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IN THE MATTER OF THE APPLICATION OF
JOHN D. MILLER and KATIE MILLER
TO THE TOWN OF BRASHER, NY PLANNING BOARD

June 26, 2023
11 Factory Street
Brasher, New York 13613
6:00 p.m to 7:55 p.m.

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APPEARANCES

TOWN OF BRASHER PLANNING BOARD:

- Julia Rose, Chair
- Jamie Fedonick
- Robert Carter
- Daniel Pike
- Ronny Miller

TOWN OF BRASHER CODE ENFORCEMENT OFFICER:

Wes Lincoln

TOWN ATTORNEY:

Roger Linden, Esq.
117 Main Street
Canton, New York 13617

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EXHIBIT INDEX

- A Sawmill Application Package
- B Light Manufacturing Application Package
- C Legal Notice of Public Hearing
- D Property Description, Tax Report & Map
- E Michelle First Speech
- F Nathan Winkler Speech
- G Mr. Tubbs' Speech

1 MS. ROSE: I'd like to thank everybody for coming
2 to this public hearing. We will call the meeting to order;
3 but before I do that, there will be a section where the
4 public can make a comment, if you choose to. I'd just ask
5 that you step forward, state your name, your address and if
6 you're a resident of Brasher, and then you'll have three
7 minutes to say what you'd like to say. If more than one
8 person wishes to speak, we ask that you please provide new
9 information and not repeat what someone has already said so
10 we can keep this meeting moving along.

11 So we'll call it to order. I have 6:02, and I'm
12 going to run through the board names. Jamie?

13 MR. FEDONICK: I'm here.

14 MS. ROSE: Ron?

15 MR. RON MILLER: Here.

16 MS. ROSE: I'm here. Bob?

17 MR. CARTER: I'm here.

18 MS. ROSE: And Dan?

19 MR. PIKE: Here.

20 MS. ROSE: We also have our code enforcement
21 officer, Wes Lincoln.

22 MR. LINCOLN: Here.

23 MS. ROSE: And we do have a quorum. I just need

1 to make two changes to the agenda. We are going to flip
2 the public comment and SEQR Part II for both the
3 applications, and I would need a motion to accept the
4 agenda for the change.

5 MS. FEDONICK: So moved.

6 MR. RON MILLER: Second.

7 MS. ROSE: Thank you. So we'll move on to the
8 project reviews, we'll start with the sawmill operation at
9 600 County Route 53, and I will turn it over to code
10 enforcement officer Lincoln to run through a quick
11 presentation.

12 MR. LINCOLN: My name is Wes Lincoln, I'm the
13 code enforcement officer, as most of you all know me. I've
14 received an application from John and Katie Miller to
15 operate a sawmill at 600 County Route 63 in the Town of
16 Brasher. This states the sawmill is zoned in a rural
17 district, and the section of the town law pertaining to the
18 proposed special use for the sawmill is Article 3, Section
19 14. Due to the location of the project, it was referred to
20 the St. Lawrence County Planning Board. The St. Lawrence
21 County Planning Board returned the application for local
22 action after I referred it to them.

23 (Documents shared on screen)

1 MR. LINCOLN: This is a site depiction of the
2 barn and sawmill on site on Mr. Miller's property at 600
3 County Route 53. It's approximately 130 feet off the road
4 and approximately 120 feet from the nearest lot line
5 neighbor. This is a picture of the entire site. That's
6 the barn and the sawmill in the back. That's just another
7 picture of the sawmill. That also shows some wall
8 insulation Mr. Miller had recently put up, along with board
9 and batten siding on the other side of it. That's another
10 picture of the board and batten siding, and on the left is
11 some of the screening pine trees. Mr. Miller put up 11
12 coniferous trees spaced about 10 feet apart on the property
13 line. I think 9 of the 11 trees are 6 to 10 feet in height
14 and two of the trees are slightly shorter than that.

15 I took a couple of decibel readings on multiple
16 different occasions at the site of the sawmill. These
17 decibel readings were taken earlier today. 69 decibels was
18 while Mr. Miller was running the sawmill, operating it with
19 lumber going through it. And for reference, 78 decibels is
20 multiple passing powers. The wind was blowing from the
21 south to the northeast direction earlier today, and sound
22 levels were taken at that same tree line that we used a
23 picture of in the previous slide.

1 Other relevant information, some of which I have
2 already mentioned, the sawmill does have roll insulation
3 placed under the board and batten siding. There are 11
4 pine trees placed at 10 foot intervals. The sawmill burns
5 diesel fuel. Mr. Miller brings it in with 5 gallon jugs
6 from a local field station, 5 gallons at a time. The
7 sawmill, last fall Mr. Miller placed an exhaust on it and
8 included a 15-foot extension on the exhaust. In addition
9 to that, Mr. Miller has applied with the County for a
10 driveway permit from the county highway department, and the
11 County noted no concern with the driveway location
12 following the application and the review by their
13 engineers.

14 MS. ROSE: All right. We are hearing this
15 because it is a special use permit and it's a use permitted
16 with a special use permit in a rural district. And the
17 general standards for all special uses include the location
18 and size of the use, the nature and intensity of the
19 operations involved, the size of the site in relation to
20 it, and the locations of the site with respect to the
21 existing or future streets getting access to it shall be
22 such that it will be in harmony with the orderly
23 development of the district and the location, nature and

1 height of buildings, walls and fences will not discourage
2 the appropriate development and use of adjacent land and
3 buildings or impair the value thereof. Lot size, lot
4 design and special conditions shall ensure that operations
5 in connection with any special use shall not be more
6 objectionable to nearby properties for reason of noise,
7 fumes, odor, glare, vibrations, flashing lights, at the lot
8 line, then would be the operations of any permitted use.
9 Screenings shall be required where deemed appropriate by
10 the planning board. Special uses shall comply with Article
11 5, and this was Article 5, Section 28 D1, 2 and 3.

12 Specifically, Item H within Article 5 relates to
13 light industry, manufacturing or assembly, lumber or feed
14 sale storage, heating, plumbing, electrical supply and
15 repair, building, shop, fuel oil storage facility and
16 sawmill. Requirements are as such: Minimum lot size shall
17 be 2 acres. The planning board may require a larger
18 minimum lot area if necessary to safely accommodate the
19 nature and scale of the proposed use. All structures shall
20 be located at least 100 feet from any adjacent residential
21 use or property which would permit a residential use. The
22 planning board may require screening from adjacent
23 properties as needed. All fabrication or other processes'

1 activities shall be conducted within an enclosed building,
2 and there shall be no exterior storage of materials within
3 10 feet of any lot line. There shall be no on premise
4 disposal of waste.

5 And the third item that I would bring to
6 everyone's attention under Article 4, General Standards,
7 Section 19, Item A: No land use shall be hereinafter
8 commenced on a lot with a street frontage of less than 100
9 feet unless otherwise provided in its local law.

10 So Wes, do they meet the 100 feet of street
11 frontage?

12 MR. LINCOLN: Yes.

13 MS. ROSE: I believe we have a tax map that shows
14 it's well over a thousand feet of street frontage.

15 MR. LINCOLN: Correct.

16 MS. ROSE: So at this point we will allow the
17 public to speak. And again, if you would step forward,
18 state your name, address, if you're a resident of Brasher,
19 and you have three minutes. And I will just let you know
20 with a little hand wave if you approach the three minutes,
21 okay? So whoever would like to speak is just up to you.

22 MR. ELDRIDGE: Mark Eldridge, 816 State Highway
23 11C, Brasher Falls. I don't know what's going to happen in

1 this meeting, most of my comments are on the affidavit
2 given by you and Wes, I guess, which I don't understand. I
3 think that they kind of indicated that you have a bias.
4 You described it as a little Amish place, it's kind of
5 cute, and everybody is thinking the sun's shining, birds
6 are out. Wes said he didn't expect -- are we really going
7 to make Amish people have parking spots. I have nothing
8 against Amish business, I do business with an Amish person,
9 but I think they've got to be done right. I don't know why
10 that they're Amish is even mentioned, they're just other
11 people just applying for a special use permit. So are we
12 treating them different than everybody else?

13 MS. ROSE: Are you referring to --

14 MR. ELDRIDGE: I'm referring to the affidavit.

15 MS. ROSE: Well, we're referring to the
16 applications that are in front of us.

17 MR. ELDRIDGE: Well, this is relevant in relation
18 to that application, your mind-set on the project, isn't
19 it? What you think about the project isn't relevant to the
20 application?

21 MS. ROSE: It wasn't what I thought about the
22 project, it was what I thought about the way it was
23 handled.

1 MR. ELDRIDGE: Yeah, but when you make -- I mean,
2 calling it just a simple little Amish operation, I mean,
3 that's not part of your mind-set on how you're looking at
4 the project?

5 MS. ROSE: It is, because we're talking about
6 context and scale, and that is context and scale,
7 absolutely.

8 MR. ELDRIDGE: Forget the part that you mentioned
9 that's Amish, that's a separate argument. But scale, you
10 say it's going to be a little operation, that's now. What
11 about five years from now, do you have any control over
12 that?

13 MS. ROSE: Yes, if they want to expand, they
14 would have to --

15 MR. ELDRIDGE: Expand past the 2 acres?

16 MS. ROSE: No, they would have to come in -- he
17 would have to follow up and make sure that they are staying
18 within their permitted use, just like anybody else, Mark.

