

# Zoning Board of Appeals

The Town of Marshall

Minutes of the Williams Special Use Permits (SUP) Applications Public Hearing and Regular Meeting  
Zoning Board of Appeals on 14 May 2025

A meeting of the Public Hearing for the Williams SUP Applications and the regular meeting of the Zoning Board of Appeals (ZBA) of the Town of Marshall, County of Oneida and the State of New York were held at the Town Hall 2651 State Rt. 12B, Deansboro, NY on the 14<sup>th</sup> day of May 2025.

Present for the Public Hearing Portion of the meeting: J. Addington, J. McNair, D. Yablonovitz (as appointed Alternate), D. Zweifel-Yaciuk

Recused as ZBA members during the Public Hearing: C. McGill, J. Stephenson

Absent: none

Guests and Topic of Concern (in parenthesis is a confirmation of the actual address as listed in the 2025 Oneida County Tax Rolls):

- Jane & Walt Stephenson, 6924 Van Hyning Rd., Deansboro, NY, concern – public hearing
- Bert Glazier, 2069 Wickwire (2069 Wickwire Rd, Hubbardsville, NY), concern – hearing
- Robert Thomas, 4269 Senn Rd., Rome, NY, concern – hearing
- Colleen McGill, 6954 Van Hyning Rd., Deansboro, NY, concern – public hearing Barb Medina, Brothertown Rd., (2155 Brothertown Rd. Deansboro, NY), concern – hearing Thad Merriman, Van Hyning Rd., (6954 Van Hyning Rd., Deansboro, NY), concern – Dan Williams
- David Koester, 6883 Van Hyning Rd., Deansboro, NY, concern – hearing
- Jody Hatch, 2033 Brothertown Rd., Deansboro, NY (tax roll listed as Danimaland Holdings, LLC Other Storage), no concern listed
- Keith Frisbey, 2033 Brothertown Rd., Deansboro, NY (tax roll listed as Danimaland Holdings, LLC Other Storage), no concern listed
- Doreen Falin, 6948 Van Hyning Rd., Deansboro, NY, concern - Dan Williams “Vision” Joseph Misiaszek Jr., Waterville (6554 Sanger Hill Rd., Oriskany Falls, NY), concern - hearing Gerald & Susan McConnell Sr., 6822 W. Hill Rd., Deansboro, NY, no concern listed Karin & Erron Pender, 2276 State Route 12B, Deansboro, NY, concern – “vision” Donald & Sam Wivell, Brothertown Rd., (2032 Brothertown Rd., Deansboro, NY), concern – public hearing
- Bonnie & Mike Buell, 19 Earl Manor (Deansboro, NY), no concern listed
- Christian & Megan Stewart, 1941 State Rt. 12B, Deansboro, NY, concern – public hearing Troy Bishopp, 2809 Rt. 12B, Deansboro, NY, concern – public hearing to support Dan Williams
- Brian Weigel, 6895 Van Hyning Rd., Deansboro, NY, concern – public hearing
- Don & Sherry Ford, 8258 Maxwell Rd., Clinton, NY, concern – public meeting
- Tyler Mahoney, 6774 Van Hyning Rd., Deansboro, NY, concern – public meeting Doug & Sue Cornelius, 2151 St. Rt. 12B, Deansboro, NY, concern – support of Dan Williams David Poyer, 1949 Brothertown Rd., Deansboro, NY, concern – support of Dan Williams John Marzocchi, 314 E. Fayette St., Syracuse, NY (Attorney for D. Williams), concern – Dan Williams
- Aiden Held, 30 Chadwyck Ln, East Longmeadow, MA, concern – Dan Williams
- Laura Buschmann & Allie Buschmann, 2197 Brothertown Rd., Deansboro, NY, concern – support

of Dan Williams

John Stephenson, 6978 Van Hyning Rd., Deansboro, NY, no concern listed

Kelly Ann Nugent, 7436 Sawyer Rd., Clinton, NY, concern – support of Dan Williams (please see my letter)

Lindsey Williams, 1877 Brothertown Rd., Deansboro, NY, (Lindsey E. Geary), concern – Blueberry Brook trail access

Jack Buschmann, 6844 Hughes Rd. W., Deansboro, NY, no concern listed

Jessica Poyer, 1949 Brothertown Rd., Deansboro, NY, concern – support of our town having a vision and supporting small business

Melissa Williams, 2115 Brothertown Rd., Deansboro, NY, no concern listed

Michele Barnes, 6721 W. Hill Rd., Deansboro, NY, concern - Williams Fence

Deb Turner, Van Hyning Rd. (6788 Van Hyning Rd., Deansboro, NY), concern – hearing  
Dan Williams, 2115 Brothertown Rd., Deansboro, NY

Call to Order & Roll Call: This meeting was called to order at 18:30 by J. McNair.

J. McNair introduced D. Yablonovitz who will serve as an acting ZBA member. The rationale being that the more members on the ZBA for a hearing, the better it is for everyone.

