

Town of Claverack  
Zoning Board of Appeals  
P.O. Box V  
Mellenville, NY 12544

Meeting Minutes: February 27, 2008

Approved March 26, 2008

Chairman Frank Clegg called the February 27, 2008 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Members present were as follows: Chairman Clegg, Norma Barnard, David Graziano, Steven Harder, Paul Gundrum, Jock Winch, Attorney; Rob Fitzsimmons, Engineer; Joe Romano, and Secretary; Jodi Keyser. Absent with regrets: Steven Melnyk

Frank Clegg then led the Pledge of Allegiance.

The Board members reviewed the minutes of January 9, 2008. Motion to accept the minutes as written was made by 1<sup>st</sup> Norma Barnard with a 2<sup>nd</sup> from David Graziano. All members were in favor. Motion carried.

Correspondence received from Howard Brandston regarding Good Growth Columbia. A vision planning study sponsored by Mr. Brandston and other community members. This study is to study the vision of the new development of the hamlet of Claverack with the building of a new Post office, firehouse, and library.

**Continuing Board cases for 2/27/08:**

**Columbia Park Equities:** – 17 Bender Blvd. Columbia County Commerce Park. Tax Map # (SBL) 101 . – 2 - 49 . Construction of a warehouse/storage building for records storage and manufacturing of pole barn components.

The applicant did not show for the meeting nor did they advise the secretary. First Strike.

**Culoso, Salvatore/Vormer, Mattijs:** – 1293 Martindale Rd. Philmont. Tax Map # (SBL) 123 – 2 – 15 Use Variance for custom cabinet making facility.

Chairman Clegg informed the Board that the applicant asked to be continued to the March meeting.

**Claverack Corners LLC:**– 344 State Rte 23-B Claverack. Tax Map # (SBL) 121 . 3 – 1 – 16. Use Variance, Site Plan Review, Special Exception Construction of 6500 foot, two story building containing 3 office/retail units and a restaurant on level #1 with 4 apartment units on level #2.

Chairman Clegg informed the Board that the applicant asked to be continued to the March meeting.

**New Cases:**

**Almstead Nursery Co. Inc.:** 905 State Rte 66 Tax Map #(SBL) 101 – 2 – 53. Temporary permit for expansion of prior approved agricultural use to include on-site processing of natural wood mulch.

Mr. David Domingue was present to represent the applicant along with William Spampinato and Michael Sullivan. Mr. Spampinato addressed the Board asking for a temporary use permit for a previously approved site plan review. Mr. Spampinato reminded the Board members that the applicant was before this ZBA approximately one year ago with a full site plan review for agricultural use of land located at 905 Rte 66. The Town of Claverack Zoning Board of Appeals approved this Site Plan for a mulch drying operation located within the Columbia County Commerce Park. The applicant also owns another lot within the Commerce Park but located within the Town of Ghent. The Ghent site is home to the main operation of the business of mulch

chipping, bagging, and shipping. The building was built and is now complete but there is a problem with the supply of electricity to the building. The County is unable to produce an easement to allow for a 3-phase service to the properties located along Grandinetti Drive. The pole located near the building can not be used because of the Columbia County Airport runway Zone. Also two different power companies converge at the line but Grandinetti Drive is omitted from the service. Neither power company would commit to serving Grandinetti Drive until there were users on for the properties. Also there is an existing power pole that will need to be removed and the County is currently in negotiations with the FAA regarding this.

Because of the lack of electricity at the Ghent site the business was leasing from month to month the Bill First property on Ginsberg Lane for their chipping operation. The business has been trucking the logs to the First property for grinding and chipping and then trucking the chipped product then to the Rte. 66 (Town of Claverack) property for drying. Mr. Kosloski the Town of Claverack Building Inspector received a complaint and upon investigation found that this use was not permitted at the site. Mr. Spampinato informed the Board that his client was not aware that the use was in violation. Mr. First assured them that his site was approved for the use. Mr. Spampinato assured the Board that the applicant did not mean to do wrong and hopes that the Board does not hold this against the applicant. Mr. Spampinato informed the Board that the applicant would cease operations at the First property but unless they start the shredding of the wood soon they will lose an entire season and possibly find themselves unable to recover financially. The applicant is asking to move the chipping operation to the Rte. 66 site temporary in order to save the season. Mr. Domingue the Financial Official of Almstead Nursery Co. Inc. informed the Board that the mulch season runs from about February until April to give the mulch enough time to dry. Also contractors, homeowners, and nurseries will start to need to buy the product at least by April.