19 MR. ELDRIDGE: Right. That's my point. But
20 you're describing it in your affidavit as just this little
21 place, we don't even think they have any employees, you
22 know, they're making a couple little things. But the
23 special use permit allows them to expand up to the size of

1 their land as much as they want. I mean, they can start
2 making -- instead of making one shed or two sheds, they can
3 start making 100 sheds under the same special use permit,
4 it's still the same thing, right?

5 MS. ROSE: As far as I'm understanding, yes.

6 MR. ELDRIDGE: So if you're looking at it as just
7 some little tiny thing --

8 MS. ROSE: I guess if you're at a hundred sheds,
9 you're no longer light industry, at a time --

10 MR. ELDRIDGE: We're guessing here, I --

11 MS. ROSE: -- you've got an assembly --

12 MR. ELDRIDGE: -- I would call that light
13 industry. I mean, there's just a difference in how you're
14 describing it and what can happen here. I mean, if you're
15 going to describe it that way. You seem to be ruling on it
16 as this image you have in your mind that has nothing to do
17 with what the reality may be or may not be of what you're
18 approving.

19 MS. ROSE: Actually, I think we're approving with
20 what is presented to us, which is all we can approve. I
21 can't make up the future, Mark. So I made my comments,
22 that's what I'm looking at.

23 MR. ELDRIDGE: One of the whole reasons of the

1 zoning is not just so people can get permission to do stuff
2 on their property but so people have predictability about
3 the future when they get a 30-year mortgage on a piece of
4 land. And that's the whole purpose, it's not just for one
5 side, it's for both sides. And everybody has to get
6 together. This has nothing to do with you guys, I hope you
7 can do it somehow. Like I said, I have nothing against
8 that. But I don't think we can be saying that are we
9 really going to make Amish have parking spots. I don't
10 know, is that is the zoning code. I don't see any place in
11 there where it says that they don't need parking places or
12 a space for that. I mean, when I was at the guy I work
13 with, there was nine cars there one day, I mean.

14 MS. ROSE: Thank you. That is three minutes.

15 MR. ELDRIDGE: And you can assume that I am
16 recording this. I mean, that was a big deal. I've never
17 been at a meeting where people didn't assume everyone was
18 recording.

19 MS. ROSE: Okay.

20 MR. WINKLER: Hello, my name is Nathan Winkler, I
21 live at 615 County Route 53. John and Katie Miller at 600
22 County Route 53 are our neighbors. I come before you today
23 to request that the Millers' request for two special use

1 permits to operate a sawmill and shed manufacturing
2 business, as it exists now, be denied. Mr. Miller's
3 sawmill, when the diesel engine loads up, creates a low
4 vibration that can be heard and felt from inside any part
5 of our house. When Mr. Miller and his worker are hammering
6 nails, building sheds, the noise can be heard from inside
7 any part of our house. When he operates his sawmill and
8 the wind blows from south to north, the same way that it
9 has for most of today, the fumes blow into our house if we
10 don't have it closed up. Mr. Miller's milling and
11 manufacturing activities directly affect our ability to
12 enjoy the peace and quiet that one should be afforded
13 inside the walls of their house and on their property.

14 I am a software developer and I work from my home
15 office. Mr. Miller's milling and manufacturing activities
16 directly affect my ability to effectively perform my job
17 duties. At the end of last year a large, complex project,
18 18 months in the making, was coming to a conclusion. At
19 this time the disruption caused by Mr. Miller's activities
20 and the prospect of a six-man milling and manufacturing
21 operation being next door was extremely distracting and my
22 project suffered as a result. My employer is in
23 Massachusetts, so I do not have the opportunity to commute

1 to work to get away from the disruption that Mr. Miller's
2 business causes, but the Brasher zoning regulations state
3 that I should not have to. The regulations state: Lot
4 size, site design and special conditions shall ensure that
5 operations in connection with any special use shall not be
6 more objectionable to nearby properties by reason of noise,
7 fumes, odors, glare, vibrations, or flashing lights, at the
8 lot line, than would be the operations of any permitted
9 use. I'm assuming that tot is lot in that and it's a
10 misspelling.

11 The permitted use allowed in a rural district
12 that most closely approaches being as objectionable as
13 Mr. Miller's activities is "Agriculture". Diesel fumes,
14 sawmill sounds and hammering all day, 6 days a week,
15 potentially 7 in the morning to 11 at night, certainly
16 cannot be characterized as less objectionable as
17 "Agriculture". Mr. Miller's operation is essentially a
18 perpetual construction zone a few hundred feet from our
19 home. The noise and potential exposure to fumes is even
20 more acute when spending time outside. Any time spent
21 outside during the precious few warm-weather months that we
22 have up here would most certainly be accompanied by the
23 constant din of lumber being milled, clattering boards,

1 hammering and possible exposure to diesel fumes. The
2 impact on us is obvious, but I'd like to bring attention to
3 Mr. Miller's perspective.

4 From the very beginning, the Town, via its
5 representative, the code officer, has never given
6 Mr. Miller a clear picture of what his and the Town's
7 responsibilities would be in furtherance of operating his
8 business. To this extent, we are empathetic with the
9 Millers, but we should not have to absorb the consequences
10 of others' misinterpretations or lack of diligence.
11 Mr. Miller was given a permit to build a building for his
12 business, but was never told that his business activities
13 would require multiple permits in order to operate. As a
14 result, Mr. Miller sited his building almost as close to
15 our property line as is allowed, and operated it in
16 contravention of the Town's zoning regulations, first
17 unknowingly, then knowingly. Once given his original
18 special use permit, Mr. Miller did not accede to any of the
19 Planning Board's conditions, conditions that had to be
20 requested by Michelle and I, until he planted some saplings
21 and then enclosed his mill two weeks ago. The smoke stack
22 for the diesel engine exhaust has not been lengthened, and
23 judging by the reverberating sound of hammers, sound

1 baffles have not been installed.

2 We do not generally oppose Mr. Miller's business,
3 we just want it to not be so close that we hear every nail
4 being hammered, every board being stacked. Mr. Miller has
5 a very large plot of land. He could site his business in a
6 location that does not impact us. Thank you.

7 MS. FIRST: Hi, I'm Michelle First, I live at 615
8 County Route 53, I'm a neighbor of the Millers. I'm here
9 today to speak on the matter before the Planning Board
10 regarding a proposed sawmill and shed manufacturing
11 business to be located at 600 County Route 53. I have many
12 concerns regarding the siting of this business on the
13 property. There is a public safety concern regarding the
14 ingress and egress onto County Route 53 from large log
15 trucks and the danger presented by having traffic back up
16 at the curve. We are also concerned about the runoff from
17 this business onto our land and into the St. Regis River.
18 Most concerning to us, though, is the constant noise,
19 vibration and fumes from the running of the diesel engine
20 of the sawmill and the noise of the pounding of the nails
21 reverberating through the barn he has built to house his
22 operation.

23 From the time that Mr. Miller started up the

1 sawmill in late August, the noise, vibration and fumes have
2 prevented us from enjoying our time outdoors or having our
3 windows open on nice days. When the wind is blowing in our
4 direction, we get a build-up of diesel fumes against our
5 house and they come inside every time we open the door to
6 enter or exit. Our house sits higher than Mr. Miller's
7 mill. When this first became a problem, we asked
8 Mr. Miller to reconsider where he had sited the mill and he
9 indicated he was not inclined to do so. He did say it was
10 possible to put a muffler on the machine, but then did not
11 do so despite being repeatedly asked about it, until
12 finally, months later, being contacted by the Town. The
13 constant noise, vibration and fumes, sometimes from early
14 morning to late at night six days a week, has had an
15 enormous impact on the quality of our lives and enjoyment
16 of our property.

17 With his previous approval, a few conditions were
18 imposed, which Mr. Miller grudgingly agreed to. One of
19 them, a taller stack height, still hasn't been met. In
20 recent weeks, Mr. Miller did finally enclose the two sides
21 of the part of his building that houses the sawmill. This
22 has resulted in a slight decrease in noise, but no decrease
23 in vibration. He has not operated the mill very much at

1 all since enclosing it. The trees he planted are maybe 24
2 inches high and might afford us some relief a couple
3 decades from now. I saw the photo, I did not see those
4 taller trees. The one I saw when I peeked through the
5 hedgerow was considerably smaller. At any rate, they are
6 not going to give us much relief, but I appreciate that
7 they were planted and that it was done.

8 While we realize and understand that this is
9 Mr. Miller's livelihood and we wish to support him in
10 providing for his family and contributing to the local
11 economy, we are not willing to shoulder the burden from
12 this business by allowing it to impact our enjoyment of our
13 property, our health, our livelihood and the value of our
14 home. Nathan works from home, and this has had an impact
15 on his ability to focus and maintain his productivity. We
16 have always wanted to be good neighbors. We enjoy hearing
17 the children play, we enjoy sharing foods and knowledge and
18 information and passing time with the Millers. It grieves
19 us to have this relationship be strained as it is now. The
20 first building block of being a good neighbor is respecting
21 boundaries. We feel horrible that Mr. Miller, due to
22 erroneous advice from the previous code enforcement
23 officer, has expended his time and resources on the one

1 acre of his 74 acres that is 350 feet from our home.

