

**TOWN OF NORTH HARMONY  
ZONING BOARD OF APPEALS  
WEDNESDAY, 4/24/2013, 7:30 PM**

**ZBA MEMBERS PRESENT:**      **James Levesque**      **Dick Barton**      **Helen Emick (Alt.)**  
   **Paul Silzle**              **Dan Thomas**  
   **Brad Lawson, Zoning CEO**  
   **Dave Stapleton, Attorney**

**Others Present:**      **Al & Becky Hamm**      **Sally Carlson**      **Ruth Bowser**  
                                 **Barbara Hoyt**              **Ralph & Kim Scott**      **Scott Lee**  
                                 **Robert Fredrickson**      **Roger Miller**              **Regis Thompson**  
                                 **Mike Gleason**                      **Jeffrey Ireland**

**Mr. Levesque opened the hearing at 7:30 PM. All who expressed intent to speak were sworn in by Mr. Stapleton.**

- 1. Ashville Fire District requesting a Special Permit to construct a Helipad for landing emergency service helicopters at property located at 5338 Stow Rd., Ashville, NY, in the C1 Zoning District, specifically Section 332.00-2-12.**

Becky Hamm, President of the Ashville Fire Dept., said they would like to get permission to put in a 60' x 60' helipad behind the AFD building located at 5338 Stow Road for emergency helicopter transport services. Mr. Levesque asked about the use process and how people are advised it is available for use. Mrs. Hamm said usually it is word of mouth from one Fire Chief to another that it has been established and is open for use. Mr. Barton asked what type of lighting would be used for night landings, etc., and who would regulate the lights. Mrs. Hamm said if a helicopter needs to land there, radio communication would let the department know that lights are needed. Mr. Gleason said there will be red LED lights (dawn to dusk) on the four corners of the helipad for night landing. He said there will be no large lights involved as the helicopter lands by night vision. He said notification of the need for the use of the pad is through the Chautauqua Co. Mutual Aid process through dispatch in Mayville. Mr. Gleason said that Star Flight and Chautauqua Co. require that the landing area be secured by the AFD if a landing at that location occurs. Mr. Silzle noted that there is no driveway access to the pad. Mr. Gleason said there will be a 6' walkway from the existing parking lot to the helipad and no access by vehicle. Mr. Fredrickson said the new helicopters are MD80's and they are very quiet. Mrs. Carlson asked if the cones in the field mark the perimeters of the helipad area. Mr. Gleason said yes. Mrs. Carlson asked if at some time the town decided to do something on our adjoining property would it inhibit the use of the helipad in any way. Mr. Fredrickson said as long as the town didn't intend to build a skyscraper it should not be a problem. Mr. Gleason said when this was discussed with Brad the idea was to stay 50' away from the property line on all sides. He said they managed to get 50' on all sides except what would be the northwest corner and that is 35'. Mr. Levesque noted that on the plans the helipad is shown 30' from the 2 side setbacks. Mr. Gleason said it has been moved further toward the rear of the building. *There was general discussion of the positioning of the helipad.* Mr. Lawson said he had visited the site so he could make sure that they had the correct drawing for the board to review and apparently Mr. Masters has taken it back farther than what was needed to miss the leach bed. Mrs. Hamm indicated the maps given to the board are the latest drawings. Mr. Gleason said he has it drawn in a different spot from where the markers are. Mr. Gleason said where the existing 2

survey markers are shown on the drawing is where the helipad will start. Mr. Barton asked what the pad would be constructed of. Mr. Fredrickson said it has to be 6" thick concrete and must be completely flat. Mr. Gleason said they will put the tubing in to heat the helipad, but they will not put the boiler in yet because it is an extra \$30,000.00.

**ZBA**

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Mr. Levesque asked if there is a drainage plan. Mr. Lawson said the ground is gravel there and the drainage is pretty good. *There were general questions and discussion about the helipad use which does not impact the request before the board.* Mr. Thomas asked if there is no driveway to get to the helipad and it is not heated, who will remove the 6' of accumulated snow in January. Mr. Gleason said the department would have to remove the snow with a snow blower. Mr. Hamm said the helicopters are made out of light weight composite and the helipad is a much safer alternative for landing than a field. Mr. Silzle thanked the fire department for taking responsibility for the helipad. *There was discussion of funding sources for the helipad.* Mr. Stapleton said he noted on the survey that the property where the pad will be located is deeded to the Ashville Fire District and it is the Ashville Fire Department applying for the permit. He asked if there was a resolution from the District authorizing the Dept. to apply for the permit. Mrs. Hamm said they have a document to be signed allowing the Department to lease the property from the district and then when the building project is complete the lease will revert back to the District. Mr. Stapleton asked if a copy of the lease would be provided to Mr. Lawson. Mrs. Hamm said yes. Mr. Levesque asked who maintains liability insurance. Mrs. Hamm said the Fire Department does while it is under construction and then the District will on completion.