J. McNair asked that everyone sign in and if there are questions, he will stay at the end of the meeting to answer them. He explained that it helps the ZBA.

Williams SUP Applications Public Hearing:

D. Zweifel-Yaciuk made a motion to open the public hearing relating to the Williams SUP applications. J. Addington seconded the motion. The motion carried 4-0.

Code of Conduct - J. McNair stated that the TOM ZBA has a code of conduct for public participation and comment. Subsequently, J. McNair read them aloud so that everyone understands what they are. He said that anyone with questions or concerns about the rules should address them to the ZBA after the rules are read. J. McNair will keep track of the time for public comments, 5 minutes for each comment. The public comments will be in order of the sign-in sheet. He explained that the meeting is being digitally recorded and will be part of the public record. Written public comments emailed and sent via the US postal service that the ZBA has received thus far will be part of the public record. For anyone wanting access, J. McNair will remain after the meeting to explain the process of getting any information via a FOIL request.

ZBA Role - J. McNair explained the role of the ZBA set by NYS law.

- 1) Question or concern about a decision made by the Codes Enforcement Officer (CEO). The decision can be appealed to the ZBA. The ZBA will review the appeal against the town ordinances and the TOM Comprehensive Plan. The ZBA can overturn the CEO's decision, or the decision can be upheld.
- 2) To hear and review exemptions related to Use Variances and to Area Variances. The ZBA can approve or deny based on the application and ordinances. Further, J. McNair stated that the ZBA

will use the Town Ordinances and the Town's Comprehensive Plan which was adopted in 2013 for interpretation. He also stated that every town is required to have a comprehensive plan which is used as a guide for making land use decisions. Both can be found on the Town of Marshall's website.

3) To hear and review a Special Use Permit (SUP). The TOM has five land use zones. They are Agricultural, Residential, Business, Natural Products and Planned Business. The ZBA may grant the SUP, grant the SUP with conditions, or deny the SUP application.

ZBA Alternate Members - J. McNair stated that the ZBA is a five member board. However, two current members have recused themselves because of a conflict. The TOM Town Board approved two alternates from the Planning Board to serve on the ZBA. Also, two alternates from the ZBA may serve on the Planning Board. D. Yablonovitz from the Planning Board has joined the ZBA for this reason. The other alternate was not able to attend.

How the ZBA got to the Public Hearing - The Williams Public Hearing was a result of D. Williams wanting to change land uses. He first asked for a zoning change but then withdrew the request. He then applied for six SUP permits for tax parcels that he owns. At the last ZBA meeting on 9 April 2025, the ZBA reviewed those applications and asked for more information from D. Williams. Five of the SUP applications were accepted for further review and one application was withdrawn. Each of the five SUP applications will be referenced based on the tax map parcel numbers used by both the TOM and Oneida County.

Order of Public Hearing – J. McNair said that D. Williams will share his proposal for each parcel. Then, the public, in order of the sign-in sheet, will have their turn to make comments. D. Williams may respond to the public comments at the end. ZBA members will have an opportunity, if needed, to ask D. Williams questions. From the closing of the Public Hearing, the ZBA has sixty-two days to grant the SUP, grant the SUP with conditions or deny the SUP. From there, the ZBA will determine if more information is still needed in order to make a decision and if there is, the hearing will be continued. If the ZBA has determined it has sufficient information in order to make its decision, the hearing will be closed. J. McNair re-iterated that for each SUP, the ZBA can either grant, grant with conditions or deny the application.

J. McNair thanked the public for coming to the hearing. He turned it over to D. Williams. D. Williams shared the totality of the project and asked J. McNair make the SUP applications available on the screen so the public would be able to see them. D. Williams provided a parcel view of the 244-acre project. He states his father started the fence business twenty-eight years ago in their house basement and then put materials in the barn at 2115 Brothertown Road. They purchased the 2033 Brothertown Road (the Edick house) property and consulted M. Sturdevant, Codes Enforcement Officer at the time. He cleared them and said that the Williams family would do the right thing. D. Williams lived in the Edick house. Then in 2000, the fence headquarters at 2115 Brothertown Road was transitioned to the home on 2033 Brothertown Road. The fence business outgrew that property and D. Williams built a shop where it currently is on Van Hying Road. D. Williams said the business grew, some neighbors complained, and he was subsequently served violations in March 2024. He stated that no guidance was provided by the Town Board, B. Getman, former Town Attorney, nor D. Ford, CEO, at the time. He noted that there was now a new town attorney, B. Schmidt, who took over B. Getman in early 2024. D. Williams met with B.