2 Lastly, we are concerned that as Mr. Miller's
3 sons grow up and become part of his business, the need for
4 a bigger, louder, more polluting sawmill will make this a
5 much bigger issue than it is now. He has told us that he
6 plans to have his sons join him in his business. The sound
7 of the hammering is so loud and disruptive now with only
8 Mr. Miller and his elder son building sheds, I can't
9 imagine what an operation with six people sawing and
10 hammering will sound or feel like. For the Town of
11 Brasher's special permit standards and requirement,
12 Mr. Miller's operation doesn't meet the most general
13 standard for special uses. We ask that Mr. Miller's
14 request for a special use permit be denied as it is
15 presented, due to the impact to the property located 615
16 County Route 53. While we are open to compromise, and we
17 always have been regarding this, we see no path to
18 agreement as long as the siting on the property remains as
19 described in the application. Mr. Miller has ample
20 property to site his business in a location that does not
21 impact his neighbors to the extent that we are being
22 impacted. We further request relief from the impact of
23 this business by asking that no further running of the mill

1 take place until such time as it is moved and the diesel
2 fumes no longer engulf our home. For some reason, the mill
3 and manufacturing operation has seen a marked decrease in
4 activity these past couple weeks, and it's a welcome
5 respite. We hope the trend continues and we are able to
6 enjoy the outdoors this summer. Thank you. Thank you for
7 allowing me to finish.

8 MS. ROSE: Uh-huh.

9 MS. VACCARO: My name is Rachelle Vaccaro
10 (phonetic spelling), I live at 8486 State Highway 11C, and
11 I'm here to support Michelle and Nathan. As a friend of
12 theirs and thinking about when we all moved here a long
13 time ago, we didn't come to Brasher Falls to move next to a
14 sawmill. Looking at a lot of you, I recognize you, I know
15 that we kind of live in the woods, some of us, and some of
16 us live right on 11C. I have the best neighbors,
17 St. Pat's, right, no noise at all, only on Sundays. The
18 best neighbors. But quite honestly, I see the emotional
19 toll it's taking on my friends Michelle and Nathan. Their
20 front door isn't the front door to the street, it's the
21 side door and it literally looks at their property, at that
22 sawmill. Their yard is their property that's just next to
23 the sawmill. Her vegetable garden, which she hasn't

1 planted and refused to because she just can't stand it
2 anymore, was right there. It's done. I mean, this woman
3 cans, she does everything. Last year she was just done,
4 you know, and I'm very surprised, you know what I mean,
5 because that is part of her life, gardening, right?

6 Nathan's office is literally, if you were to look
7 at their house, it's literally right there where the office
8 is looking, again at their property, at that sawmill. So I
9 hope that you reconsider and I think it would just be
10 easier. In the end, why can't we all get along and move
11 the sawmill. Doesn't that make a lot more sense? I see
12 the convenience, there's a driveway right there, that's
13 probably the best thing, but unfortunately it's not
14 convenient for the neighbors here. You can't go out and
15 enjoy your property, you can't go out, you can't have a
16 barbecue, you can't have friends over, the odor is
17 overwhelming, the hammering is constant.

18 Think about being at home, you're working and
19 it's constant nonstop. I could see if it was benefitting
20 them and they were getting some repairs done. It's not.
21 It's just nonstop. And the diesel smell is not manure
22 being spread. It isn't. Manure being spread is a welcome
23 smell. Diesel is not. If you've ever been to a truck

1 stop, it's horrendous. And on days like today it's
2 overwhelming and constant. So please, please reconsider.
3 Thank you.

4 MR. TUBBS: Hi, all. I'm John Tubbs, I live at
5 566 County Route 53 in Brasher Falls, and I live in the
6 vicinity of the proposed project. Aside from everything
7 that's been said here tonight, you know, some of my
8 thinking has to do with whether or not the Town Planning
9 Board is actually satisfying its own criteria for approval
10 of a project. And when I look at the zoning regulations or
11 the special use requirements, it specifies in here that it
12 would promote the public health, the safety, the welfare,
13 morals, order, comfort, convenience, appearance, prosperity
14 of the Town of Brasher and of the area. I don't see that
15 it's happening. To be clear, I'm an advocate for the
16 creation of jobs. Always have been and will continue to
17 be. I'm not convinced that siting this proposed project
18 where it is is the best location. And so I object and I'm
19 submitting something for the record.

20 (Exhibit G marked for identification)

21 MS. CLARK: My printer wasn't working, so I'll
22 read it from my phone. Members of the Town Board,
23 community members, neighbors, good evening. My name is

1 Alexandra Clark, I live 625 County Route 53. I am
2 neighbors to Michelle and Nate, and I'm here today to not
3 only support my neighbors in their plea to have their
4 property and health protected, but to voice my concern
5 about my own property and the precedent being set by
6 Mr. Miller's sawmill location. Unfortunately, I was not
7 informed of the original meeting to grant a special permit
8 to Mr. Miller and spent most of last year listening to the
9 constant drone of a diesel engine. Monday through Saturday
10 from early morning through the evening, there's very little
11 break from the noise throughout the week. Because of this
12 and various health concerns, it is my belief that
13 Mr. Miller's sawmill should not be permitted to operate in
14 its current location. I live .2 miles from Mr. Miller's
15 sawmill and the sound at my house is not so loud that it's
16 damaging to the eardrum, but it is constant and annoying.

17 However, there were multiple times that I visited
18 Michelle and Nate in this past and the sawmill noise
19 outside of their house is unbelievably loud and disruptive,
20 so much so that you can feel it when you are standing
21 there. And that is to say nothing about the diesel fumes,
22 which I will address momentarily. The Millers are not only
23 aware of the noise and fumes created by their sawmill, even

1 going so far as Mrs. Miller verbalizing her concerns about
2 it to Michelle and Nate shortly after moving in, but they
3 simply do not meet the minimum qualifications of the
4 special use permit, whereby lot size, design -- you've
5 heard this, I'll skip that part. The issue is not the
6 noise alone, but the exceptionally toxic fumes that are
7 produced by the diesel engine at Mr. Miller's sawmill.
8 It's no secret that exhaust fumes are not only detrimental
9 to health, but are lethal. Short-term exposure causes
10 irritation to the eyes, nose, throat and lungs, headaches
11 and lightheadedness; but diesel exhaust and the many
12 individual substances contained therein, including arsenic,
13 benzene formaldehyde, nickel, have the potential to cause
14 cancer, kidney damage and increased risk of heart attack.
15 Studies have shown that long-term exposure to diesel
16 exhaust particles poses the highest cancer risk of any
17 toxic air contaminant. At .2 miles from Mr. Miller's
18 sawmill, we can sometimes smell the fumes when the wind is
19 blowing towards us. However, Michelle and Nate are almost
20 constantly battling the fumes and are now unable to have
21 their windows open and enjoy their property outdoors.
22 Their health is literally in your hands. The current
23 situation is unacceptable and the issue will only become

1 worse as the sawmill grows and increases production.

2 We are community members, my husband and I
3 volunteer our time here. We are teachers in the district.
4 We chose to raise our children here, because it truly is a
5 community, a place where we take care of one another.
6 Imagine yourself, your children or parents in this same
7 situation. Mr. Miller has not responded to the requests
8 made by Michelle and Nate, has not followed codes that are
9 in place to protect our community members, himself and his
10 family included, and no one should have to pay for his
11 neglect with their health. Please consider the community
12 members, perhaps your friends and family who live outside
13 of the village limits and who will be affected by your
14 decision here today. To allow this special use permit puts
15 all of those people at risk in dealing with these same
16 issues in the future. In closing, I again state my support
17 for our neighbors, Michelle and Nate, and ask the Town
18 Board to not grant Mr. Miller a special use permit to
19 operate a sawmill. Thank you.

20 MS. ROSE: Does anyone else wish to say anything?

21 MR. COCHES: Yeah, I'll say something. I don't
22 really have a horse in the race here -- Ron Coches
23 (phonetic spelling), 2380 County Route 55, just a concern

1 on Mr. Miller having a sawmill in the Town of Brasher. I
2 don't know too many commercial sawmills that Amish run that
3 would affect the atmosphere the way that they've been going
4 on about. The diesel motor that's running it, for the
5 amount of exhaust that comes out of this, I mean, every
6 tractor trailer on the road is diesel, every school bus. I
7 mean, your health concerns about a diesel motor running,
8 one diesel motor running, I did a little bit of research, I
9 visited five Amish sawmills that had neighbors close by and
10 just talked to them basically about the issue, the diesel
11 and the noise. Some of them were a little bit farther away
12 than this situation, some of them were a little bit closer.
13 Out of the five that I stopped at, the neighbors, immediate
14 neighbor that I did talk to, there was really no
15 complaints, no issues. There was no formal complaints. I
16 mean, I asked if at any time was there a problem with the
17 mill running during daylight hours, and there was no
18 complaints. So I don't know if that helps anything here, I
19 just feel -- just thought I'd throw my two cents in the
20 meeting and go from there. Thank you.

21 MS. ROSE: Anyone else like to speak?

22 AUDIENCE MEMBER: Just came to listen.

23 MS. ROSE: Okay. So fair enough. We will move

1 on to, as part of the application for the sawmill, our
2 application for a special use permit includes a short form
3 SEQR form, which helps us determine, based on State
4 regulation, potential environmental impacts. The Board has
5 a copy in front of them. Ron, you had a question on item
6 9, 10 and 11, did you want to ask Mr. Miller for
7 clarification?

