

**TOWN OF NORTH HARMONY  
TOWN BOARD MEETING AGENDA  
MONDAY, APRIL 14, 2025, 7:00 PM**

- **PLEDGE**
- **MINUTES: 3/10/2025 & 3/18/2025 (PUBLIC HEARING & SPECIAL MEETING)**
- **ANNOUNCEMENTS:**

THE TOWN CLERK'S OFFICE IS CLOSED APRIL 28-30 FOR THE 2025 ANNUAL TOWN CLERKS CONFERENCE.

GRIEVANCE DAY – WEDNESDAY, MAY 28, 2025, 4PM - 8PM

- **PUBLIC COMMENT:**

*The Town of North Harmony welcomes public comment by all. We ask that they be brief (3 minutes or less) as a courtesy to the business nature of the meeting and others time constraints. If you wish to have an interactive conversation with the board regarding a specific matter or concern, it would be greatly appreciated if you request to be placed on the agenda and provide an outline of the matter you wish to discuss at least one week prior to the meeting. You may do this by contacting the Supervisor or the Town Clerk at (716)789-3445. Thank you for your Courtesy!*

- **RESOLUTIONS**

RESOLUTION # 8 OF 2025 – TOWN OF NORTH HARMONY SUPERVISOR'S AUDIT.

RESOLUTION # 9 OF 2025 – CERTIFICATE OF DEPOSIT EXTENSION (CHASSIS PAYMENT JUNE 2025)

RESOLUTION # 10 OF 2025 – AUTHORIZE THE USE OF THE BUILDING PERMIT WETLANDS COMPLIANCE WAIVER AND RELEASE FORM.

RESOLUTION #11 OF 2025 – ADOPT UPDATED SCHEDULE OF FEES IN ACCORDANCE WITH 704 OF THE ZONING LAW.

- **CORRESPONDENCE:**

The following correspondence has been received by the Town of North Harmony and is available for review at the offices:

ASSESSOR – FEBRUARY PROPERTY TRANSFERS: A/V: \$152,400.00 S/P: \$606,375.00 (+\$453,975.00)

CHARTER COMMUNICATIONS –

- WUTV 2 will rebrand from TBD TV to ROAR on or around April 28, 2025. All programming content will remain the same.

TAX WARRANT PARTIAL PAYMENT TO CHAUTAUQUA COUNTY SENT 3/24/2025 IN THE AMOUNT OF \$500,000.00

TAX WARRANT FINAL PAYMENT TO CHAUTAUQUA COUNTY DELIVERED 4/9/2025 IN THE AMOUNT OF \$1,820,369.01.

SNOW TOTALS – DICK SENA

NYS DOT – BRIDGE UPDATE

CHAUTAUQUA LAKE PROPERTY OWNERS' ASSOCIATION – ARTICLE 78 SUIT

- **OLD BUSINESS**

TRANSIENT RENTALS DEFINITION (A SHORT-TERM RENTAL LESS THAN 30 DAYS) – MOTION TO SET PUBLIC HEARING

TRANSIENT RENTAL VIOLATION FEE SCHEDULE - PLANNING BOARD RECOMMENDATIONS (\$300/DAY 1<sup>ST</sup> OFFENSE \$600/DAY 2<sup>ND</sup> OFFENSE)– DISCUSSION.

- **NEW BUSINESS:**

MOTION TO ACCEPT THE CHAUTAUQUA, ALLEGHANY, NIAGRA, AND THE STATE BIDS AS A BUYING VENUE.

GARY CARD – PERMISSION TO LOCATE FOOD TRUCK IN VARIOUS LOCATIONS IN THE TOWN.

DRAFT SHORT TERM RENTAL VIOLATION LETTERS - DISCUSSION

LL 3 OF 2025 – A LOCAL LAW EXTENDING A TEMPORARY MORATORIUM ON COMMERCIAL SOLAR AND BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF NORTH HARMONY. – MOTION TO SET PUBLIC HEARING

LL 4 OF 2025 – A LOCAL LAW PLACING A MORATORIUM ON NEW SWELLING UNITS ON NONCONFORMING LOTS WITHIN THE R-1 ZONING DISTRICT OF THE TOWN OF NORTH HARMONY. – MOTION TO SET PUBLIC HEARING.

MOTION TO EXCEPT THE RESIGNATION OF DAVID ENSMINGER FROM THE ZONING BOARD OF APPEALS.

LAUREN MANWARING – MOTION TO APPOINT TO THE ZONING BOARD OF APPEALS.

RYAN GIBBS – MOTION TO APPOINT TO THE BOARD OF ASSESSMENT REVIEW.

SCHEDULE MEMORIAL DAY SERVICE.