Schmidt who told D. Williams that what he was trying to do was considered Planned Development and that the CEO would need to serve D. Williams with violations in April 2024. He said that B. Schmidt said

3

that this will kick start the process. D. Williams said it was the first time he received clarity from the TOM. D Williams acknowledged that the town's laws are outdated. He said that it was not possible to move his business since there is little commercial space available in the TOM. D. Williams said that at this point he realized that he would have to move the business from an A-1 zone. He understands that even though he invested millions of dollars in the TOM, he would still need to respect the zone and has to move the business. He said he grew up on a farm. However, he said he grew tired of farming and running a construction business at the same time. He therefore gave up his cattle in 2022 and at that time he reimagined what the farm would be as something totally different such as an agritourism business that he could enjoy in his retirement. He said that his father did the very same at Endless Trails in Brookfield, New York. His father enjoyed having people stay on his farm and riding their horses on the property. D. Williams said that during COVID he had a vision where he could build out mountain biking trails on the 244-acre properties. He has already built out between eight and twelve miles of bike trails on the properties. He has hired a new President to run his commercial business. The first step is to make a \$150,000 investment in a new computer system. This allowed the company to be cloud based. This means the employees do not have to drive to Deansboro, rather they will drive to the work sites. The materials will also be delivered directly to the job sites and not to the facility on Van Hyning Road. The Williams retail fence store has ceased operations. Williams Fence spent last year completing all signed contracts where possible. The company's website no longer has references to residential fencing projects, materials and excavation. At this point, J. McNair stated that D. Williams had been speaking for about ten minutes and would need to move on to the applications. D. Williams plans to put in an eight-foot fence around the main part of the farm. His plans include an organic based country club that includes members and non-members. The bike paths will be incorporated through the properties which will include several types of berries. He said, "This where agriculture meets adventure meets rejuvenation". There will be a focus on corporate retreats.

J. McNair asked that D. Williams go through each application. He stated that D. Williams had provided a completed Oneida County Agricultural Data form and a Short Environmental Assessment Form for each application.

1) Tax map 373.000-1-36 – This is the former fence store on Van Hyning Road. D. Williams explained the SUP application is for this property to serve as the temporary club house in the first-floor office space and in the upstairs open space to hold events like corporate training. There is ample parking available on the property.

2) Tax map 373.000-1-36.1 – This is the corner lot on Van Hyning and Brothertown Road. This will be converted to the maintenance building and construction yard for the Blueberry Brook Farm. It will be transitioned to a nursery for the Country Club. There will be a ten-foot fence on the property's perimeter with a vegetative berm. This is to contain the property so that apple trees can be planted and won't be accessible to wildlife like deer.

3) Tax map 373.000-2.47.1- This is D. Williams' current residence on Brothertown Road. D. Williams is requesting a SUP for lodging and entertainment. D. Williams explained that currently he and his wife, M. Williams, reside at this address. Their plan is to build and move into a tiny house inside the resort. D. Williams said that they have hosted many parties, with easy access to the property and without any issues. This would be part of the newly fenced-in area around the properties.

4) Tax map 373.000-1-33 – This is the Blueberry Brook Farm Resort on Van Hyning Road. This SUP requested is for lodging and entertaining. D. Williams stated that the former owners did provide lodging as a Bed and Breakfast. He was advised by B. Getman, former town attorney, that he would be able to

4

continue lodging there. His plan is to host leadership conferences, small retreats, events and there is ample parking for blueberry picking as well as for meeting attendees and cyclists. 5) Tax Map 373.000-1-31 – This is the location of the cabins. The SUP application is requested for lodging.

D. Williams stated that a golf course was a use by right. Further, he said that besides golfing, country clubs have dining and entertainment for both members and non-members. He said the comprehensive plan is geared toward agritourism and utilizing the towpath. He does not want to see the town have a Dollar General store. He said that his vision of agritourism is in line with the TOM comprehensive plan and puts all of his properties in line with the local ordinances. He stated that the Blueberry Brook Farm Resort is a legal LLC, and he has a plan to manage it accordingly. His businesses employ around fifty-eight mostly local people and payroll between four and five million dollars which most gets put back into the local economy. His properties have been organic since the 1990's. J. McNair asked that D. Williams allow others to speak and would like him to be available to ask questions after the meeting has been adjourned.