8 MR. RON MILLER: Yes. I'm Ron Miller. The
9 question is: Does the proposed action meet or exceed the
10 state energy code requirements. You marked it as yes, and
11 the answer said: If the proposed action will exceed
12 requirements, describe design features and technologies.
13 You didn't fill anything in on that, I'm just wondering is
14 there an explanation or is there not going to have any
15 state energy code requirements. So you're not using any
16 power other than diesel, correct?

17 MR. MILLER: No, I'm not using any power, I don't
18 have anything more than diesel power for my motor.

19 MR. RON MILLER: Is that why you didn't fill
20 anything in? Because answering yes usually requires some
21 kind of an answer or a reason.

22 MR. MILLER: That probably should have been no,
23 then.

1 MS. ROSE: So you want to change your answer to
2 number 9 to meet or exceed state energy code requirements
3 from a yes to a no?

4 MR. MILLER: Yes.

5 MS. ROSE: All right.

6 MR. RON MILLER: And then my understanding, you
7 placed under you're not connected to any public or private
8 water supplies, so you're going to use your own water,
9 correct?

10 MR. MILLER: Yes.

11 MR. RON MILLER: Am I to assume that is the water
12 you use?

13 MR. MILLER: Yeah, we bring our own in, yeah.

14 MR. RON MILLER: Number 10 is the proposed action
15 connecting to existing public/private water supply, you did
16 answer no, but I just wanted to confirm you're not using
17 any part of the water other than what you're bringing in;
18 is that correct?

19 MR. MILLER: Yeah, that's all we use.

20 MR. RON MILLER: And then 11, will the proposed
21 action connect to existing wastewater utilities, and my
22 understanding there are no wastewater utilities on that
23 site, correct?

1 MR. MILLER: Correct.

2 MR. RON MILLER: Thank you.

3 MS. ROSE: Okay. So as part of the -- that was
4 part one that we were reviewing, we will go through a full
5 environmental assessment form called part 2, to identify
6 potential project impacts. We need to keep, and this body
7 has to take into account, scale and context. As a board,
8 we have to identify with each one that I read whether
9 there's no impact, small impact, moderate impact or large
10 impact. I will run through them now.

11 So number 1, Impact on Land. Proposed action may
12 involve construction on or physical alteration of the land
13 surface of the proposed site. Yes or no.

14 AUDIENCE MEMBER: Repeat, Julia, please?

15 MS. ROSE: Impact on land. Proposed action may
16 involve construction on or physical alteration of the land
17 surface of the proposed site.

18 MS. FEDONICK: Yes.

19 MR. LINDEN: If I may. If you take a look at the
20 broad question and then scan down through, in this
21 particular case A through H which appears there, that's
22 really what they're asking you to respond to. So if
23 there's no positive -- if you feel that none of those

1 necessarily need to be applied or explained, your answer
2 then should be no to the first question, okay?

3 MS. ROSE: So do you want to run through the
4 individual items under impacts on land?

5 MR. RON MILLER: I say no.

6 MR. PIKE: No.

7 MR. CARTER: No.

8 MS. ROSE: So the answer was no on impacts on
9 land. Impacts on Geological Features. The proposed action
10 may result in the modification or destruction of, or
11 inhibit access to, any unique or unusual land forms on the
12 site. Your responses need to be nice and loud, folks.

13 MR. PIKE: No.

14 MR. CARTER: No.

15 MR. RON MILLER: No.

16 MS. FEDONICK: No.

17 MS. ROSE: Impacts on Surface Water. The
18 proposed action may affect one or more wetlands or other
19 surface water bodies.

20 MS. FEDONICK: No.

21 MR. RON MILLER: No.

22 MR. PIKE: No.

23 MR. CARTER: No.

1 MS. ROSE: Impact on Ground Water. The proposed
2 action may result in new or additional use of ground water
3 or may have the potential to introduce contaminants to
4 ground water or an aquifer.

5 MR. RON MILLER: No.

6 MR. PIKE: No.

7 MR. CARTER: No.

8 MS. FEDONICK: No.

9 MS. ROSE: Impact on Flooding. The proposed
10 action may result in development on lands subject to
11 flooding.

12 MR. CARTER: No.

13 MR. RON MILLER: No.

14 MR. PIKE: No.

15 MS. FEDONICK: No.

16 MS. ROSE: Impacts on Air. The proposed action
17 may include a state regulated air emission source. If you
18 have questions, we can go through them individually.

19 MR. RON MILLER: My answer would be small at
20 best.

21 MS. ROSE: For which, Item A, Item B?

22 MR. RON MILLER: No, the question in general.

23 MS. ROSE: The question in general?

1 MR. LINDEN: That's not an option.

2 MR. RON MILLER: Not an option? Then my answer
3 is no.

4 MR. CARTER: No.

5 MR. PIKE: No.

6 MS. FEDONICK: No.

7 MS. ROSE: Impacts on Plants and Animals. The
8 proposed action may result in a loss of flora or fauna.

9 MR. CARTER: No.

10 MR. RON MILLER: No.

11 MR. PIKE: No.

12 MS. FEDONICK: No.

13 MS. ROSE: Impacts on Agricultural Resources.

14 The proposed action may impact agricultural resources.

15 MR. CARTER: No.

16 MR. RON MILLER: No.

17 MR. PIKE: No.

18 MS. FEDONICK: No.

19 MS. ROSE: Impact on Aesthetic Resources. The
20 land use of the proposed action are obviously different
21 from, or are in sharp contrast to, current land use
22 patterns between the proposed project and a scenic or
23 aesthetic resource.

1 MR. CARTER: No.

2 MR. RON MILLER: No.

3 MR. PIKE: No.

4 MS. FEDONICK: No.

5 MS. ROSE: Impact on Historic and Archaeological
6 Resources. The proposed action may occur in or adjacent to
7 a historic or archaeological resource.

8 MR. RON MILLER: No.

9 MR. CARTER: No.

10 MR. PIKE: No.

11 MS. FEDONICK: No.

12 MS. ROSE: Impact on Open Space and Recreation.
13 The proposed action may result in a loss of recreational
14 opportunities or a reduction of an open space resource as
15 designated in any adopted municipal open space plan.

16 MR. CARTER: No.

17 MR. MILLER: No.

18 MR. PIKE: No.

19 MS. FEDONICK: No.

20 MS. ROSE: Impact on Critical Environmental
21 Areas. The proposed action may be located within or
22 adjacent to a critical environmental area.

23 MR. LINDEN: Madam Chairman, I checked, it

1 requires DEC designation in part one in St. Lawrence
2 County, and that's in the town of Colton.

3 MS. ROSE: Okay. So that would be no. Impact on
4 Transportation. The proposed action may result in a change
5 to existing transportation systems.

6 MS. FEDONICK: No.

7 MR. CARTER: No.

8 MR. RON MILLER: No.

9 MR. PIKE: No.

10 MS. ROSE: Impact on Energy. The proposed action
11 may cause an increase in the use of any form of energy.

12 MR. CARTER: No.

13 MR. RON MILLER: No.

14 MS. FEDONICK: No.

15 MR. PIKE: No.

16 MS. ROSE: Impact on Noise, Odor and Light. The
17 proposed action may result in an increase in noise, odors
18 or outdoor lighting.

19 MR. CARTER: I'd say yes.

20 MS. ROSE: So we will run through them
21 individually. As I read them, we need responses in either
22 no or small impact may occur or moderate to large impact
23 may occur. A, the proposed action may produce sound above

1 noise levels established by local regulation.

2 MS. FEDONICK: No or small.

3 MR. CARTER: Small impact.

4 MR. RON MILLER: Small.

5 MR. PIKE: Small.

6 MS. ROSE: Okay. The proposed action may result
7 in blasting within 1500 feet of any residence, hospital,
8 school, licensed day care center or nursing home.

9 MS. FEDONICK: No.

10 MR. CARTER: No.

11 MR. RON MILLER: No.

12 MR. PIKE: No.

13 MS. ROSE: The proposed action may result in
14 routine odors for more than one hour per day.

15 MS. FEDONICK: Small impact.

16 MR. CARTER: Moderate.

17 MR. RON MILLER: My answer would be moderate.

18 MR. PIKE: Moderate.

19 MS. ROSE: The proposed action may result in
20 light shining onto adjoining properties.

21 MS. FEDONICK: No.

22 MR. CARTER: No.

23 MR. RON MILLER: No.

1 MR. PIKE: No.

2 MS. ROSE: The proposed action may result in
3 lighting creating sky-glow brighter than existing area
4 conditions.

5 MS. FEDONICK: No.

6 MR. CARTER: No.

7 MR. RON MILLER: No.

8 MR. PIKE: No.

9 MS. ROSE: Impact on Human Health. The proposed
10 action may have an impact on human health from exposure to
11 new or existing sources of contaminates.