Mr. Domingue informed the Board that the operation uses a two-step process in creating the mulch. Step one takes the logs and grinds the wood into big strips. The strips are then dried and then the second step takes the big strips and grinds them into smaller mulch. Mr. Domingue also informed the Board that with the advancement in grinders the operation is less noisy. The company has purchased two new grinders from Germany that run horizontally and are safer and make much less noise. Unlike the old barrel grinders, which were noisy and unsafe, the new grinders run at about the same decibel of a lawn mower about 32 decibels. Originally the company was only going to ask for a temporary use the Rte. 66 site but will be looking to apply for a permanent permit within the next few months. Because the company is so short of time and the need to get the operation started again they did not have time to prepare the proper required documentation for a Use Permit. Rob Fitzsimmons informed the Board members that the application was legally noticed and a sign posted, although the later is not required for a temporary permit. The applicant has supplied a supplement for the Board describing the new grinders and the 2-step process. Mr. Spampinato informed the Board that keeping the grinding operation at the Rte. 66 site ultimately cuts down on the truck traffic on Rte. 66. Grinding will still take place at the Ghent site also but they make different types of products at the different sites. Mr. Spampinato informed the Board that the applicant is unable to acquire a Certificate of Occupation from the Town of Ghent because of no electricity or paving. Jock Winch suggested that the applicants look into acquiring their own electricity. Mr. Domingue informed the Board that they have exhausted every avenue and this one is much too costly. Chairman Clegg asked if the grinders run on diesel or propane does not understand how the grinders will run in the middle of a field. Mr. Domingue stated diesel from a small tank on the back of a truck. Also there are two grinders, two backhoes, and a truck will be onsite. Mr. Domingue wants Board to know that the company wants to be a good neighbor and hopefully expand their operation and employ more people in the area. Paul Gundrum asked what happens to the unground product and where is it stored. Mr. Spampinato informed the Board that the grinding operation never stops so stockpiling is not an issue. Unground logs are stored behind the Ghent building but are ground up about every two to three days. Rob Fitzsimmons informed the Board and the applicant that a Temporary Use Permit is only good for 1 (one) year and he advised the Board to require a new Site Plan Review prior to granting a permanent Use Permit. Mr. Spampinato informed the Board that his client is being honest with the Board and that he assures the Board the applicant will come back to the ZBA for Permanent Approval. Norma Barnard asked Mr. Spampinato about the conditions of the first Site Plan. Mrs. Barnard stated that one of the conditions of the

Board approval of the original plan was that trees be planted on the berm along Rte. 66. Mr. Domingue informed the Board that the company has had some issues with the plantings but the trees will go in this spring. Paul Gundrum asked the applicant to see a planting design and schedule. Mr. Gundrum also took issue with the fact that the original Plan for the nursery indicated that trees would be planted around the perimeter of the site for visual aspects and noise reduction. Mr. Spampinato informed the Board that Mr. Domingue has been in contact with Stan Kosloski regarding a schedule for planting. Jock Winch has issue that there is no windrow of trees on the berm prior to any material going on the property. There is material on site but still no trees planted. He quoted the Site Plan Approval nursery stock on berm. Mr. Spampinato informed the Board that the applicant was having difficulty with the NYS DOT for a curb cut permit and this held up the plantings because of the site distance issue. With no further Board comments Rob Fitzsimmons informed the applicant the ZBA will require a full Site Plan Review with all details i.e. fuel, equipment, sign and planting designs. Chairman Clegg opened the meeting to public comment at 8:20 p.m. No public comments. Chairman Clegg closed the public comment portion of the meeting. Rob then reviewed the SEQRA with the Board for the temporary permit. Motion for Negative declaration for SEQRA was made by 1<sup>st</sup> Steven Harder with a 2<sup>nd</sup> from Norma Barnard. All members were in favor with one member Paul Gundrum opposed. Motion was carried. Motion for modification of previously approved Site Plan specifically to allow a Temporary Permit pursuant to Code Section 9.4.17 in accordance to applicants submitted material and subject to following conditions: Application being submitted for Permanent Approval or ceasing of operation within 1 (one) year from Temporary Permit approval as well as planting trees on berms as soon as weather permitting. Agreed upon consent of applicant and his representatives was made by 1<sup>st</sup> Jock Winch with a 2<sup>nd</sup> from Steven Harder. All members were in favor with one member Paul Gundrum opposed. Motion was carried. The Zoning Board members asked the applicant and his representatives to view their operation in progress in order to gain insight prior to Permanent Application Approval. Mr. Domingue issued each member of the Board a business card with contact names and numbers to set up a site visit.

Motion to adjourn the meeting was made from 1<sup>st</sup> Norma Barnard with a 2<sup>nd</sup> from Paul Gundrum. All members were in favor. Motion carried. Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Jodi Keyser  
Secretary