

**364.000-1-16.1**  
**MKJ FARM Special use permit**  
**2016**

**A special use permit for an obstacle course for foot races  
or runs was granted  
March 9, 2016**

Zoning Board of Appeals  
The Town of Marshall

Minutes of the meeting of the Zoning Board of Appeals on March 9, 2016 at the Town Hall.

**Present:**

Board members: Robert Dangler, Dave Georgius, Lawrence Gilley, Nancy Peck, Jack Pughe

**Opening:** The meeting was called to order at 7:12 PM.

**Minutes:** The minutes of the meeting of February 10, 2016 were adopted.

**364.000-1-16.1 MKJ Farm**

Mr Georgius noted in the matter of the application for a special use permit by John Bushman for an obstacle course for foot races on MKJ Farm-

-The public hearing had been held and closed.

-Documentation had been received that the application fee had been paid.

-Legal and public notice of the hearing had been given.

-County Planning and been informed of the hearing, sent a copy of the application, but had not responded to the application.

Conditions: It was AGREED that no conditions or restrictions be placed on the special use permit. In favor:- Robert Dangler, Dave Georgius, Lawrence Gilley, Nancy Peck, Jack Pughe

Final decision on the application: It was AGREED that a special use permit be granted for an obstacle course for foot races or runs on 364.000-1-16.1 (MKJ Farm). In favor:- Robert Dangler, Dave Georgius, Lawrence Gilley, Nancy Peck, Jack Pughe

Mr Georgius said that he will  
prepare and submit for filing a findings document  
inform County Planning  
inform the Codes Officer, Town Clerk and the Applicant.

**Training:**

Mr Georgius notified Robert Dangler, and Lawrence Gilley that their applications were submitted for the Tug Hill Commission Local Government Conference scheduled for March 31, 2016 at Jefferson Community College. Mr Gilley said that he had received email confirmation.

**Section 239 submissions:**

Mr Georgius distributed a memo explaining that GML 239 referrals are to be made digitally.

**Next meeting:** Wednesday, April 13, 2016 at 7.00 pm in the Town Hall

**Adjournment:** The meeting was adjourned at 7:37 PM

Respectfully submitted, Lawrence Gilley

Zoning Board of Appeals  
The Town of Marshall

Minutes of the public hearing of the Zoning Board of Appeals on March 9, 2016 at the Town Hall.

**Present:**

Board members: Robert Dangler, Dave Georgius, Lawrence Gilley, Nancy Peck, Jack Pughe  
Members of the public: Melissa Williams

**Opening:** The hearing was called to order by Mr Georgius at 7:00 PM.

**364.000-1-16.1 MKJ Farm**

Mr Georgius explained that the reason for the public hearing was the application for a special use permit by John Bushman for a obstacle course for foot races on MKJ Farm

Mr Georgius reported that proper notice had been given by means of legal notices published in the Waterville Times February 24, March 2 and March 9 and that notices had been posted at various places and on the Town website according to ZBA practice. The notice was read for the record:--

The Marshall Zoning Board of Appeals will consider the Application at a public hearing at the Town of Marshall Building at 7:00 PM on 9 March 2016 of John Bushmann owner of MKJ Farm for a SPECIAL USE PERMIT to establish an obstacle course as an additional part of the already established recreational uses of a portion of the farm land. MKJ farm is located in the Town of Marshall/ Hamlet of Deansboro just off of NYS Route 12B on Hughes Road West.

Mr Gilley reported that the application prepared by Mr Bushmann had been posted on the Town website.

Mr Georgius invited public comment. There was no public comment.

**Closing:** Mr Georgius declared the public hearing closed at 7:10 PM

Respectfully submitted,

Lawrence Gilley

**Zoning Board of Appeals**  
The Town of Marshall

Minutes of the meeting of the Zoning Board of Appeals on February 10, 2016 at the Town Hall.

**Present:**

Board members: Robert Dangler, Dave Georgius, Lawrence Gilley, Nancy Peck, Jack Pughe  
Members of the public: Melissa Williams

**Opening:** The meeting came to order at 7:00 PM.

**Minutes:** The minutes of the meeting of January 13, 2016 were adopted.

**Organizational business**

Membership: Mr. Georgius reported that the Town Board had appointed him a member of the ZBA for a five year term.

Chair: Mr Georgius reported that he had been reappointed the chair of the ZBA

Deputy chair: Mr Georgius reported that he had appointed Robert Dangler as his deputy.

**364.000-1-16.1 MKJ Farm / Mud Run**

Mr Georgius reported that he had explained and received the approval of the Town Board for the ZBA proposal to consider an application for an special use permit by John Bushman for a obstacle course for foot races on MKJ Farm

Parts of the application received included the Short Environmental Assessment Form, and map.

Ms. Williams was advised that the application form, agricultural data statement, and receipt for the application fee must be returned to the chair before the application is considered complete.

Implications for the town's Comprehensive Plan were considered. It was RESOLVED that there are no significant implications for the Comprehensive Plan.

In favor: Dangler, Georgius, Gilley, Peck and Pughe.