J. McNair explained that he will work down the attendance list for those who would like to be heard.

- 1) Jane & Walt Stephenson – They sent a letter into the ZBA and do not need to elaborate at this time. Their letter will be made part of the public record.
- 2) Bert Glazier – He is here in support of D. Williams.
- 3) Robert Thomas – He is here in support of D. Williams. His granddaughter participates in cheering at Erin and Corey's gym, Head over Heels. He stressed that you need businesses as part of the tax base. He reiterated that D. Williams employs a lot of local people.
- 4) Colleen McGill – She pre-submitted her public comment and simply asks that the law be followed. Her letter was received.
- 5) Barbara Medina – She lives next door to D. Williams and wants to understand why he can make changes for himself, ignoring what others want in the neighborhood. She stated that D. Williams' father did not start the fence business, rather he bought it from someone else. She wanted to know why he continues to have large trucks delivering supplies. She lives on sixty-three acres that was once a hop farm. She sees no reason not to keep it as agricultural property.
- 6) Thad Merriman – He submitted a letter which was acknowledged as being received. 7) David Koester – He said he sent in a letter. He would like to know what increases in the taxes are with a zone change. J. McNair explained that there is no zone change, only SUP applications. He said that he could ask the tax assessor about taxes. D. Koester wanted to know if any SUP applications are denied what enforcement will be made to ensure compliance with the local ordinances. J. McNair responded that the ZBA does not enforce the laws. The ZBA's job is to look at the ordinances and the comprehensive plan and then grant, grant with conditions or deny the SUP applications. Further, he suggested that one could speak with the CEO about the process. D. Koester asked about the increased traffic on both Brothertown and Van Hyning Road and who would be responsible for the repairs and how the repairs will be financed. He explained he lives on the hill on Van Hyning Road and is waiting for the crash. Because of the berm which leads to blind spots for trucks exiting from

the fence company yard, there have been near misses from accidents. He stated that J-braking is intimidating. He again asks what is going to be done about the blind hill. He does not like the fact that trucks are J-braking at six and seven o'clock in the morning. D. Koester stated that he is a capitalist but does not feel the others should be intimidated by others in the neighborhood. Lastly, D. Koester wanted to know if there are any

5

studies being done on the impact of well-water for neighboring properties and on the nearby stream. J. Addington thanked D. Koester and wanted to provide clarity for everyone's benefit. He said that project tax revenue is outside of the ZBA's responsibilities. The TOM Tax Assessor would be able to answer that question when the annual tax rolls are prepared. Also, J. Addington said that if the SUPs were denied, there is nothing written in the ordinances that says what happens to the properties. He responded that part of the review process is to have traffic and environmental impact studies completed. J. McNair stated further that the ZBA is required to submit the referrals to the Oneida County Planning Board for their review. The ZBA will be filing a State Environmental Quality Review (SEQR) form with the Department of Environmental Conservation (DEC) to see what impact would be made to the environment. The ZBA might need to reach out to the County or State Highway Departments and water impacts would be submitted to the Army Corps of Engineers. Their expert input would assist the ZBA in making decisions on the SUP applications. The TOM attorney advised the ZBA to gather as much information as possible before seeking the referrals to the other agencies.

8) Jody Hatch and Keith Frisbey – No comment

9) Doreen Falin – She read a statement which was later submitted to the ZBA. She moved to Van Hyning Road with her fiancé, Dennis Risley, when they purchased the Risley homestead. She explained that many of her neighbors have lived there for generations, and they are considered her friends. She loves the wildlife and peace and quiet that it used to have. If the SUP applications are granted to D. Williams, she has major concerns about the impact on the wetlands, marshlands, use of pesticides, increased traffic and use of golf carts, noise and light pollution. She would like to know what the impact will be on the town's services such as the fire department, EMS and law enforcement. She said there is going to be a dog park and wondered how it would affect the dog warden. D. Falin said that the current tractor trailer traffic is dangerous. She does not believe the golf resort/country club is not in agreement with the town's comprehensive plan.

10) Joseph Misiaszek – He states that what D. Williams is trying to achieve and will be successful. There is Tilden Hill Farm in Verona, New York, that has biking, hiking and walking trails as well as a campground. This is on agricultural land. The family has beehives and also makes their own maple syrup. The Village of Waterville allowed the biking community to put in seven miles of trails on two hundred and thirty-five acres surrounding the reservoirs which connect to other trail systems equaling about thirty miles of trails in total. People use these trails and then spend money in the village. The same is true in Vermont. He rides the D. Williams trails now and helps train young people to do the same.

11) Gerald & Susan McConnell – No comment

12) Karin & Erron Pender – No comment

13) Donald & Sam Wivell – D. Wivell states that he owns the farm across the street from D. Williams property and does not have any issues with what D. Williams is trying to do. He said he would not want anyone to tell him what he can and cannot do with his land. He believes that the D. Williams

project will bring more income into the area. D. Yablonovitz explained that there are rules that have to be followed, and you cannot do whatever you want with your property. J. McNair stated further that it is the job of the ZBA to interpret the request against the law and the comprehensive plan. He also explained that no one would need an SUP permit to have one thousand heads of cattle in an A-1 zone.

- 14) Bonnie & Mike Buell – M. Buell is a small business owner in the area. He believes that some of the things D. Williams is trying to do will help the community. He also said that if done correctly

6

and following the laws of the TOM, it will bring more people into the community to spend money here. He acknowledges that D. Williams employs many people from the area, as does he. He thinks D. Williams is moving his commercial business out of the town. By doing so, D. Williams is introducing something new to the town that will make the community better.