12 MS. FEDONICK: No.

13 MR. CARTER: I'd say no.

14 MR. RON MILLER: No.

15 MR. PIKE: No.

16 MS. ROSE: Consistency with Community Plans. The
17 proposed action is not consistent with adopted land use
18 plans.

19 MR. RON MILLER: No.

20 MR. CARTER: No.

21 MS. FEDONICK: No.

22 MR. PIKE: No.

23 MS. ROSE: Consistency with Community Character.

1 The proposed project is inconsistent with the existing
2 community character.

3 MR. CARTER: No.

4 MR. RON MILLER: No.

5 MS. FEDONICK: No.

6 MR. PIKE: No.

7 MS. ROSE: Okay. So for anything that we marked
8 moderate we for having an impact, we need to decide the
9 magnitude that that possesses and we have to decide whether
10 we have a negative declaration or a positive declaration of
11 environmental impact. This is an unlisted activity, just
12 so you're aware of that, and we have done part 1 and
13 part 2, so now we're on part 3. Sorry Dan.

14 MR. PIKE: I was going to say, can we ask
15 questions?

16 MS. ROSE: You absolutely can.

17 MR. PIKE: So for the odor, how many, on average,
18 how many log trucks arrive on the site, and on average, how
19 many hours a day is the sawmill running?

20 MR. MILLER: Well, since last March when we had
21 our other meeting, I run that motor between 70 and 80
22 hours.

23 MR. PIKE: So since March.

1 MR. MILLER: Total since March. And there is
2 only four log trucks in there, three or four this winter,
3 winter and spring.

4 MR. CARTER: How many log trucks again?

5 MR. MILLER: Three or four.

6 MR. PIKE: So am I correct in saying it's been 14
7 weeks since the last meeting?

8 MS. ROSE: March 15th was our last meeting.

9 MR. PIKE: So you agree that it's about six hours
10 a week or an hour a day?

11 MR. MILLER: A lot of days I don't use it. Some
12 days I may use it a half hour. Some days might be five
13 hours.

14 MR. RON MILLER: I think what he's trying to do
15 with that is we've got six days per week.

16 MR. MILLER: Yes.

17 MR. RON MILLER: He's calculating the hours based
18 on the number of days in the week, and today he may run it
19 an hour, tomorrow he may run it five hours, but the average
20 for the time period is what he's calculating out.

21 MR. PIKE: It comes out to six hours a week. I
22 don't have any further questions on that section.

23 MS. ROSE: Anyone else from the board?

1 MR. CARTER: Nope.

2 MR. RON MILLER: No.

3 MR. LINDEN: Madam Chairman, there's been
4 questions asked relative to what appears as Item Number 15
5 on page 8. I don't know if the questions asked have been
6 answered, I don't know if that might change the Board's
7 assessment in response to number 15 okay.

8 MS. ROSE: So the question asked is, will that
9 change our -- this Board's response to the proposed action
10 may result in an increase in noise, odors or outdoor
11 lighting. We marked yes. Moderate to the proposed action
12 may result in routine odors for more than one hour per day,
13 I thought, is that wrong? Does the Board wish to keep the
14 answer as is?

15 MS. FIRST: Mr. Pike, his production has been
16 lowered --

17 MS. ROSE: I'm sorry --

18 MS. FIRST: -- but when he's in full production,
19 it's a lot more.

20 MS. ROSE: Michelle, this is not the public
21 session, you had your chance to speak. You have to let us
22 go through procedure, and we're going within the framework
23 provided by the state through the SEQR process.

1 MR. CARTER: Julia, it would go from moderate to
2 small impact.

3 MS. ROSE: For you, it would?

4 MR. CARTER: Yes.

5 MS. ROSE: That's at current rates, correct Bob?

6 MR. CARTER: Correct.

7 MS. ROSE: You also have to consider, what if he
8 were to run it eight hours a day, six days a week. We have
9 to look at the scope, the context of the scale and the
10 context of the possible project, taking that into
11 consideration.

12 MR. LINDEN: And again people, if the answer to
13 the general question is yes, you have to go through the sub
14 questions and respond whether it is no or small or moderate
15 to large, okay?

16 MS. ROSE: So do you want us to go through them
17 again?

18 MR. LINDEN: Well previously, my understanding of
19 the vote was that the Board indicated in response to the
20 general question, yes.

21 MS. ROSE: Correct.

22 MR. LINDEN: And then there was no indication --
23 but you did not go down through A through the next several

1 sub questions.

2 MS. ROSE: We did.

3 MR. LINDEN: And it was one at a time?

4 MS. ROSE: Yes.

5 MR. LINDEN: All right. I stand corrected.

6 MS. ROSE: Do you want me to do it again?

7 MR. LINDEN: Let's make it clear, because that
8 wasn't my understanding.

9 MS. ROSE: Okay. So the sub questions, once you
10 mark yes, you have to answer the sub questions, and the sub
11 questions are again: The proposed action may produce sound
12 above noise levels established by local regulation.

13 MR. RON MILLER: We said small.

14 MS. ROSE: The proposed action may result in
15 blasting within 1500 feet of any residence, hospital,
16 school, licensed day care center or nursing home.

17 MS. FEDONICK: No.

18 MR. RON MILLER: I said no.

19 MS. ROSE: How do you say now? Just making sure,
20 since the question was asked.

21 MR. RON MILLER: No.

22 MS. FEDONICK: No.

23 MR. CARTER: No.

1 MR. PIKE: No.

2 MS. ROSE: The proposed action may result in
3 routine odors for more than one hour per day.

4 MR. PIKE: I would keep that at moderate to
5 large.

6 MS. FEDONICK: I would also.

7 MR. MILLER: Me as well.

8 MR. CARTER: I agree.

9 MS. ROSE: The proposed action may result in the
10 light shining onto adjoining properties.

11 MS. FEDONICK: No.

12 MR. CARTER: No.

13 MR. RON MILLER: No.

14 MS. PIKE: No.

15 MS. ROSE: The proposed action may result in
16 light creating sky-glow brighter than existing area
17 conditions.

18 MS. FEDONICK: No.

19 MR. CARTER: No.

20 MR. RON MILLER: No.

21 MR. PIKE: No.

22 MS. ROSE: So in reviewing part 2, the only
23 question that there was a yes and a moderate to large

1 impact may occur was for the routine odors for more than
2 one hour per day. Now we have to run through part 3.
3 Part 3, we have to determine if there is a negative
4 declaration or a positive declaration of environmental
5 impact that would move this to an environmental review
6 higher than what we're doing here. So you have to take
7 everything into account and determine if it's a negative
8 declaration or a positive declaration. Do you want me to
9 read the options as they have them stated?

10 MS. FEDONICK: Yes.

11 MS. ROSE: This project will result in no
12 significant adverse impacts on the environment, and
13 therefore an environmental impact statement need not be
14 prepared. Accordingly, this negative declaration is
15 issued. The other option is, although this project could
16 have a significant adverse impact on the environment, that
17 impact will be avoided or substantially mitigated because
18 of the following conditions, which will be required by the
19 lead agency, which is this board. There's another option,
20 which is: This project may result in one or more
21 significant adverse impacts on the environment and an
22 environmental impact statement must be prepared to further
23 assess the impacts and possible mitigation and to explore

1 alternatives to avoid or reduce those impacts accordingly
2 if this positive declaration is issued.

3 MR. RON MILLER: Julia, would you read that last
4 one again?

5 MS. ROSE: I sure will. This project may result
6 in one or more significant adverse impacts on the
7 environment, and an environmental impact statement must be
8 prepared to further assess the impacts and possible
9 mitigation and to explore alternatives to avoid or reduce
10 those impacts. Accordingly, this would be a positive
11 declaration.

12 MR. LINDEN: If I may, I think the board needs to
13 address the one the item which they indicated as moderate,
14 and that is routine odors more than one hour per day,
15 right. So if you were inclined to select B, this project
16 could have a significant adverse impact on the environment,
17 that impact will be avoided or substantially mitigated
18 because of the following conditions which will be required.
19 What will you require that you've addressed. Whatever
20 lingering concern you have about odor for more than one
21 hour per day? I believe in March, if I recall it
22 correctly, you had indicated about raising the stack to a
23 higher level of some sort?

1 MR. RON MILLER: Right.

2 MR. LINDEN: I don't know if that's something
3 that you still wish to require.

4 MR. CARTER: I think he's done that.

5 MS. ROSE: I was out there today, and it's not --
6 it's about -- it doesn't go above the roof line, but
7 standing at the tree line, and again, I wasn't there for
8 eight hours, to be clear, I did not -- I noticed the smell
9 of wood more than I did the smell of fuel. I don't know if
10 going taller will change dramatically. I agree that it
11 should have been extended, which he did do, because he at
12 least got it off the ground level where it could pool, but
13 I'm not convinced that going taller will dissipate it.
14 That's just my opinion.

15 MR. PIKE: Is there any other recommendations
16 that could be put in place to help with the odor?

17 MS. ROSE: That's what we're here to decide if we
18 mark that yes. I mean, we can state that that extension
19 must be in place at all times, things like that.

20 MR. CARTER: If it's going to be -- he's already
21 put it up higher, so it would be if it needs to go higher
22 or not. And I don't know how high it is now. How many
23 feet high is the exhaust?