SEQR part one was reviewed. SEQR part 2 was reviewed and completed.

SEQR determination: It was RESOLVED that it is determined that the proposed action will not result in any significant adverse environmental impacts.

In favor: Dangler, Georgius, Gilley, Peck and Pughe.

Mr Georgius signed the SEQR determination form.

Public hearing: It was RESOLVED that a public hearing on the application be scheduled for

March 9, 2016 at 7.00 pm in the Town Hall.

**Training:**

Robert Dangler, Dave Georgius, and Lawrence Gilley indicated that they plan to participate in the Tug Hill Commission Local Government Conference scheduled for March 31, 2016 at Jefferson Community College.

**Next meeting:** Wednesday, March 9, 2016 at 7.00 pm in the Town Hall

**Adjournment:** The meeting was adjourned at 7:37 PM

Respectfully submitted,

Lawrence Gilley

Town of Marshall  
2651 State Route 12B, P O Box 233, Deansboro, New York 13328

APPLICATION  
to the Zoning Board of Appeals  
for a  
SPECIAL USE PERMIT

Special use of the property for which a permit is requested:

Obstacle course for a pedestrian race/run  
(mud run)

The property is zoned as (circle one):

residential | agricultural | business | planned business | natural products

Description and location/address of the property

Farm land located off of Rt 12B in the town  
of Marshall at 6844 W. Hughes Rd

Tax number of the property 364.000-1-16.1

Applicant's name: John Buschmann

Mailing address: 6844 W. Hughes Rd, Deansboro, NY 13328

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_ Email: \_\_\_\_\_

Land Owner's name: John Buschmann

Mailing address: same as above

Phone number: 794-8299 Fax number: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant's signature: 

Date: 2-2-16

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <u>Daniel Borden Highland Muffest</u>			
Project Location (describe, and attach a location map): <u>West Hughes Rd Deansboro NY 13328</u>			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: <u>Daniel Williams</u>		Telephone: <u>725-7934</u>	
Address: <u>2115 Brothertown Rd</u>		E-Mail: <u>farmfenceguy@gmail.com</u>	
City/PO: <u>Deansboro, NY</u>		State: <u>NY</u>	Zip Code: <u>13328</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <u>Liquor License</u>		NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>150</u> acres	
b. Total acreage to be physically disturbed?		<u>2</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>275</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Bottled water</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Porta Johns</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Daniel Williams</u> <i>Daniel Barden Highland Muckfest</i> Date: <u>1-29-16</u></p> <p>Signature: <u><i>Daniel Williams</i></u></p>		

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Agency Use Only [If applicable]

Project:

Date:

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Zoning Board of Appeals</u>	<u>February 10, 2016</u>
<small>Name of Lead Agency</small>	<small>Date</small>
<u>David Georgius</u>	<u>Chair</u>
<small>Print or Type Name of Responsible Officer in Lead Agency</small>	<small>Title of Responsible Officer</small>
<u>[Signature]</u>	<u>[Signature]</u>
<small>Signature of Responsible Officer in Lead Agency</small>	<small>Signature of Preparer (if different from Responsible Officer)</small>

PRINT FORM

# Oneida County Agricultural Data Statement

Town  Village  City of Marshall Date Feb 2, 2016

Ag District Number \_\_\_\_\_

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>John Buschmann</u>	Name: _____
Address: <u>6844 West Hughes Road</u>	Address: _____
<u>Deansboro, NY 13328</u>	_____

1. Type of Application:  Special Use Permit;  Site Plan Approval;  Use Variance;  
 Subdivision Approval

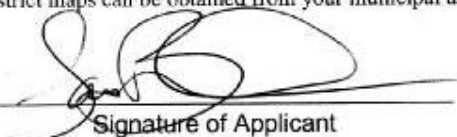
2. Description of proposed project:

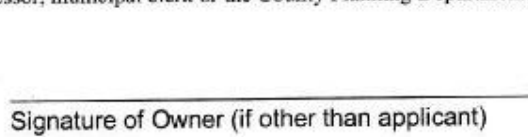
Obstacle course for a pedestrian race (mud run)

3. Location of project: Tax Parcel ID# 364.000-1-16.1
4. Is this parcel actively farmed?  NO  YES
5. List all farm operations within a NYS Department of Ag & Markets Certified Agricultural District that are within 500 feet of your parcel. Attach additional sheets if necessary.\*

Name: <u>Ed Gallagher Farms R/E LLC</u> Address: <u>2341 State Rd 30</u> <u>Deansboro</u> <u>364.000-1-8.2</u> Tax Parcel ID # <u>364.000-1-8.1</u>	Name: <u>Juan E McNamara</u> Address: <u>3553 Green Valley Rd.</u> <u>Deansboro, NY 13328</u> Tax Parcel ID # <u>363.000-2-110</u>
Name: <u>Jerry J. Gibson</u> Address: <u>P.O. Box 140</u> <u>Deansboro 13328</u> Tax Parcel ID # <u>364.000-1-8.1</u>	Name: _____ Address: _____ Tax Parcel ID # _____