- 15) Christian & Megan Stewart – M. Stewart wants to know what the guidelines for temporary clubhouse are. What are the rules and what is not going to be temporary? J. McNair said the ZBA had many additional questions that were submitted to D. Williams that are part of the public record including what was to be considered temporary and for how long, D. Williams will have an opportunity to address the public's concerns at the end of the hearing.
- 16) Troy Bishopp – He will read from a statement that he wrote. His farm has been around since 1890 and is one of the oldest in the area. He sold the fence business to D. Williams' dad. He stated that both Dan and his father, Dave Williams, are members of the Deansboro Cemetery Association Board and they resurfaced the roads there and constructed a perimeter fence around it at no charge. T. Bishopp helped write the TOM Comprehensive Plan. He stated when thinking about agriculture one may think of crops and animals. However, it has changed to a collaboration of local foods, play and stay opportunities. It does need to comply with local laws. Change should not be denied just because it looks different.
- 17) Brian Weigel – He said that D. Williams' properties bordered on three sides of his. He feels the comprehensive plan is about keeping peace and quiet. He understands the golf course is a use by right in the TOM agricultural zones. However, since most of the changes in use relate to entertaining and lodging, he appreciates that the water will be evaluated. He is concerned about what entertainment means, what the plan for Blueberry Brook Resort is. He worries that if events like weddings are going on Friday, Saturday and Sundays that it will be very loud at his residence. He believes it will bring inebriated drivers to the local roads. He pointed out the golf / country club resort is located in an area with very limited rideshare capabilities. He shared the same view as others about the hill having very dangerous blind spots. He believes there will be an increase in noise pollution and that surrounding property values will decrease. B. Weigel stated there is only one organic golf course in the US and that it is on Martha's Vineyard. By D. Williams adding a fence around the property's perimeter will negatively impact his views on his property and also create additional blind spots.
- 18) Don & Sherry Ford – No comment
- 19) Tyler Mahoney – He is here to support D. Williams. He is a new resident on Van Hyning Road. He is a mountain biker and believes this will benefit the area.
- 20) Doug & Sue Cornelius – D. Cornelius is here to support D. Williams. Change can be good. D. Williams has supported the Deansboro Barton Hose Fire Department and the Deansboro Cemetery Association for years. He believes if D. Williams is allowed to move forward it will be beneficial to the community.

There was a question about the former owner of the Blueberry Brook Bed and Breakfast. J. McNair clarified that it was his understanding that the owner lived at the Blueberry Brook Bed and Breakfast, which as defined in the ordinance, was permitted in an A-1 zone in the TOM.

21) David Poyer – He pointed out that the area only has one thousand head dairy farms in the area. He said that D. Williams could have a pig or dairy farm. He pointed out that the land will need to be used for something. He believes that golf courses increase property values. He said that D. Williams has built out the bike trails which he has opened up for public use to hike and bike and will be doing the same at MJK. He feels the D. Williams is having a positive effect on the community by making a golf course and retreat facilities. There is not a lot of development in the

7

area. He stated that D. Williams is moving his commercial business out of the area but people need to understand that it takes time. He said that seventeen years ago when he and his wife moved to Brothertown Road, the street was a mess, and it was destroyed by the local farmers.

The repairs have since been completed. D. Poyer would like to submit something in writing. J.

McNair explained that if the hearing is continued, then he may submit a written statement. 22)

John Marzocchi – He will speak about the comprehensive plan. He references page 22 where it states “Appropriate development will help maintain and improve the quality of life of those who now live in Marshall, as well as for those who will live here in the future.” He then references page 44 where the comprehensive plan states “Tourism, agri-tourism and recreation are the kind of businesses that residents say they’d like to see “more of” in Marshall. Marshall’s rural character, its hilltop views, fishing streams, hiking trails and natural features make it a desirable place for people to visit and to stay. Several bed and breakfast businesses in the area have recently taken advantage of Marshall’s scenic beauty to attract tourists. These enterprises now operating and thriving in Marshall and in the immediate vicinity can provide local overnight accommodations. Thanks to activities at nearby Hamilton College and Colgate University, and the annual Madison-Bouckville Antiques show, hospitality businesses are an excellent fit for the Town of Marshall.” He then read from page 45 of the comprehensive plan where it states “Similarly, hiking, biking, skiing, snowmobiling and recreation development, were cited by several respondents in the survey and interviews as the kinds of businesses that the town has the natural resources to support. The Town should actively encourage and attract those kinds of business through appropriate land use policy.” He then read from page 76 of the comprehensive plan where it states “Encourage small-scale agriculturally-related services and businesses. Encourage hospitality industries such as restaurants, shops, and bed & breakfast establishments. Encourage the kinds of commercial development that fits with and preserves Marshall’s rural character. The Town should support recreational facilities and opportunities as part of a strategy to attract and retain residents, businesses, and consumers. The Town should make the necessary investments to enhance the quality of life and the rural charm in the community that attracts businesses and tourists.” He said D. Williams’ SUP applications should be granted since they are consistent with the comprehensive plan.