1 MR. LINCOLN: It's about 15 feet beyond the
2 muffler.

3 MR. CARTER: Yeah, so it's --
4 (Photo shared on screen)

5 MR. LINCOLN: You can see it, it's the red.

6 MS. FEDONICK: You can see it.

7 AUDIENCE MEMBER: The outdoor wood boiler may
8 increase the height of stack to dissipate the fumes.

9 MS. ROSE: So are you comfortable with 15 feet,
10 is the question that is currently at, do you want it to go
11 higher? I mean, I guess --

12 MR. CARTER: I'm comfortable with 15 feet.

13 MR. PIKE: I'm comfortable with 15 feet as well.

14 MR. CARTER: How many horse power, may I ask?

15 MR. MILLER: 170.

16 MR. CARTER: 170 horse power. Okay.

17 MS. ROSE: So are we moving forward with B,
18 although this project could have a significant adverse
19 effect on the environment, that impact will be avoided or
20 substantially mitigated because of the following condition
21 which will be required by the lead agency, this Board,
22 which is: An exhaust stack of 15 feet must be in place.
23 Is that what we're looking to do?

1 MS. FEDONICK: Yes.

2 MR. CARTER: Yes.

3 MR. RON MILLER: Yes.

4 MR. PIKE: Yes.

5 MS. ROSE: There will, therefore, be no
6 significant adverse impacts from this project as
7 conditioned, and therefore, this conditioned negative
8 declaration is issued. A conditioned negative declaration
9 may be used only for unlisted actions, which this is.
10 Everybody is in agreement?

11 MS. FEDONICK: Yes.

12 MR. CARTER: Yes.

13 MR. RON MILLER: Yes.

14 MR. PIKE: Yes.

15 MS. ROSE: Now we need to make a decision on
16 whether you're going to approve this special use permit
17 based on all of the information gathered, the public input,
18 the SEQR review, and the initial application, and this will
19 need to be in the form of a motion with a second, with
20 wording.

21 MR. PIKE: For the sawmill, right?

22 MS. ROSE: For the sawmill, just the sawmill.

23 MR. LINDEN: If I can assist the Board. The

1 matter to be voted on, the resolution to be passed is,
2 should the application be approved as submitted and
3 conditioned in the environmental determination of the
4 Board.

5 MR. PIKE: I made a motion.

6 MS. ROSE: For?

7 MR. PIKE: To pass.

8 MS. ROSE: To approve the application?

9 MR. PIKE: Yes.

10 MR. CARTER: Second.

11 MS. ROSE: Is that you, Bob?

12 MR. CARTER: That's me.

13 MS. ROSE: Any discussion?

14 (No response)

15 MS. ROSE: All in favor? Signify by saying aye.

16 MS. FEDONICK: Aye.

17 MR. CARTER: Aye.

18 MR. RON MILLER: Aye.

19 MR. PIKE: Aye.

20 MS. ROSE: Opposed?

21 (No response)

22 MS. ROSE: The motion carries. So that's our
23 first agenda item. Our next agenda item is for the special

1 use permit to operate a light manufacturing operation at
2 the same property. I will bring to your attention that
3 there is no definition for light manufacturing or assembly
4 in our code, so this is interpretation by the Board. And
5 the Zoning Board of Appeals needs to get us some
6 definitions as well. It was provided one from Jason. I
7 did ask the director of the County Planning office if --
8 what to do, since we didn't have the definitions, and this
9 is from -- sorry. This is from the American Planning
10 Association Planning Dictionary. Light industry. Research
11 and development activities, the manufacturing, compounding,
12 processing, packaging, storage, assembly and/or treatment
13 of finished or semifinished products from previously
14 prepared materials, which activities are conducted wholly
15 within an enclosed building, finished or semifinished
16 products may be temporarily stored outdoors pending
17 shipment. So that's the definition by the American
18 Planning Association for light industry.

19 I will let Wes take it away for his presentation
20 on the light manufacturing operation. And this pertains to
21 the same sections of our code as we identified before.

22 MR. LINCOLN: I have received an application for
23 another special use permit from John and Katie Miller at

1 600 County Route 53 for proposed use of light manufacturing
2 under the Town Zoning Law, pertaining to Article 3, Section
3 14. The description of the proposed action was
4 construction of sheds to be sold. The sheds will be built
5 with lumber sawn at the proposed sawmill on that same
6 location. This project was referred to the County Planning
7 Board, the County Planning Board did return this project
8 for local action.

9 (Documents shared on screen)

10 MR. LINCOLN: This is the site plan of the light
11 manufacturing location. It is the same site plan as
12 previously shown for the last special use permit
13 application. It is approximately 130 feet off the road
14 frontage and 120 from any lawn line. On the left there
15 you'll see Mr. Miller constructs the sheds and buildings.
16 Within the barn on site there is a connection directly from
17 the shed, the sawmill is in the back, and the lumber is
18 carried in there and worked on in the buildings. That's
19 another picture of the outside of the barn. That's the
20 other small tool that he has in there, it's just a table
21 saw. That is a view from the barn into the sawmill where
22 he passes the lumber through.

23 MS. ROSE: So the lumber stays within the

1 confines of the building?

2 MR. LINCOLN: Correct. The lumber from the
3 sawmill is directly used in manufacturing of the sheds.
4 They are built on-site within the barn and later pulled out
5 to be picked up by the customer. This one as well,
6 St. Lawrence County did receive the driveway permit request
7 and deemed it to be a safe distance from the nearby corner.
8 That's the project description.

9 MS. ROSE: As previously, we will welcome any
10 public comments. If anyone wants to make a public comment
11 on it, again, try to have it be new information so that
12 we're not repeating everything. So if you want to step
13 forward to make another statement, you're welcome to.
14 Again, you have three minutes, and please provide with new
15 information, if you can.

16 MS. FIRST: Michelle First, 615 County Route 53
17 in Brasher.

18 (Holds up documents)

19 MS. FIRST: This is Mr. Miller's property. He's
20 got 74 acres. This is where he put his mill. This is
21 where we live. He has a lot of space here. A lot. This
22 is our home that we're fighting for. Our ability to make a
23 living, our ability to breathe. You say it's little

1 impact. It may be little impact on the Town of Brasher,
2 but on us, it's a huge impact. It's a huge impact on us.
3 We can't sleep. The stress of this. He has to work
4 dealing with this. It's too much to ask. We've tried to
5 work it out. We have tried so hard to work it out. It's
6 not possible, and it's awful. We shouldn't be here. And
7 there were a lot of missteps in the beginning on the Town
8 of Brasher's part, the former code enforcement officer.
9 And maybe we wouldn't be here right now if it wasn't for
10 that, but here we are. And it's just not right that
11 there's two separate sets of rules, but that's what the
12 Town of Brasher -- former Town of Brasher Code Enforcement
13 Officer used. And we were not protected by the Town of
14 Brasher, and here we are. This is his property. He could
15 put it anywhere on that property. Siting it somewhere else
16 would give us the peace of our own home.

17 As to safety, this is a log truck (indicating)
18 delivering logs. It's a double truck and it pulls up
19 facing north in the southbound lane right by that curve.
20 And what you see here is a school bus that had to go around
21 in the oncoming lane to get around this truck. I can only
22 speculate it's because, if you stay there and wait, you're
23 a sitting duck for a tow truck or anything coming around

1 that curve. Oncoming lane, school bus (indicating). This
2 is the rest of the trucks backed up behind it after the
3 school bus took their chance. All of those stacked up
4 coming around the curve. It is dangerous. The County may
5 have said it's okay with them. I'm here to tell you, I've
6 lived there for quite a while, it's dangerous. We have
7 accidents there all the time. I put up a sign that says
8 Please Slow Down out of concern for Mr. Miller and his
9 family and his children that go across the road all the
10 time. We want to be good neighbors. We want more than
11 anything to be good neighbors. We're just asking to be
12 able to continue to live in our home. And passing that
13 application, approving it, is not going to allow us to
14 peacefully enjoy our home. It's going to have an effect on
15 our property values. It's going to affect our health and
16 it affects our livelihood. I don't see how it passes the
17 general standard. It doesn't. And I don't see how you can
18 pass it. It doesn't meet the general standard for a
19 special use permit. It's cut and dried.

20 MS. ROSE: Thank you, Michelle.

21 MR. TUBBS: John Tubbs residing at 566 County
22 Route 53 in the vicinity of the proposed project. I would
23 simply like to reiterate what I stated previously

1 concerning the special use permit for the sawmill, and have
2 that apply to this project as well. Thank you.

3 MR. WINKLER: May I show some pictures on the TV?

4 MS. ROSE: I don't know why you wouldn't be able
5 to.

6 MR. WINKLER: If somebody else has something.

7 MR. ELDRIDGE: Mark Eldridge, 816 State Highway
8 11C in Brasher. I'm just curious if I understood properly,
9 are you saying that you don't know what light manufacturing
10 is but you're voting on it?

11 MS. ROSE: I'm saying that it's listed in our
12 code.

13 MR. ELDRIDGE: No definition?

14 MS. ROSE: But there's no definition.

15 MR. ELDRIDGE: The code tells you what to do
16 about that.

17 MS. ROSE: Yeah, we get to use the definition, we
18 have to interpret it the best we can.

19 MR. ELDRIDGE: If something is not defined in the
20 code, you're to use the Uniform -- the New York State
21 Uniform Fire Prevention and Building Code definition. Do
22 we have that? I didn't hear anybody mention that.

23 MS. ROSE: I don't have that.

1 MR. ELDRIDGE: That's why I don't think we can
2 vote on that. Until you have that, you can't vote on it,
3 right? You don't know what it is.

