

**Zoning Board of Appeals
Town of Claverack
91 Church St
Mellenville, NY 12544**

Approved April 26, 2006

Minutes of the March 22, 2006 meeting of the Town of Claverack Zoning Board of Appeals.

Meeting was called to order by board chairman, Mike Brandon at 7:30 PM. Members in attendance: Chairman Brandon, Mr. Frank Clegg, Mrs. Norma Barnard, Mr. Paul Gundrum, Mr. Steven Melnyk, and Town Engineer; Joseph Romano, Jock Winch, Steve Harder, Town Attorney Robert Fitzsimmons, and Secretary Jodi Keyser.

Mr. Brandon asked everyone to stand for the Pledge of Allegiance. Mr. Brandon introduced himself and members of the Zoning Board of Appeals to the audience.

Board members reviewed the draft minutes of the February meeting making a correction to show that the minutes of the January meeting motion to accept the minutes as written was made by Mrs. Barnard with a 2nd from Mr. Melnyk. The February minutes will be corrected. Chairman Brandon asked for a motion to accept the corrected February minutes, motion was made by Mr. Clegg with a 2nd from Mrs. Barnard.

Chairman Brandon informed the audience and members of the Board that the first 2 cases were continued to the April meeting.

Columbia Land Conservancy (112.-2-61): *High Falls Project, Roxbury RD Applicant seeking Site Plan Review for parking spaces, rail fence and sign at public conservation area. 5.2 acres involved in Claverack jurisdiction off Roxbury Road.*

The applicant informed the secretary on 3/20 that they were not yet ready to appear because they are waiting for their survey maps. They will call prior to the April meeting with their intentions.

First/Birch North Claverack Development Group (101-00-02.25 and 101-2-23-110): *Planned Residential Community.*

Applicant informed the secretary on 3/21 of their inability to attend the March meeting due to illness and will call prior to the April meeting.

Stewardship on Millbrook Rd. Subdivision: Proposed Subdivision of area of Millbrook Rd. and Orchard Rd. in the Town of Claverack, Tax Map # (SBL) Mr. Gilcrest was present at the meeting to update the ZBA Board on the project. Mr. Gilchrist informed members that the SEQRA and draft DEIS was handed in November 2005. A completed FEIS is in the final stages containing some typographical errors that will be corrected. Mr. Gilchrist forwarded a copy of this document to Mr. Romano, Mr. Fitzsimmons, and Chairman Brandon. Each member of the ZBA will receive a copy also. Mr. Gilchrist may be back for the April meeting if document is complete. He stated that the DEIS is set up according to public comments and each comment is addressed in the document. More technical work has been done on the site i.e. 5 more wells and pumps test data. Water tests are incomplete at this time. Incomplete Homeowners Association documents regarding how common areas are governed are being finalized. Some additional mapping needs to be done. The applicant received a letter from the school district referencing the project. ACOE and DEC wetlands applications have been submitted. Photo simulations are being drafted to show what the project may look like. Septic system was revised and the project contains a new road alignment and will undergo a traffic data study. Phase 1 Environmental study done by buyer is included. Applicant hopes that the board will accept this as complete after reviewing. The next step will be a final assessment. The ZBA may have some new requirements for the application to continue. Mr. Gilchrist informed the member that due to a new law, all FEIS and DEIS applications must be electronically available. Mr. Gilchrist will submit these documents to the town office by Friday 3/25 for review. Mr. Fitzsimmons will e-mail the addresses of ZBA members to Mr. Gilchrist so that he can mail copies to them.

Won Buddhism of America (122. -1- . 53) Rte. 23 Claverack: Site Plan Review for seminary, museum, and 2 residences. Mr. Bernard Karp is representing. New survey maps were submitted. Mr. Karp will stop at the town office on Thursday, 3/23 to set up an escrow account in the amount of \$5,000.00. Mr. Karp submitted a ZBA checklist and a revised page #8 from the previously submitted SEQRA document.

The applicant's architecture firm then presented a PowerPoint presentation reviewing the project and a history of the Won Buddhism philosophy. This will be the U.S. headquarters of them containing a Zen training center and museum. The applicant feels that the area is conducive with the philosophy of Won Buddhism. The site contains a conservation easement. Site is 130 acres that will be completed in 2 phases. Phase 1 takes place off Rte. 23 and contains parking, pond with a fountain, and a small building. Phase 2 is the upper portion of the project containing a large garden, retreat housing for training, and more parking. In the future a museum will be constructed. All buildings consist of contemporary architecture blended with traditional Korean architecture. The largest building will have 3 stories with rooftop gardens. The site will be buffered from Rte 23 with trees and other landscape. Members of the ZBA will receive packets with measurements of the site. Mr. Karp informed the Board that the

County is handling the roadway, stormwater, driveway studies, and septic issues. Then these issues will go to the State for review. ACOE and DEC will review the wetlands issues with regard to the Hollowville Creek. Wetlands study should be complete by the April ZBA meeting.