Mr. Ireland said there would be a general liability policy through the department while it is being constructed and the Ashville Fire District will be named additional insured on that policy. He said when the construction is complete and the lease reverts to the district, it will be automatically covered under the district's policy. The lease will only be in effect during construction. Mrs. Carlson asked if there is inspection by the FAA in addition to Mr. Lawson's inspection. Mr. Gleason said the FAA didn't feel they would need to inspect unless there were helicopter's being kept and/or fueled there. He said they would look at it and it would be on their list of coordinates. Mr. Gleason said the bid for construction has not been awarded yet, but the specs include insurance for the town. He said they obtained specs from the website for the helipad design. Mrs. Emick asked if the Department has provided a copy of the resolution authorizing Mrs. Hamm as Department President to sign the permit application for the helipad. Mr. Gleason said it is in the Fire Dept. minutes that Mrs. Hamm is to fill out the application to submit to the Zoning CEO. Mr. Stapleton asked to speak to Mr. Gleason in private. Mr. Lawson stated for the record that the Ashville Fire Department embarks on this project knowing full well that the property alongside can still be used for anything that is a permitted use or use by special permit which in turn could hamper the helipad being used (i.e. height, size, etc.). Mr. Stapleton said in his conversation with Mr. Gleason he understands that the District has approved all of this activity and the Chairman of the District Commissioners is present. He said the Special Use Permit runs with the owner of the land; the Department is only going to have the lease for a short period of time while the pad is under construction; after the lease is over the pad will continue to be there and subject to the Special Use Permit, but it will be the District as owner of the property that will be burdened by that. He asked Barbara Hoyt as Chairman of the District Commissioners to commit on the record the approval of this application by the Department and to acknowledge that the District through regular meetings has approved this and they understand they will be subject to the Special Use Permit and any conditions that may be attached to it after the construction and lease are complete and the property is turned back over to the District. Barbara Hoyt said that is correct and what the District has agreed upon. Mr. Levesque asked if anyone had any questions regarding this application.

**Mr. Levesque motioned to approve the application of Ashville Fire District requesting a Special Permit to construct a Helipad for landing emergency service helicopters at property located at**

**5338 Stow Rd., Ashville, NY, in the C1 Zoning District, specifically Section 332.00-2-12 as outlined above. Mrs. Emick seconded and the motion was carried unanimously.**

**ZBA**

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**2. J. Regis Thompson, II, requesting Area Variances to construct a covered deck closer to side and rear setbacks that allowed in section 401 of the Zoning Code at property located at 3666 Watson Rd., Stow, NY, specifically Section 332.16-1-2 (old #20-4-2).**

Mr. Thompson said he came to request a permit to put a roof no more than 6' over an open post deck that can be covered with canvas in the winter on the rear of his cottage. He said he intends to insure proper drainage for the roof. Mr. Levesque asked for confirmation that the roof will be no more than 6' in length and the deck will be 16' wide. Mr. Thompson said that is correct and it will have no walls. Mrs. Emick noted that there is currently a 4' overhang and asked if the roof would be that type of replacement with a slope and attached to the house itself or if the roof would be supported by the posts themselves. Mr. Thompson said the roof would be attached to the house at approximately the location of the little window at the peak of the house. He said the style of the roof will be according to what will support the best drainage solution. He said since he has a large 700 gal. concrete water cistern in the ground there, he thinks running seamless gutters all the way around the outside with an underground down spout into the cistern would help with any runoff issues. Mrs. Emick asked if he has blocks located currently in about the position where he wants to locate the deck. Mr. Thompson said they are about 6' from the house but they are placed wider than the deck will be. Mrs. Emick asked what the approximate height of the new roof for the deck is. Mr. Thompson said it would be the same as the current 4' overhang. Mrs. Emick asked if a step would be required to reach the deck. Mr. Thompson said his intent is to be able to step directly onto the deck with no step. Mr. Levesque asked if there are any construction plans for the project. Mr. Thompson said no, as this idea just came about in the last 30 days. Mrs. Emick asked where he currently parks. Mr. Thompson said he parks straight in the gravel area. Mr. Levesque asked if anyone wished to speak regarding the application.

Mr. Miller said he does not have a great deal of concern about the project, but he would like to see some plans drawn up in advance. Mr. Miller asked for a determination of who gets to use the ROW located there. He said Mr. Thompson maintains that only he and Mr. Miller have deeded access to it. Mr. Levesque said he would be concerned with the blocking of any ROW. *There was general discussion of the ROW situation.* Mr. Stapleton said the deeds of other properties would have to be examined to determine that. Mrs. Emick said her concern was if Mr. Thompson has enough area to park on his property without impeding anyone else's access. It was determined that there would be 27' available for parking without steps on the deck. Mr. Levesque said it is much easier to make a determination if the board has full plans showing all construction details. Mr. Scott expressed concern that Mr. Thompson's septic system and leach bed is located where the deck will be and the possibility that the septic will have to be moved closer to his property.

**Mr. Levesque motioned to table the application of J. Regis Thompson, II, requesting Area Variances to construct a covered deck closer to side and rear setbacks that allowed in section 401 of the Zoning Code at property located at 3666 Watson Rd., Stow, NY, specifically Section 332.16-1-2 (old #20-4-2) for further information to include: building plans showing the septic and leach field location; property lines; construction plans; building materials; roof design; drainage**

**plan. Mrs. Emick seconded and the motion was carried unanimously.**

**The hearing was adjourned at 8:30 PM.**

*Nancy M. Thomas*  
*Town Clerk*