4 MS. ROSE: I'm going off of the county
5 planning --

6 MR. ELDRIDGE: But don't you have to go off this?
7 This is what it's telling you. This isn't even a point
8 whether I'm for it or against it, this is a point that
9 things have to be done properly or somebody is going to
10 come in and make us eat these poor decisions, then it's
11 going to be something that possibly everybody disagrees
12 with. That's why it has to be done properly. And that's
13 what's in here. Somebody is going to come in here with a
14 sharp lawyer or something and they're going to say, you did
15 that before, so you can't do it now. So you have to go by
16 this (indicating), you can't go by what the Town Planning
17 Board said.

18 MS. ROSE: We are the Town Planning Board.

19 MR. ELDRIDGE: The St. Lawrence County Planning
20 Board. This tells you where to get the definition. I
21 think that you have to table this until you get that
22 definition, because you don't even know what it is. This
23 is just a legal point, it has nothing to do with for or

1 against. As a property owner, I'd like to see these things
2 done properly.

3 MS. ROSE: I think that is an interest of
4 everyone. We're doing the best we can.

5 MR. ELDRIDGE: I know, and why don't we follow
6 this so that you're covered.

7 MS. ROSE: We'll get right on it and see if we
8 can pull it up and see if it has a definition.

9 MR. WINKLER: My name is Nathan Winkler, I'm John
10 Miller's neighbor. I have some questions regarding some
11 pictures that I have here.

12 (Photographs shown on screen)

13 MR. WINKLER: One is, what is that red tank
14 there?

15 MR. MILLER: That's the -- it's a fuel tank that
16 I sold maybe month ago or more.

17 MS. FIRST: This is runoff that goes onto our
18 property and then through a culvert underneath the road and
19 into the St. Regis River.

20 MS. ROSE: He's speaking.

21 MS. FIRST: You're right.

22 MR. WINKLER: This is obviously a spring, the
23 melt-off, it backs up some onto my land, most onto

1 Mr. Miller's. Here you can see there's quite a bit of it.
2 It actually reaches almost up to where the mill is, so I do
3 have some concerns about leaky engines, oil, gas. I also
4 wanted to know, this tank right here (indicating) is
5 currently -- is right there right now. Is that a fuel
6 tank?

7 MR. MILLER: No, we bought that one like a year
8 ago for our water supply.

9 MR. WINKLER: Okay.

10 (Video played)

11 MR. WINKLER: So here is the video of a wood
12 delivery here. You can see the bus receding into the
13 background and just pass by. This is a view from our house
14 of the diesel fumes. And my last question is, does
15 Mr. Miller have a plan for what to do with his -- that
16 large pile of sawdust waste. It's my understanding, per
17 the code, zoning regulations, that there is no on site
18 disposal of waste products. So I am curious, what is the
19 plan for the disposition of that wood waste, and is burning
20 it permitted. Because it's my understanding that some
21 other mills will burn their sawdust, and I would like to
22 know if that is something that we can look forward to.

23 MS. ROSE: Thank you.

1 MR. WINKLER: And once again (indicating).

2 MS. ROSE: Thanks.

3 MR. LINCOLN: It does not have the definition. I
4 wish I could find the New York State Fire Code.

5 MR. ELDRIDGE: It probably is similar to the
6 other one, the way it's supposed to be done.

7 MS. ROSE: While he's looking up to see if
8 there's a definition in the fire code, we'll move on to the
9 SEQR review part 2, this is an unlisted action, we are the
10 lead agency. And again, we'll run through section by
11 section. We need to determine if there's a yes or a no
12 answer and whether we need to run through them
13 individually.

14 Impacts on Land. The proposed action --

15 MR. LINDEN: With respect to the submission by
16 the applicant relative to the light industry, does he need
17 to correct that one as well?

18 MS. ROSE: Thank you. I did not look at that. I
19 believe that is the same in both. Yes. So Mr. Miller, on
20 your part 1 of the short form, number 9, does the proposed
21 action meet or exceed the state energy code requirements.
22 You hit yes -- or checked yes, rather. In the previous you
23 decided that was a no, are we changing this to no as well?

1 MR. MILLER: Yes.

2 MS. ROSE: Thank you. So part 2 identifying
3 potential project impacts. Impacts on Land. The proposed
4 action may involve construction on, or physical alteration
5 of the land surface of the proposed site.

6 MR. RON MILLER: No.

7 MR. CARTER: No.

8 MR. PIKE: No.

9 MS. FEDONICK: No.

10 MS. ROSE: Again, this is the light industry.
11 Impact on Geological Features. The proposed action may
12 result in the modification or destruction of or inhibit
13 access to any unique or unusual land forms on the site.

14 MS. FEDONICK: No.

15 MR. CARTER: No.

16 MR. RON MILLER: No.

17 MR. PIKE: No.

18 MS. ROSE: Impacts on Surface Water. The
19 proposed action may affect one or more wetlands or other
20 surface water bodies.

21 MR. RON MILLER: No.

22 MR. CARTER: No.

23 MS. FEDONICK: No.

1 MR. PIKE: No.

2 MS. ROSE: Impacts on Ground Water. The proposed
3 action may result in new or additional use of ground water
4 or may have the potential to introduce contaminants to
5 ground water or an aquifer.

6 MR. RON MILLER: No.

7 MS. FEDONICK: No.

8 MR. CARTER: No.

9 MR. PIKE: No.

10 MS. ROSE: Impact on Flooding. The proposed
11 action may result in development on lands subject to
12 flooding.

13 MR. CARTER: No.

14 MR. RON MILLER: No.

15 MR. PIKE: No.

16 MS. FEDONICK: No.

17 MS. ROSE: Impacts on Air. The proposed action
18 may include a state regulated air emission source.

19 MR. RON MILLER: No.

20 MR. PIKE: No.

21 MR. CARTER: No.

22 MS. FEDONICK: No.

23 MS. ROSE: Impact on Plants and Animals. The

1 proposed action may result in a loss of flora or fauna.

2 MS. FEDONICK: No.

3 MR. CARTER: No.

4 MR. RON MILLER: No.

5 MR. PIKE: No.

6 MS. ROSE: Impact on Agricultural Resources. The
7 proposed action may impact agricultural resources.

8 MR. CARTER: No.

9 MR. RON MILLER: No.

10 MR. PIKE: No.

11 MS. FEDONICK: No.

12 MS. ROSE: Impact on Aesthetic Resources. The
13 land use of the proposed action are obviously different
14 from, or are in sharp contrast to, current land use
15 patterns between the proposed project and a scenic or
16 aesthetic resource.

17 MR. CARTER: No.

18 MR. RON MILLER: No.

19 MR. PIKE: No.

20 MS. FEDONICK: No.

21 MS. ROSE: Impact on Historic and Archaeological
22 Resources. The proposed action may occur in or adjacent to
23 a historic or archaeological resource.

1 MS. FEDONICK: No.

2 MR. CARTER: No.

3 MR. RON MILLER: No.

4 MR. PIKE: No.

5 MS. ROSE: Impact on Open Space and Recreation.

6 The proposed action may result in a loss of recreational
7 opportunities or a reduction of an open space resource as
8 designated in any adopted municipal open space plan.

9 MS. FEDONICK: No.

10 MR. CARTER: No.

11 MR. RON MILLER: No.

12 MR. PIKE: No.

13 MS. ROSE: Impact on Critical Environmental
14 Areas. The proposed action may be located within or
15 adjacent to a critical environmental area.

16 MS. FEDONICK: No.

17 MR. CARTER: No.

18 MR. RON MILLER: No.

19 MR. PIKE: No.

20 MS. ROSE: Impact on Transportation. The
21 proposed action may result in a change to existing
22 transportation systems.

23 MR. CARTER: No.

1 MR. RON MILLER: No.

2 MS. FEDONICK: No.

3 MR. PIKE: No.

4 MS. ROSE: Impact on Energy. The proposed action
5 may cause an increase in the use of any form of energy.

6 MR. CARTER: No.

7 MR. RON MILLER: No.

8 MR. PIKE: No.

9 MS. FEDONICK: No.

10 MS. ROSE: Impact on Noise, Odor and Light. The
11 proposed action may result in an increase in noise, odors,
12 or outdoor lighting.

13 MR. CARTER: No.

14 MR. RON MILLER: No.

15 MR. PIKE: Yes.

16 MS. FEDONICK: No.

17 MS. ROSE: We'll run through them individually.
18 The proposed action may produce sound above noise levels
19 established by local regulation.

20 MR. RON MILLER: No.

21 MR. CARTER: No.

22 MS. FEDONICK: No.

23 MR. PIKE: No.

1 MS. ROSE: The proposed action may result in
2 blasting within 1500 feet of any residence, hospital,
3 school, licensed day care center, or nursing home.

4 MS. FEDONICK: No.

5 MR. CARTER: No.

6 MR. RON MILLER: No.

7 MR. PIKE: No.

8 MS. ROSE: The proposed action may result in
9 routine odors for more than one hour per day.

10 MR. PIKE: I would say moderate.

11 MS. ROSE: This is the light manufacturing.

12 MR. LINDEN: It's the building of sheds.

13 MR. PIKE: No.

14 MR. RON MILLER: No.

15 MR. CARTER: No.

16 MS. FEDONICK: No.

17 MS. ROSE: The proposed action may result in
18 light shining onto adjoining properties.

19 MR. CARTER: No.

20 MS. FEDONICK: No.

21 MR. RON MILLER: No.

22 MR. PIKE: No.

23 MS. ROSE: The proposed action may result in

1 lighting creating sky-glow brighter than existing area
2 conditions.