After the PowerPoint presentation the ZBA members addressed a number of questions to Mr. Karp and the architects. They are as follows:

Mr. Winch- Where does the water aqueduct come from? How big are the ponds? The height of the building shows 47 feet. Too high does not conform. Size of the project is bigger than it seems with over 400 parking spaces needed. Concerned about fire protection with height of buildings. Traffic may be greatly impacted. Phase 1 & 2 should be considered at separate times and not all as one project due to the size. What will the big "O" (circle of continuity) be constructed with?

Chairman Brandon- Is the entrance an existing farm road on the flat area at the bottom of the hill?

Mr. Melnyk- Project is very large and needs to be addressed carefully. How many people will be living in the housing? If the applicant is to build a museum for visitors would that mean that they would need further accommodations i.e. restaurant facilities.

Chairman Brandon- Does this project need performance bonds?

Mr. Fitzsimmons- No because it is a private project, but it will need a traffic study. Roadways will need to be built to town specs.

Mr. Melnyk- Would like to see how this project compare to other Buddhism retreats in the area.

Mr. Winch- Feels that this would be larger than other sites due to the fact that it is the U.S. headquarters.

Mr. Clegg- Will site be tax exempt?

Mr. Karp- The area may qualify for exemption and that the area is already paying lower taxes.

Mr. Romano- Would like to see more detailed water and sewer plans for the project. Who will be doing the wetlands and water studies?

Mr. Fitzsimmons- Maps need wetlands delineation.

Chairman Brandon- Is the lower part of the field toward the Runyon property part of the 500-year flood plan?

Mr. Karp- That is unknown and he will have Mr. Prendergast look into this issue.

Mr. Melnyk- Is the applicant considered tax exempt, tax reduced, or fall under the PILOT program?

Mr. Karp- The applicant is a 501 C-3 religious corporation. Charitable not-for-profit.

Mr. Clegg- What benefit is the project to the town?

Mr. Winch- Who will take care of the amenities? Is the town responsible?

Chairman Brandon- What type of amenities? May be a unique situation for the town and land is already at a reduced tax rate.

Mr. Karp- This project could be good for the area. A quality use with a low impact to school district.

Continued to the April meeting.

Columbia Hudson Partnership/Almstead Nurseries: Site Plan Review for a nursery and mulching business in the Columbia County Commerce Center. Mr. Michael Sullivan representing applicant. New maps were submitted to the board members. DOT driveway cuts not yet approved. Possibly employ 6 year round employees. Chairman Brandon addressed the representative due to the fact that the new maps show mulch piles higher and wider than on the original maps. He and the other members of the board were under the impression that they asked the applicant to revise and reduce the size of the piles. Mr. Winch felt that the site plain is at issue. Does the applicant have mulch piles on his other site in New Rochelle, and would the applicant submit photos of these piles to the board? Mr. Sullivan will obtain these photos and the size of those piles is higher than this proposal. He also reminded the board that 1. The site will have screening from trees that will be 6-feet high, and 2. The base elevation will make the piles appear to be only 14-feet from the road view. Mr. Melnyk felt that a building is pleasing to view more than a mulch pile. Mr. Winch reminded Mr. Sullivan that the area is in a rural part of the town. Mr. Clegg feels that the height of the piles is too high, and is concerned about the stability in a storm with high winds and rain. Chairman Brandon asked would the mulch be mixed with anything i.e. molasses. Mr. Sullivan answered no. Chairman Brandon told the members of the board that he made a drive through of the site and it is in a fairly leaning field and unless the vehicle was high like a UPS truck. Chairman Brandon asked if the applicant has had any problems like fires at his New Rochelle Site. Mr. Sullivan answered no. Mr. Melnyk asked if the finished product going to be trucked out of the area? Mr. Sullivan answered possibly and within the area will be bagged and sold to the public. Chairman Brandon asked if all of the rows of mulch would be in use at the same time. Maybe toward the end of summer. Mrs. Barnard asked where do the trees come from? Mr. Sullivan- from the other business that the applicant owns down state. Mr. Romano had issue and concern with fire at the site. How will the applicant keep the area from catching fire and burning the Commerce Park? He would like the applicant to submit to the board assurances for combustibility of the mulch piles. Mr. Sullivan told the board that the wood is mostly green and has high moisture content unlike dry seasoned wood. Does not feel that this is an issue. Mr. Harder informed the board that wet wood gets hot too and how will these piles be turned as the applicant says. Mr. Sullivan answered with a front-end loader. Chairman Brandon asked the members of the board to agree on the issue of the pile heights so that Mr. Sullivan can address the issue with the applicant. The board agreed that the piles should be only 20' X 35'. All members were fine with the curb cuts and the tree line. Mr. Melnyk and Mrs. Barnard asked if the Planning Board is involved with the plan? Mr. Stiffler answered yes before the TOC Planning Board. Mr. Winch asked the size of the parcel. 9.2 acres. The meeting was opened to the public. Mr. Ron Cardis – 147 Gahbauer Rd.- addressed the board with multiple concerns. They are as follows. Winds in the area are a concern. Height of the mulch piles is too high, will be unstable due to the contents. Feels that it is important that the members of the board ask for a stormwater study due to leaching agents that may come from the mulch. Noise will be an issue because of the large grinder needed for the size of the trees trucked in. Concerned with the truck traffic and the effect it will have on the area. Concerned with the area that the trees are being trucked from. He has studied the