HIGHWAY M.E.O. JOHN MAYR - \$1/HR RAISE EFFECTIVE 5/1/2025(\$/HR; \$/HR OT)

- **ALL OTHER BUSINESS AS NECESSARY**

- **EXECUTIVE SESSION IF NECESSARY**

- **REPORTS:**

Pierre Chagnon – Legislator	Robert Yates - Supervisor
Howard Peacock – Justice	GF Vouchers
Benny Karlson – HWY Sup’t.	HWY Vouchers
Brad Lawson – Zoning CEO	Adjournment
Anne Golley – Assessor	
DCO – John Stow	
Stephanie Gibbs – Town Clerk	

## Resolution 8 of 2025

### Town of North Harmony Town Supervisor Audit

At a regular meeting of the Town Board of North Harmony was convened in the public session of the Town Building, 5350 Stow Road, Ashville, New York on April 14, 2025, at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Robert Yates and upon roll being called, the following were:

PRESENT:

ABSENT:

Resolution by:

Seconded by:

**WHEREAS**, the Town of North Harmony Town Supervisor submitted its Cash Books, Bank Statements, Year End Report and balanced check books from Supervisor, Robert Yates for Audit to the North Harmony Town Board on March 21, 2024.

**THEREFORE, LET IT BE RESOLVED**, to accept records as presented.

Supervisor Robert Yates	Voted –
Deputy Supervisor Louise Ortman	Voted –
Councilman Richard Sena	Voted –
Councilman Bruce M. Pfeil	Voted –
Councilwoman Nikiel Adams	Voted -

Motion Approved  
Resolution Adopted:

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Stephanie N. Gibbs, Town Clerk  
Town of North Harmony

**RESOLUTION # 9 of 2025**

**\_\_\_-DAY CD FOR \$ \_\_\_\_\_ AT A \_\_\_% INTEREST RATE**

A regular meeting of the Town Board of North Harmony was convened in the public session of the Town Building, 5350 Stow Road, Ashville, New York on April 14, 2025, at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Robert Yates and upon roll being called, the following were:

PRESENT:

ABSENT:

Resolution by:

Seconded by:

**WHEREAS**, the Town of North Harmony has a Collateral Agreement and an Investment Policy with M&T Bank for a \_\_\_-day Certificate of Deposit with a \_\_\_% interest rate for \$ \_\_\_\_\_.

**NOW THEREFORE BE RESOLVED**, that the Town Board of the Town of North Harmony will renew a \$ \_\_\_\_\_ 90-day Certificate of Deposit (CD) at a \_\_\_% interest rate with M&T bank.

Supervisor Robert Yates	Voted –
Deputy Supervisor Louise Ortman	Voted –
Councilman Richard Sena	Voted –
Councilman Bruce M. Pfeil	Voted –
Councilwoman Nikiel Adams	Voted -

Motion Approved  
Resolution Adopted:

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Stephanie N. Gibbs, Town Clerk  
Town of North Harmony

**RESOLUTION 10 of 2025**

**AUTHORIZE THE TOWN OF NORTH HARMONY TO IMPLEMENT THE BUILDING PERMIT WETLANDS COMPLIANCE WAIVER AND RELEASE FORM.**

A regular meeting of the Town Board of North Harmony was convened in the public session of the Town Building, 5350 Stow Road, Ashville, New York on April 14, 2025, at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Robert Yates and upon roll being called, the following were:

PRESENT:

ABSENT:

Resolution by:

Seconded by:

**WHEREAS**, New York State has implemented new wetland regulations and boundaries which may affect individual properties and proposed building projects; and

**WHEREAS**, by having applicants sign the building permit wetlands compliance waiver and release form holds the Town of North Harmony harmless from any liability during building projects in the wetlands.

**NOW THEREFORE IT IS RESOLVED**, that the Town of North Harmony authorizes the use of the Building Permit Wetlands Compliance Waiver and Release Form.

Supervisor Robert Yates	Voted –
Deputy Supervisor Louise Ortman	Voted –
Councilman Richard Sena	Voted –
Councilman Bruce M. Pfeil	Voted –
Councilwoman Nikiel Adams	Voted –

Motion Approve  
Resolution Adopted:

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Stephanie N. Gibbs, Town Clerk  
Town of North Harmony



**Town of North Harmony  
Code Enforcement Department**  
5350 Stow Rd  
Ashville, NY 14710

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**Building Permit Wetlands Compliance Waiver and Release Form**

Applicant Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Permit #: \_\_\_\_\_

Date: \_\_\_\_\_

I, the undersigned applicant, understand that the Town of North Harmony issues building permits based on information provided in my application and its compliance with local zoning and building codes. I also understand that the Town of North Harmony and its Code Enforcement Officer do not independently verify the presence or boundaries of wetlands on my property under New York State or federal laws, including the New York State Freshwater Wetlands Act and applicable regulations enforced by the New York State Department of Environmental Conservation (DEC).

