffic that would be the burden of you and your husband to maintain.

Alexandra DeVries: We actually pretty much are the ones that do maintain it because my husband has the equipment to do so. Basically the neighbors pitch in or if they need anything to be fixed they notify him because we have the tractor, the excavator, the bulldozer. We have it all to fix the road which is partly the reason why we bought that equipment so the road can be maintained. It gets pretty washed out in the spring.

Robert Bacon: Are you snow plowing the road during the winter months?

Alexandra DeVries: We can but usually Jim Wight will come down and he will plow it just out of friendliness but he does not have to. If he can't, we do have a snow plow also. We can and have snow plowed it as well.

Chairman Burgie: The neighbors are pretty happy to have you there as well?

Alexandra DeVries: Yes. Absolutely.

Robert Bacon: You have a good relationship with them?

Alexandra DeVries: The only other resident that lives all year round before we moved up used to have to plow it with his four wheeler so he is very happy we are up there.

Chairman Burgie: If no other visitation reports, it is time to determine the SEQR status. SEQR is State Environmental Quality Review Act. We are required to determine the impact on environment that your activity is going to have. There is a list of type I actions which require a full SEQR investigation with reports and a lot of agencies get into it. There are type II actions that the state has already reviewed that says these are not going to impact the environment. They are approved. Then there is unlisted. If it does not fit into one of these then we have to go a little bit deeper and see if we have to do more or not. I would propose that this would fit under type II action which is *“Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;”* All of your floor space together is probably around 4,000 square feet. It is certainly consistent with this and it is non-residential structures you are talking that do not involve a change in zoning or use variance and consistent with the local land use controls. I think we can classify it under that. That would be a type II action which means no further action is required. We will make that a finding if the board agrees with that when we do findings which is documentation of our evidence.

7:19 p.m. We now open the public hearing to allow anyone else to address their concerns.

7:19 p.m. We will close the public hearing.

Is there any public or municipal officer's documentation appropriate to this case? Did we receive anything?

Diane Graham: No.

Chairman Burgie: We open it up for the board discussion and debate period. Does anybody have anything that they would like to ask, comment, discuss, etc.?

John Holtz: To have a small home base business seems to be one of the things that our comprehensive plan says that South Bristol really would like to promote. This is right along the lines of that even the past one and the one that is being developed.

Alexandra DeVries: It's actually what we want to keep all the local aspect of it too. The name of the business is *“Local Woods”*. We actually have a Facebook page for it and everything. We want to advertise local Bristol and keep it all here.

Chairman Burgie:

In your PowerPoint presentation I found it very interesting that you had in it to:

- Improve the overall forest health through crop tree management techniques
- Dasherwald õworst firstõ harvesting
- Utilize all grades of lumber for value add timber products
- Remove invasive species and manage whitetail browsing with hunting and local isolations
- Small scale techniques ó tractor with farm skidders, small sawmill, small machinery

With solar kiln I do not know as how you get any more congruence with the comprehensive plan. That is exactly what we are looking for here.

Alexandra DeVries: Definitely. He is very adamant as you were reading people take the worst first tree and make the forest better and healthier. It is not like this is a great tree lets chop it down and we can make money from it. If it is a good tree, cut down the bad ones around it and promote its growth to try and make nature better.

Chairman Burgie: Any other discussion?

John Holtz: Have you talked with DEC at all? It is a free service about forest management.

Alexandra DeVries: A lot. He is good friends with somebody from the DEC, Brice June, I believe his name is. He emails and texts him all the time. We sometimes have issues with cankerworms and they come and eat all the leaves on our trees. They have started to kill a lot of the trees and we have been in contact with him to see if in fact this is a worm. If this is an evasive species. What do we do about it? We have had him up here a lot to help with the forest management.

Chairman Burgie: Good. Any others?

Jonathan Gage: What is going to be the power base for the saw mill?

Alexandra DeVries: He already has that running so it is basically I think it is powered by gas. No it is not hooked up to anything and there is nothing connected to it. I believe it is powered by gas. I am not 100% on that one. I know it is not connected to any sort of electricity. It is off by itself.

Chairman Burgie: If there is no other discussion, then it is time to determine our findings. Evidence we need to document. The general things that we need to address you helped us address early on.

Finding #1:

This construction and the home base business is consistent with SEQR 617.5(c)(7) *“Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls...”*

Motion was made for finding #1 by Thomas Burgie and the motion was seconded by Albert Crofton.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski)

Opposed: 0

Finding #2:

The proposed use is consistent with the comprehensive plan of our town and the proposed use is consistent with the purposes of the zoning law of our town.

Motion was made for finding #2 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski)

Opposed: 0

Finding #3:

The proposed use will not adversely affect the character of the neighborhood or be detrimental to nearby properties or have an adverse impact on the physical or environmental conditions of the neighborhood or district.

Motion was made for finding #3 by Thomas Burgie and the motion was seconded by Jonathan Gage.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski)

Opposed: 0

Chairman Burgie: The operator must reside on the premises in which the home occupation is located.

Alexandra DeVries: Definitely.

Chairman Burgie: The application shall define and fully describe the proposed home occupation and any special permit granting shall be valid for that use and no other.

Alexandra DeVries: Correct.

Chairman Burgie: You have fully described that proposed occupation. If the home occupation is to be performed outside, no activity, storage of supplies, equipment or product, loading, unloading, parking, advertising, or sales shall be permitted within ten (10) feet of the property line or public right of way boundary.

Alexandra DeVries: Definitely.

Finding #4:

This application meets all the requirements for special use home occupation.

Motion was made for finding #4 by Thomas Burgie and the motion was seconded by Albert Crofton.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski)

Opposed: 0

Finding #5:

I think for clarification that I would state that this is small business as you have said in the presentation. It is not a full-time business because that is what we are banking the consistency with our comprehensive plan.

Alexandra DeVries: Definitely.

Motion was made for finding #5 by Robert Bacon and the motion was seconded by Carol Dulski.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski)

Opposed: 0

Chairman Burgie: What else? Is there anything we have forgotten to include any stipulations that we need to require? No. Okay. I would like to ask if anyone would like to offer a motion to approve or deny the applicant's request.

A motion was made to approve special use permit by Albert Crofton and the motion was seconded by Robert Bacon.

Roll call vote.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski)

Opposed: 0

Motion Carried.

Consideration of meetings during November and December

There was a proposal and discussion to combine November and December meetings into one meeting due to dates falling around the holidays. The board unanimously agreed to hold one meeting on Monday, December 4th at 7:00 p.m.

Old Business

There was no old business at this time.

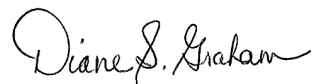
Other

There was no other business at this time.

Motion to Adjourn

Being no further business, Robert Bacon made a motion to adjourn the meeting and it was seconded by Carol Dulski. The motion was unanimously accepted and the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham".

Diane Scholtz Graham
Board Secretary