issue infestation of the Longhorned Beetle in Staten Island and the southern part of NYS. Is this where the trees are coming from then the board needs to be concerned with the prospect that this beetle may be transported to our area. What assurances can the applicant give that these and other contaminants are controlled? This beetle has caused a great deal of problems in Staten Island. If a tree is even thought to be infested or if 1 beetle is found on a tree it is cut down. Are these the trees that are coming here? The size of the project is too large for this area.

Members of the board asked the following:

Mr. Cardis asked if the trees being hauled from NYC? Yes

Mr. Harder asked how many trucks per day? 12 round trips a day possibly.

Mr. Melnyk asked how can the piles be stacked so high and how many pound of mulch are in the piles? Unanswered.

Mr. Gundrum asked what is the angle of repose? Supported in the front and back. Open only on the sides.

Mr. Harder asked if the New Rochelle piles on a concrete pad. Thinks so

Mr. Cardis felt that due to the amount of truck traffic the project warrants a stormwater study.

Mr. Melnyk asked if the site were to leach would it go into Mud Creek? Chairman Brandon reminded the board that a former agriculture business probably leached at one time also.

Mr. Gundrum and Mr. Winch stated that this is not an agriculture use.

Chairman Brandon asked if the applicant received formal documentation from DEC regarding the roadway. No

Mr. Gundrum asked what constitutes environmental disturbance?

Mr. Fitzsimmons felt that permeability is the main issue. The are is not an open field.

Mr. Gundrum asked where will the run-off water go?

Chairman Brandon asked how often are the piles turned? Once every several weeks.

Mr. Fitzsimmons would like to see the board ask for a stormwater study and why the applicant feels that he does not need one. DEC regulation classifies the project as not a disturbance and is favorable to it.

Mr. Melnyk asked how will the applicant assure the board that the Longhorned Beetle is not going to be brought here. How will DEC keep this from happening? Mr. Fitzsimmons told the members of the board that they needed to make some sort of decision for the applicant. The Board could require that the applicant perform studies but what would the board like to see studies done on. An engineering analysis is not needed because the site sits along the airport buffer zone and that study was done for that.

Chairman Brandon asked how is it possible to be sure that the beetles are not being transported to our area on these trees? He asked can we stop all of the trucks at the county line and inspect them? Mr. Fitzsimmons replied no this is a violation of the commerce law. Mr. Cardis informed the members of the board that information is available to the public from the Internet site of the NYS Forestry Department. That department has restrictions in place to stop the spread of this beetle. In the end the applicant's representative was given a punch list of items to bring back to the ZBA. The are as follows:

The board would like to see the applicant do a more through stormwater/run-off study than just the DEC giving a verbal OK to the project. The board feels that this project needs to be explained and the issue of run-off is bigger than DEC has been informed about.

The board wants the applicant to submit a positive statement as to the protocol of the Longhorned Beetle infestation.

The board wants the applicant to supply a sourceing protocol statement of where the trees for the project are being trucked.

The Board would also like to see the mulch piles limited to 20' X 35'.

Continued to April.

Brian Laurange (101. -1-66) 771 Rte. 66 Hudson. Area Variance for replacing an existing mobile home with larger unit.

The applicant wishes to replace an existing single-wide mobile home with a new double-wide mobile home hence improving setbacks at the site. Water and septic will remain in the same spots with hookups to these remaining the same or may need an extension to the septic but not in the way of the new house. The applicant will obtain an application to dispose of the old home when the new home is ready. Mr. Koloski, building inspector informed the board that this site lies within a highway commercial zone and referred to table 7.2 on the application that permits this project. Chairman Brandon asked the board members for comments and/or questions regarding this proposal. Mrs., Barnard-Looks like an improvement and Mr. Clegg and Mr. Melnyk agreed. Mr. Harder stated that he was very much in favor of seeing the applicants receive approval. Public comment was opened at 9:55 PM and with no comments then closed at 9:56 PM. Chairman Brandon asked the board to make a motion on this application. Mr. Clegg made a motion for a negative SEQRA to approve the "Request for Interpretation" of the existing mobile home as a living unit as defined in Highway Commercial Zone Table 7.2 (A)(3) of the Town of Claverack Zoning regulations therefore applicant is allowed to replace or modify mobile home with another mobile home within the Highway Commercial Zone with a 2nd from Mrs. Barnard. All members were in favor and the motion was passed unanimously. The applicant paid the fees for the certified letters to the secretary.

Chairman Brandon asked for a motion to adjourn. Motion was made 1st by Mr. Gundrum and 2nd from Mrs. Barnard.

Meeting was adjourned at 10:02 PM

Respectfully submitted,

Jodi Keyser

Secretary