I certify that I have researched and reviewed all relevant state and federal laws, regulations and requirements related to wetlands that may affect my property and the proposed building project. This includes, but is not limited to, confirming whether my property contains or is near wetlands regulated by the DEC or other agencies, and obtaining any necessary permits or approvals from those agencies.

In consideration of the Town of North Harmony reviewing and issuing a building permit, I hereby waive, release, and hold harmless the Town of North Harmony, its officers, employees, and agents, including the Code Enforcement Officer, from any and all liability, claims, damages, or legal action arising from:

1. Any violation of state or federal wetlands laws and regulations related to my property or project, whether identified before, during, or after the issuance of this permit.
2. Any errors, omissions, or inaccuracies in wetlands information or mapping provided by the applicant, the DEC, or other sources.
3. Any costs, fines, or remediation required by state or federal agencies due to wetlands violations.

I acknowledge that it is my sole responsibility to ensure compliance with all wetlands-related laws and regulations, and that the issuance of a building permit by the Town of North Harmony does not constitute a determination or guarantee that my project complies with such laws.

Applicant Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION 11 OF 2024**

**RESOLUTION ADOPTING UPDATED BUILDING PERMIT FEE SCHEDULE TOWN OF NORTH HARMONY**

A regular meeting of the Town Board of North Harmony was convened in the public session of the Town Building, 5350 Stow Road, Ashville, New York on April 14, 2025, at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Robert Yates and upon roll being called, the following were:

**PRESENT:**

**ABSENT:**

Resolution by:

Seconded by:

**WHEREAS**, the Town of North Harmony has an antiquated Building Permit Fee Schedule; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of North Harmony, New York approves the following Updated Building Permit Fee Schedule:

**NORTH HARMONY BUILDING PERMIT FEE SCHEDULE**

**BUILDING PERMITS**

- Residential \$0.15 a sq ft
- Commercial \$0.30 a sq ft plus \$30 zoning fee

**STORAGE BUILDINGS**

- 0 – 5,000 sq ft \$80 flat fee
- 5,001 & up \$130 flat fee

**RESIDENTIAL SHED**

- 0 to 149 sq ft no charge
- 150 & up \$0.15 a sq ft

**BUILDING FOR AGRICULTURAL USE**

- \$50 flat fee

**ROOF**

- Residential \$50 flat fee
- Commercial \$100 flat fee

**OTHER RESIDENTIAL: Porch/deck/fence/etc.**

- 0 to 200 sq ft \$30 flat fee
- 201 to 500 sq ft \$60 flat fee
- 501 sq ft & up \$90 flat fee

**WOOD STOVE**

- \$50 flat fee

**SWIMMING POOL/POND**

- \$50 flat fee

**BUSINESS LICENSE**

- \$35 flat fee

**BUSINESS SIGNAGE**

- Residential \$30 flat fee
- Commercial \$50 flat fee

DEMOLITION/BUILDING REMOVAL

- Residential \$50 flat fee
- Commercial \$100 flat fee

SOLAR FARMS

- Application \$500 flat fee
- Building Permit \$500 flat fee
- Fence Permit \$250 flat fee
- Special Unit Permit \$1000 per megawatts

NEW YORK OPERATING PERMITS

- \$50 flat fee

OPERATING WITHOUT PERMITS

- Owner \$100 fine
- Contractor \$250 fine
- Every subsequent offense for operating without a permit will double the prior fine.

FIRE AND SAFETY INSPECTIONS

Residential

- 3 to 15 units \$100 flat fee
- 16 or more units \$150 flat fee

Commercial

- 1 to 5,000 sq ft \$50 flat fee
- 5,001 to 14,999 sq ft \$100 flat fee
- 15,000 sq ft & up \$200 flat fee

COMMUNICATION TOWER

Fees are defined in the Town of North Harmony Zoning Ordinance Chapter 619, Section G-15 A-B-C

**PLANNING AND ZONING BOARD FEES**

- Minor -Site Plan Review \$100 flat fee: Defined in Zoning Law Article X Section 1004.3-B
- Major -Site Plan Review \$250 flat fee: Defined in Zoning Law Article X Section 1004.3-C
- Revision of Site Plan \$100 flat fee
- ZBA Special/Area/Use \$100 flat fee
- ZBA Smaller Projects (i.e. signs, fence, small projects under \$5k) \$50 flat fee