23) Aiden Held – He is senior at Hamilton College with a major in Environmental Studies. D. Williams was a mentor to him and had a positive impact on his studies. He encourages others to support him. He said that D. Williams would like to use other students to assist with less possible environmental issues on his properties.

24) Laura & Allie Buschman – L. Buschmann states she has lived on Brothertown Road for more than thirty years. She acknowledges that farming has changed. The farm equipment is now much larger and noisier, and it sometimes smells. She states that there is now a gas station and an oil

business in town since her move to the area. She states that D. Williams is very reasonable with a can-do attitude. He is resourceful in making things happen. He employs many local people and is now willing to move his commercial business model to the cloud. He has shown that he is willing to make changes at his expense. As a property owner, she would find it difficult to have someone else say no to making whatever lawful changes. She said he was told by the TOM Board that this was okay and now it's not. She said she lives next door to a cheese factory and wonders if that is not okay anymore. She stressed that everyone needs to work together to help the community.

25) John Stephenson – No comment

8

26) Kelly Ann Nugent – was here and left. She submitted written comments that will be part of the public record.

27) Lindsay Williams – no relation to D. Williams. She will read K. Nugent's written comments. K. Nugent is a resident in the Town of Kirkland. She supports D. Williams' visions to build mountain bikes and multi-use trails. He is connected to Trail Builders who are known for their Wheelerville trails in Caroga, New York. She is an avid mountain biker who rides all over the country. Additionally, she is a member of a mountain bike trail alliance that helps build out these trails. Trail Builders developed trails in Old Forge at McCauley Mountain. She states that change is not comfortable for some people. It creates fears and apprehensions. The Old Forge community was against the trails but now they welcome the biking family. D. Williams' resort will draw family-friendly outdoor enthusiasts and spend money at local businesses. K. Nugent shopped at the Deansboro Superette for some food and bought gas at Buell Fuels after biking on the D. Williams' trails. Another time, a group of mountain bikers stopped at the Boro to do some business.

Then L. Williams spoke for herself. She has been a friend and neighbor of the Williams' since 2017. She served on the ZBA for two years before she started her family. She spoke of D. Williams' good character. She states that D. Williams will meet any challenge he faces. L. Williams teaches environmental science at MVCC and is Chair of the Sustainability Committee. She served on the ZBA when the solar farms first came around. She states it's not D. Williams' trucks but rather the farm trucks that make the noise. This caused an outcry from the audience. J. McNair said the ZBA is accepting comments and there should be no more outbursts from others. She said it was the farmer's disc equipment that ruined Brothertown Road and not the D. Williams' trucks. She said that residents should be concerned about septic water being put into farm sewage and sprayed on the fields. J. McNair asked her again to wrap up her comments. L. Williams then said she is a fellow mountain biker. She finds enrichment in berry picking at the Blueberry Brook Farm Resort. Her daughters participate in tumbling at Head Over Heels at MJK Farm. She feels D. Williams has helped improve that business. She said change has personally enriched her family's life.

28) Jack Buschmann – No comment

29) Jessica Poyer – She characterized her life growing up on Brothertown Road, moving away and then returning with her family in 2008. In her youth, her family had an apple orchard and then transitioned to a dairy farm. Back in the day, she said that one could walk up the road and popping tar bubbles because traffic was light. She states that since farming has changed so much, she would never allow her children to walk in the road as it was when she moved back to

the area. She says that while the TOM's 2013 comprehensive plan is welcomed, it is outdated. She said the town's planning has not evolved with the times. She was raised as we are a small town but not small minded.

30) Melissa Williams – No comment

31) Michelle Barnes – She said her daughter participates at Head Over Heels at MJK and that others wanted to send comments via email, but their emails were returned. J. McNair will provide an email address to send comments to. J. McNair stated that the ZBA is willing to accept emails for public comments if the public hearing is continued. M. Barnes said that she was speaking on behalf of E. Glazier and C. Glazier in support of their business. She believes D. Williams' proposed business will help the area grow.

9

32) Deb Turner - She said there are many misconceptions. She stated that the neighbors met with D. Williams. She also has a vision. In 2019, she bought her home on seasonal Van Hyning Road. The neighborhood was quiet and peaceful at that time. Shortly after her move, she noticed dump trucks and tractor-trailers hauling large pieces of equipment driving over the blind hill. She brought the issue to the TOM Board. She was told that D. Williams was issued a permit for sales and storage building. However, it was operating as a repair shop. D. Ford, the TOM former CEO, issued other permits in 2021 and 2022. These issues have existed for six years. She states the former TOM attorney, B. Getman, and the TOM Board have ignored the Van Hyning Road neighbors' complaints. D. Turner said the D. Williams and M. Williams have changed their business many times. She believes that D. Williams will not comply with any towns laws based on his past. She said that D. Williams advertises that he can hold weddings and events for up to two hundred people. She also read from the TOM Comprehensive Plan where it says the TOM should respect the town's peaceful, quiet, rural character. There is nothing in the plan about a world class resort. She said that she does not want strangers in her backyard. She asks, What is a Country Club? The TOM ordinances do not define this. She further said that D. and M. Williams do whatever they want with no regard to the impact on their neighbors. D. Turner wants to know if there are any financial requirement for D. Williams to meet before moving forward. She said the solar farm being built on Brothertown Road had to prove their financial wherewithal as one of the requirements before the project was approved, Finally, she asks that D. and M. Williams be required to comply with the local ordinances and that their SUP applications be denied.

