

**VILLAGE OF HONEOYE FALLS
ZONING BOARD OF APPEALS**

October 23, 2001

MEMBERS PRESENT: C. Harold Gaffin, Chair
Theresa Markham
Jim Hoh

MEMBERS EXCUSED: Henry Besanceney

ALSO PRESENT: Michael Tobin, Village Attorney; James Turner, Village Code Enforcement Officer; Charlie Dekar and Veronica Lee, homeowners; Thomas Casler, Tratham Logging.

Chairman Gaffin called the meeting to order at 7:35 p.m.

PUBLIC HEARING : SPECIAL USE PERMIT : 79 MAPLEWOOD AVENUE: DEKAR

Chairman Gaffin opened the public hearing at 7:37 p.m. Affidavit was signed and public notice was read.

Mr. Dekar approached the Board to explain his request for a special use permit to allow him to harvest timber located at his 79 Maplewood Avenue property. The land consists of 34 acres, 15-20 of which are woods. Mr. Dekar explained that approximately 100-150 trees would be harvested for lumber primarily basswood and ash trees, due to crowding in the woods and to promote better general health of the woods. Mr. Dekar stated he had no intention to replace any of the trees or to use the land as a woodlot, that this would be a one-time use. Mr. Dekar stated a professional logging company, Tratham Logging, would harvest the lumber. Mr. Dekar cited his letter to the Board of August 12, 2001, which the Board reviewed.

Mr. Gaffin stated that all Board members had personally spoken with Mr. Dekar regarding his application, and many of them had walked the property with Mr. Dekar. The Board reviewed a map of Mr. Dekar's property showing sites where the trees would be cut. The representative form Tratham Logging described how trees would be selected, marked and cut.

Mr. Hoh inquired if a permit from the DEC or any other government entity would be necessary. Mr. Dekar replied that the DEC had sent him their guidelines for tree management. Mr. Hoh questioned who would enforce the guidelines. After much discussion, it was determined that the Code Enforcement Officer would be responsible.

Mr. Gaffin inquired if Mr. Dekar's neighbors had any comment regarding the application. Mr. Dekar replied that his neighbor to the east, Gaye Mills was not in favor of cutting down trees, but understood Mr. Dekar's reason to promote healthy tree growth. Mr. Dekar's other neighbors, the Taylors and Haas family had no comments.

Mr. Gaffin read written comments from Board member Besanceney regarding the application.

Mr. Gaffin inquired if there were any comments from the public. As none were noted, the public hearing was closed at 7:45 p.m.

ACTION ON THE PUBLIC HEARING ITEM

Mr. Tobin stated that the Board should take action to indicate there was no negative environmental impact due to the nature of the activity.

SEQR REVIEW

Motion by Theresa Markham, seconded by Jim Hoh to declare the Village of Honeoye Falls Zoning Board of Appeals the lead Agency.

Motion carried.

Motion by Theresa Markham, seconded by Jim Hoh to adopt the following resolution:
WHEREAS Charles Dekar has prepared a Short Environmental Assessment Form for a special use permit to harvest trees from his 79 Maplewood property; AND

WHEREAS; the Zoning Board has reviewed proposed plans for same; AND

WHEREAS ; considering the magnitude and importance of each impact, and based upon inspection and knowledge of the property, the Zoning Board finds that no significant environmental impact exists.

Motion duly adopted.

Mr. Gaffin stated that Mr. Turner should provide some guidance to the Board as far as regulations governing the timber harvest, as the Board did not have the expertise to act as professional environmental advisors to Mr. Dekar.

The Board reviewed the logging contract between Mr. Dekar and Tratham Lumber. Mr. Dekar stated that the logging would take place when the ground was frozen or dry and hard packed to avoid any undue environmental disturbance. A discussion of steep slopes and swampy areas near the proposed logging effort ensued. Ms. Markham stated that as long as the trees marked were taken as specified, she did not see a problem with the project. Mr. Casler stated he did not foresee any problems with traffic during the operation. Noise will be minimal but will be addressed by the Village noise ordinance.

Motion by Theresa Markham, seconded by Jim Hoh to adopt the following motion:

WHEREAS, Charles Dekar and Tratham Logging have applied to the Zoning Board of Appeals for a special use permit; namely for a one-time logging of trees located on Mr. Dekar's 79 Maplewood Avenue property; and

WHEREAS, a public hearing was conducted on October 23, 2001 pursuant to public notice, and

WHEREAS, the Board after due consideration of the application and the applicant's presentation, finds that based upon the application by Mr. Dekar to remove certain trees from his woodlot, and based upon personal knowledge of the project and inspection of the site, the Zoning Board of Appeals finds that no significant environmental impact exists as long as the job is consistent with best management practices to the 100- 150 trees selectively removed as indicated by Mr. Dekar.

NOW BE IT RESOLVED THAT the application for a special use permit be granted based upon the above, pursuant to plans received.

ROLL CALL VOTE

Gaffin: AYE
Markham: AYE
Hoh: AYE

Motion unanimously carried.

MINUTES

Minutes were tabled until the next meeting.

ADJOURN

Motion by Theresa Markham, seconded by Jim Hoh to adjourn the meeting at 8:30 p.m.
Motion carried, meeting adjourned.

Respectfully submitted,

*Sheila Byrne Coleman
Secretary, Zoning Board of Appeals*