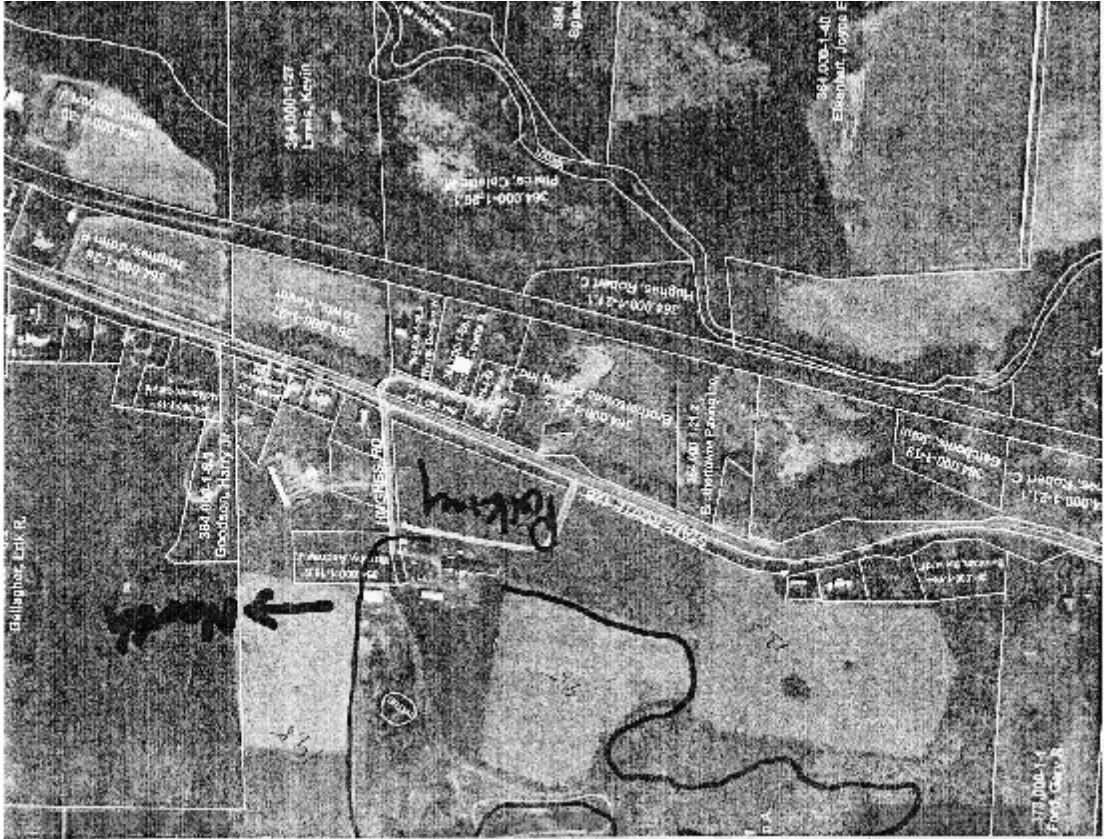
\* Attach a tax map showing the site of the proposed project relative to the location of farm operations identified above. Ag District maps can be obtained from your municipal assessor, municipal clerk or the County Planning Department.





Signature of Applicant Signature of Owner (if other than applicant)

**NOTE TO MUNICIPALITY:** All applications requiring an Agricultural Data Statement **must** be referred to the Oneida County Planning Department in accordance with amended Sections 239-m and 239-n of New York State General Municipal Law.



## Legal Notice

### TOWN OF MARSHALL Zoning Board of Appeals

The Marshall Zoning Board of Appeals will consider the Application at a public hearing at the Town of Marshall Building at 7:00 PM on 9 March 2016 of John Bushmann owner of MKJ Farm for a SPECIAL USE PERMIT to establish an obstacle course as an additional part of the already established recreational uses of a portion of the farm land. MKJ farm is located in the Town of Marshall/ Hamlet of Deansboro just off of NYS Route 12B on Hughes Road West.

**LEGAL NOTICE  
TOWN OF MARSHALL  
ZONING BOARD OF APPEALS**

The Marshall Zoning Board of Appeals will consider the application at a public hearing at the Town of Marshall building at 7 p.m. on 9 March 2016 of John Bushmann, owner of MKJ Farm, for a special use permit to establish an obstacle course as an additional part of the already established recreational uses of a portion of the farm land. MKJ farm is located in the Town of Marshall/Hamlet of Deansboro just off of NYS Route 12B on Hughes Road West.

Feb. 24, March 2 &  
March 9, 2016

Town of Marshall  
P O Box 233  
Deansboro, NY 13328  
(315) 841-4473

## RECEIPT #5

02/20/2016

Williams, Daniel  
2115 Brothertown Rd.  
Deansboro, NY 13328

Received \$ 50.00 for <sup>Special Use</sup> ~~Building~~ permit, on 02/20/2016. Thank you for stopping by the Treasurer's Office.

As always, it is our pleasure to serve you.

  
Mary E. Blunt  
Town Clerk