D. Williams was given an opportunity to address some of the concerns. He said that he shares the concern regarding the blind hill. The TOM did not provide clear direction to D. Williams' business. He has responded by moving his business out of town. This is taking time but he has been removing the business signs and having materials be delivered directly to the job sites. He will stop buying equipment and in the future, equipment will be rented. He will purchase fuel needed for the job sites from Buell Fuel using fuel cubes. He recognizes how the business grew out of control. He has a fifty-year plan to build out the farm and to be fully organic. The website will be updated and weddings will be removed from it. He is interested in serving corporate retreats. The water will be coming from existing wells which are downstream from other residences. He stated that he is working with the Army Corp of Engineers and the DEC about building structures to mitigate flooding. D. Williams said some Hamilton College athletes came to him and asked how they can get involved in the community. He will be utilizing their sustainability department into the project. D. Williams said he will make sure he gets any required permits

before starting any future projects. He is passionate about the community and students and recognizes employment in the trades without college is something that is vital to the area. He plans to work with the Waterville Central School's FFA program on the resort projects. He said he will introduce fruit trees on the golf course. He plans on living on the resort and will not have huge events.

J. McNair asks the ZBA members if they have questions for D. Williams. He states that he took the D. Williams responses from the pdf and copied them back into the form that was sent to D. Williams. This will be part of the public record. D. Zweifel-Yaciuk created a spreadsheet with data from the five SUP applications to help understand the totality of the project. The land use, whether a country club or farm resort, will be the same for all five tax map lots. D. Zweifel-Yaciuk asked where D. Williams was living since three of the SUP applications said that he was living on

10

three tax parcels. His response was he treated the 244-acres as one parcel. He is living on Brothertown Road and will be building a tiny home on the resort for his wife and himself. D. Zweifel-Yaciuk reviewed the number of guests related to events and overnight lodgings for each parcel. The current storefront will become the temporary clubhouse where guests check in for golf. This property would host a maximum of 200 guests, not 350 as listed in the application. This totals 532 guests, 500 event guests and 32 overnight guests for all five SUP applications. Additional parking would be made available on a 3-acre field. J. McNair states that ZBA is asking these questions so that it can use the answers against the current ordinances and comprehensive plan. He acknowledges that both are out of date But it is what the ZBA has to use at this time. The ZBA has been asking the TOM board to update them for a long time. D. Zweifel-Yaciuk said that the SUP applications have a total of 168 parking spaces on the properties. This does not include the 3-acre field that will be used for additional parking. D. Zweifel-Yaciuk asked if 100 percent of the guests were present, where would the employees park and how many employees would be needed. D. Williams responded that would need to be determined and this is a plan to be developed over time. D. Yablonovitz asked that in addition to the 532 maximum guests, how many bikers would there be and where would they park. D. Williams states that since he will be living on the 244-acre property, that he does not intend to have all 532 maximum guests on the property at once. D. Williams confirmed his current address is 2115 Brothertown Road. D. Yablonovitz said the TOM attorney said the ZBA needs a formal plan from D. Williams. J. McNair stated as part of the follow-up questions and given the number of guests, not including employees and vendor trucks, the ZBA would need more information to better understand if the current water and septic systems be able to accomodate 532 guests. D. Williams said he installed a new system at his current residence two years ago. The Bed and Breakfast has been operating for more than twenty years without any issues. D. Williams said in 2022 when he first applied that he would need to work with the CEO to obtain permits to update the systems. For larger events, D. Williams said they would bring in porta-johns.

J. McNair said the timeline of fifty years seemed unreasonable. It will be difficult for the ZBA to evaluate the land use without specifics. D. Williams said he is developing u-pick berries and fruit trees. He, also, said he spoke with the Turf Manager at Turning Stone golf courses and was told that Turning Stone is trying to get to be more organic every year. D. Williams said he would start the farm as organic since the grass types need to be different. He said he needs time to

financially heal and he has been focused on moving his fence business out of Deansboro. J. Addington asks D. Williams to develop a list of milestones and associated timeline for each. J. McNair said the ZBA would need more information about the tiny-homes or off-grid mobile structures. He asks what they are, where they would be located on the property and how many guests would be housed in them. J. McNair stresses the ZBA needs to understand the land use in order to render a decision. He reminded D. Williams that in the last meeting, the ZBA looked at each tax map parcel and guided D. Williams on land use language. A country club is a use by right. J. McNair asks for more details around the lodging. D. Williams responds that it will develop over time. D. Williams' goal for this year is to move the fence business out of the area, build a fence around the 244-acre property. He is working with the DEC on moving the driveway. The driveway where the maintenance facility will be closed off. D. Williams is also working with the Army Corps of Engineers on flood mitigation. He hopes to get the temporary clubhouse set up. J. Addington asks D. Williams put his vision in writing stating the things he plans to do this year and next while keeping in mind what the current laws allow. D. Williams said his