**HIGHWAY DEPARTMENT FEES**

RIGHT OF WAY WORK PERMIT

- Residential \$25 flat fee
- Commercial \$100 flat fee

RIGHT OF WAY DEPOSIT (\*see below)

- Up to 12 sq ft Deposit of \$200
- More than 12 but less than 20 sq ft Deposit of \$250
- More than 20 but less than 50 sq ft Deposit of \$300
- More than 50 sq ft Deposit of \$500

*\*Upon inspection and approval of work performed within the Town of North Harmony right of way by the Town of North Harmony Highway Superintendent the deposit will be returned. If work performed does not meet Town of North Harmony specifications the deposit will be forfeited to the town.*

**Failure to get a Right of Way permit will result in a fine equal to twice the original permit fees.**

**AMENDED**, that the Town Board of the Town of North Harmony changes the permit fees to the attached amount, effective April 15, 2025.

Supervisor Robert Yates	Voted –
Deputy Supervisor Louise Ortman	Voted –
Councilman Richard Sena	Voted –
Councilman Bruce M. Pfeil	Voted –
Councilwoman Nikiel Adams	Voted -

Motion Approved  
Resolution Adopted:

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Stephanie N. Gibbs, Town Clerk  
Town of North Harmony

## Town Supervisor

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**From:** Remick, Brett (DOT) <Brett.Remick@dot.ny.gov>  
**Sent:** Monday, April 7, 2025 8:17 AM  
**To:** Village Mayor; Town Supervisor; Timothy Card Director at County; Larry Anderson; ellwy@windstream.net  
**Cc:** Struebel, Kevin (DOT); Freaney, Jennifer J (DOT)  
**Subject:** Meeting Follow-up For I-86 over Chautauqua Lake Bridge

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To all,

Thank you for meeting with us. I found the time very valuable. The highlights of the meeting as I remember them:

1. NYSDOT goal is still to complete phase 1(south ½ of bridge) in 2025 and Phase 2(north ½ of bridge) in 2026.
2. We heard request for improved communication and will strive to make that happen
3. Discussion occurred about improved signage. DOT said that more signs are a possibility and will be worked out with members in the meeting.
4. NYSDOT will work on information that can be shared with public to help alleviate confusion about project.
5. NYSDOT will develop detour drawing to be shared for phase 2

I believe these were some of the highlights. If I missed anything, please let me know. I would also like to thank you and your offices for helping with public concerns. Please know that at any time you can direct public concerns to my office at 716-847-3273.

Again, thank you for your time. Please feel free to call Myself(716-783-2938), Jen(716-560-1072) or Kevin(716-783-4317) anytime

Brett

PS If you need to meet again anytime, please just ask(I love reasons to get out of the office)

**Brett W. Remick P.E.**

Regional Construction Engineer

**New York State Department of Transportation**

100 Seneca Street Buffalo, NY 14203

716-847-3282 [brett.remick@dot.ny.gov](mailto:brett.remick@dot.ny.gov)

[www.dot.ny.gov](http://www.dot.ny.gov)





Chautauqua Lake Property Owners Association  
PO Box 399, Bemus Point, NY 14712  
March 20, 2025

Mr. Rob Yates, Supervisor  
Town of North Harmony

The Chautauqua Lake Property Owners Association (CLPOA) has announced its plans to file an **Article 78 suit** seeking to halt implementation of the NYSDEC's new "wetlands" regulations no later than April 30, 2025.

We consider the regulations and their implementation to be arbitrary, capricious, irrational, and/or contrary to lawful procedure, overly broad ("one size doesn't fit all"), vague, and/or with an unreliable methodology. We believe there is an insufficient rulemaking record including an incomplete Regulatory Impact Statement, Job Impact Statement, and Cost-Benefit Analysis and/or incomplete fulfillment of the State Administrative Procedure Act Requirements. For these and other reasons and as in our Fall 2024 letter to Governor Hochul and Interim NYSDEC Commissioner Mahar, the regulations were not ready for implementation on January 1, 2025.

We also plan to request a **Declaratory Judgement** invalidating the regulations since they are irrational, arbitrary, and/or unconstitutional.

With CLPOA plans to take action against these regulations, you now have an opportunity to clarify your opposition to the regulations and support of your constituents, property and business owners and lake users. Consider joining the CLPOA as a co-petitioner in our litigation. Please advise us of your plans no later than April 15, 2025, so we can work together to minimize the negative impacts of these regulations and their implementation in your municipality and throughout Chautauqua County.

Contact Jim Wehrfritz, CLPOA President, if you wish to discuss.

Sincerely,

Jim Wehrfritz, President  
Chautauqua Lake Property Owners Association, Inc.  
832.319.8112