3 MS. FEDONICK: No.

4 MR. CARTER: No.

5 MR. RON MILLER: No.

6 MR. PIKE: No.

7 MS. ROSE: So do you want to change yours to no?

8 MR. PIKE: Yes.

9 MS. ROSE: So we're changing no to Impact on
10 Noise, Odor and Light. Agreed?

11 MS. FEDONICK: Yes.

12 MR. CARTER: Agreed.

13 MR. RON MILLER: Agreed.

14 MR. PIKE: Agreed.

15 MS. ROSE: Impact on Human Health. The proposed
16 action may have an impact on human health from exposure to
17 new or existing sources of contaminants.

18 MR. CARTER: No.

19 MR. RON MILLER: No.

20 MR. PIKE: No.

21 MS. FEDONICK: No.

22 MS. ROSE: Consistency with Community Plans. The
23 proposed action is not consistent with adopted land use

1 plans.

2 MR. CARTER: No.

3 MR. RON MILLER: No.

4 MR. PIKE: No.

5 MS. FEDONICK: No.

6 MS. ROSE: Consistency with Community Character.

7 The proposed project is inconsistent with the existing
8 community character.

9 MR. CARTER: No.

10 MR. RON MILLER: No.

11 MS. FEDONICK: No.

12 MR. PIKE: No.

13 MS. ROSE: Part 3 of the environmental assessment
14 form, we need to determine if it is a negative declaration,
15 negative declaration with mitigation or a positive
16 declaration. Would you like me to read the options again?

17 MS. FEDONICK: Yes, please.

18 MS. ROSE: This project will result in no
19 significant adverse impacts on the environment, and
20 therefore, an environmental impact statement need not be
21 prepared. Accordingly, this negative declaration is
22 issued. Option 2: Although this project could have a
23 significant adverse impact on the environment, that impact

1 will be avoided or substantially mitigated because of the
2 following conditions, which will be required by the lead
3 agency. And after we list those: There will, therefore,
4 be no significant adverse impacts from the project as
5 conditioned, and therefore, this conditioned negative
6 declaration is issued.

7 And then Option C. This project may result in
8 one or more significant adverse impacts on the environment,
9 and an environmental impact statement must be prepared to
10 further assess the impact and possible mitigation and to
11 explore alternatives to avoid or reduce those impacts.
12 Accordingly, this positive declaration is issued.

13 If we answered no to everything, I don't know how
14 we say anything but a negative declaration.

15 MR. CARTER: That is correct.

16 MR. RON MILLER: That is correct.

17 MS. ROSE: Everybody agree with that?

18 MR. RON MILLER: It's negative.

19 MS. ROSE: Okay. Did we find a definition in the
20 fire code?

21 MR. LINCOLN: No.

22 MS. ROSE: So therefore, I'm going to go with the
23 definition that was provided by the County Planning office,

1 which is from the American Planning Association, which
2 again stated: Light Industry. Research and development
3 activities, the manufacturing, compounding, processing,
4 packaging, storage, assembly and/or treatment of finished
5 or semifinished products from previously prepared
6 materials, which activities are conducted wholly within an
7 enclosed building, finished or semifinished products may be
8 temporarily stored outdoors pending shipment. Are we
9 comfortable with that definition?

10 MS. FEDONICK: Yes.

11 MR. CARTER: Yes.

12 MR. RON MILLER: Yes.

13 MR. PIKE: Yes.

14 MS. ROSE: So based on that definition, on the
15 application in front of you and the SEQR review, we've done
16 part 1, part 2, part 3, we need to make a determination on
17 whether we're going to approve this special use permit or
18 deny.

19 MR. LINDEN: Madam Chairman, I'm going to suggest
20 that you once again read into the record, for the benefit
21 of the Board, the various general and specific criteria so
22 there's no question about what was or was not considered by
23 the Board.

1 MS. ROSE: Okay. So the general standards for
2 special uses under Article 5, Section 28, Part D, standards
3 applicable to all special uses. Number 1, the location and
4 size of the use, the nature and intensity of the operations
5 involved, the size of the site in relation to it and the
6 locations of the site with respect to the existing or
7 future streets giving access to it shall be such that it
8 will be in harmony with the orderly development of the
9 district, and the location, nature, and height of
10 buildings, walls and fences will not discourage the
11 appropriate development and use of adjacent land and
12 buildings, or impair the value thereof.

13 Number 2, lot size, site design and specific
14 conditions shall ensure the operations in connection with
15 any special use shall not be more objectionable to nearby
16 properties by reason of noise, fumes, odor, glare,
17 vibrations or flashing lights at the lot line, and would be
18 the operations of any permitted use. Screenings shall be
19 required where deemed appropriate by the Planning Board.
20 Special uses shall comply with Article 5 of these
21 regulations. Article 5 regulations pursuant to light
22 industry or assembly. The minimum lot size shall be two
23 acres. The Planning Board may require a larger minimum lot

1 area, if necessary, to accommodate the nature and scale of
2 the proposed use. All structures shall be located at least
3 100 feet from any adjacent residential use or property
4 which would permit a residential use. The Planning Board
5 may require screening from adjacent properties as needed.
6 All fabrication or other processes activities should be
7 conducted within an enclosed building and there shall be no
8 exterior storage of materials within ten feet of any lot
9 line, and there shall be no on premises disposal of waste.

10 And with regard to Article 4, General Standards,
11 Section 19, Lot Area, Lot Width and Yards. No land use
12 shall be hereafter commenced on a lot with a street
13 frontage of less than 100 feet unless otherwise provided in
14 its local law, which this project exceeds. So we're at the
15 point where you can ask questions and deliberate.

16 Ron, you did indicate you had a question about
17 sawdust?

18 MR. RON MILLER: Yes.

19 MS. ROSE: Speak up, please.

20 MR. RON MILLER: What is your plan for sawdust
21 removal from your facility?

22 MR. MILLER: Well, I've been using it for bedding
23 in the barn for the animals. And I was always like if

1 somebody wants some, it's going to be free. Or if not,
2 I'll take it out back in the woods and scatter it through
3 the woods.

4 MR. RON MILLER: What's the make-up of the
5 sawdust as far as the wood, is it cedar, is it pine?

6 MR. MILLER: Pine. And it might be little bit of
7 cedar in there.

8 MR. RON MILLER: Which is in the environment
9 anyway, pine and cedar. Okay. That's all I have. Thank
10 you.

11 MR. MILLER: You're welcome.

12 MS. ROSE: Any other questions or deliberations?
13 Clarifications?

14 MR. CARTER: No, Julia.

15 MS. ROSE: Well, we need a motion to either
16 approve or deny the special use permit for light industry
17 at 600 County Route 53.

18 MR. RON MILLER: I make a motion to approve.

19 MR. CARTER: Second it.

20 MS. ROSE: Any discussion?

21 (No response)

22 MS. ROSE: All in favor signify by saying aye.

23 MR. CARTER: Aye.

1 MR. RON MILLER: Aye.

2 MR. PIKE: Aye.

3 MS. FEDONICK: Aye.

4 MS. ROSE: Opposed?

5 (No response)

6 MS. ROSE: Motion carries.

7 I would like to get a motion to rescind the
8 decision of this Board pertaining to the sawmill special
9 use permit from March 15th.

10 MS. FEDONICK: I'll motion.

11 MR. RON MILLER: I'll second.

12 MS. ROSE: All in favor?

13 MS. FEDONICK: Aye.

14 MR. CARTER: Aye.

15 MR. RON MILLER: Aye.

16 MR. PIKE: Aye.

17 MS. ROSE: Opposed?

18 (No response)

19 MS. ROSE: Motion carried.

20 That is our agenda, so I need a motion to adjourn
21 at 7:55.

22 MS. FEDONICK: Motion to adjourn.

23 MR. CARTER: Second it.

1 MS. ROSE: All in favor?

2 MS. FEDONICK: Aye.

3 MR. CARTER: Aye.

4 MR. RON MILLER: Aye.

5 MR. PIKE: Aye.

6 MS. ROSE: Thank you.

7

8 (End of hearing at 7:55 p.m.)

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1 STATE OF NEW YORK)
2 COUNTY OF ST. LAWRENCE)

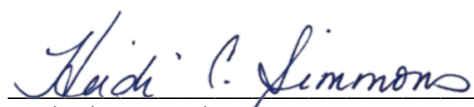
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5 I, Heidi C. Simmons, a Notary Public in the state of
6 New York, do hereby certify that the foregoing public
7 meeting was taken before me at the place as stated in the
8 caption hereto, at Page 1 hereof; that the foregoing
9 typewritten transcription of testimony, consisting of pages
10 numbered 4 to 74, inclusive, was produced to the best of my
11 ability of said meeting.

12 IN WITNESS WHEREOF, I have hereunto subscribed my name
13 this, the 4th day of August, 2023.

14
15

16
17


Heidi C. Simmons, Notary Public
State of New York
County of St. Lawrence
My commission expires: 08/27/25

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