11

understanding was how to use the existing buildings as part of the country club within the current project plan. J. McNair pointed out that the SUP applications were for events and lodging uses. D. Williams is building out the trails. Once they are complete, that will determine where the golf holes will be placed and that each hole will be a sheep pasture.

J. McNair explained the B. Schmidt, TOM Attorney, had set up a Review Committee composed of a ZBA member, a Planning Board member and the CEO. D. Williams appeared before the Review Committee and was told that he could apply for a zoning change, a use variance which is very difficult to get or a SUP. Today, D. Williams is here before the ZBA to review five SUP applications for events, entertainment and lodging. J. McNair said the ZBA questions would have been answered in a Site Plan. However, there was no site plan submitted. D. Williams said he is working on a Site Plan. J. McNair said the Planning Board would need to review the Site Plan and it would not come to the ZBA.

J. Addington said he looked at the Blueberry Brook website and it makes references to the plans for the properties and what you are trying to achieve. D. Williams said the website is under construction and the Blueberry Brook Farm house is primarily to be used for executive retreats. J. Addington asks if D. Williams would provide an aerial photo of the entire property that shows what goes where and reference a timeline. J. McNair said that D. Williams did provide a rough drawing with that information along with a written vision of the project and it is part of the public record. D. Williams has met several times with the Oneida County Planning Department for guidance on answering tonight's questions. D. Williams said that while the ordinances reference country club, it lacks a definition for one.

J. McNair said he will make sure all items are kept in sequence where possible and will be made available in the public record. He further explained how to get access to the information via a FOIL request.

J. McNair recommends the hearing be continued and the ZBA has enough information to submit referrals to the DOT, DEC on the environmental impact, the Oneida County Planning Board, the

Oneida County Department of Transportation and the Army Corps of Engineers. He states the ZBA is not legally required to but he will place a notice of the continuance for the public hearing on the SUP applications in the Waterville Times. He states there is no time limit on the continuance. He recommends that the Public Hearing of the five SUP applications be at the regularly scheduled ZBA meeting on 11 June 2025. He asks that the public hearing begin at 18:00 and the regular ZBA meeting to follow the hearing. J. McNair made a motion for such and it was seconded by J. Addington. 9 June 2025 is the deadline for receiving emails and written comments. An email address will be provided in the public notice. The motion carried 4

This concludes the public hearing portion.

The regularly scheduled ZBA meeting:

J McNair opened the meeting at 21:16.

C. McGill and J. Stephenson asked to be recused from this portion of the meeting. 12

Recognition of Guests:

Thad Merriman, 6954 Van Hyning Road, Deansboro, NY

Resolution #1

J. McNair amended the agenda to read 3. Review and approve the minutes of the April 2025 meeting. A motion was made by J. Addington to approve the 9 April 2025 ZBA meeting minutes. J. McNair seconded the motion. The motion was approved 3-0-2.

New Business:

- 1) At last night's Town Board meeting, J. McNair volunteered to be the first alternate on the Planning Board. He recommended J. Addington as the second alternate on the Planning Board.
  
- 2) D. Yablonovitz would like the hearing to end as soon as possible. He feels that nothing is ever resolved. He believes part of D. Williams' strategy is to not get anything resolved and he does as he pleases without the proper permits or approvals. J. McNair said D. Williams did things without approval or sought approval and then did something else. For example, he sought permission for agricultural storage but then subsequently opened a paving business. At the April ZBA meeting, the ZBA had to get from D. Williams what he was trying to do for the six SUP applications. The ZBA cannot legally give guidance to D. Williams. J. McNair agrees that the hearing should be concluded as soon as possible. Regardless of what the ZBA does, there is a good probability there will be a legal challenge. The ZBA needs to follow due process so that whatever decisions are made will stand up in court. He explained that the Oneida County Planning Department as well other government departments will need to weigh in. J. Addington would like the ordinances to be updated J. McNair agrees but first the comprehensive plan needs to be updated. The Town Board needs a grant writer so the funds can be secured to hire experts in updating both the Comprehensive Plan and the ordinances. J. Addington wants to address the enforcement rules because they are in conflict with the zoning ordinances and with the comprehensive. J. McNair said the Town Board needs to address the CEO issue.

Old Business:  
None

Executive Session:  
None

The meeting was adjourned at 21:45 pm by J. McNair.

Initials: DZY  
Date: 4 June 2025  
CC: ZBA board