

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

**Minutes: October 22, 2008
7:30 p.m.**

Approved 12/10/09

Chairman Frank Clegg called the October 22, 2008 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Clegg led the Board members and audience in the Pledge of Allegiance.

Members present were: Chairman Frank Clegg, Steven Melnyk, Norma Barnard, David Graziano, Paul Gundrum, Engineer Joe Romano, Attorney Rob Fitzsimmons, and Secretary Jodi Keyser

Absent with regrets: Jock Winch

Correspondences were received from William First letter.

Building Inspector report for September.

NYS DEC letter of complete application for McNamee Claverack Gravel Bank.

Board members reviewed the minutes of September 24, 2008 Motion to accept the September 24, 2008 minutes was made by 1st Steven Melnyk with a 2nd from David Graziano. All members were in favor. Motion carried.

Continuing Board cases for 10/22/08:

McNamee, James M. Claverack Bank: Intersection of County Rte 27 & Rte 9-H Claverack, Tax Map # (SBL) 131 . - 1 - 45 . 120 and 131 . - 1 - 45 . 112 seeking Special Exception and Use Permit to operate a sand and gravel bank.

James McNamee and Geologist Paul Griggs were present. Applicant needs New York State Department of Environmental Conservation permits. Rob Fitzsimmons informed the Board and audience that the NYS DEC is the lead agency with the Town of Claverack having input as to such items as roads, ingress and egress, buffers, dust control measures, hour of operation, and any other such issues which the Town deems necessary to mitigate problems. The New York State Department of Environmental Conservation has deemed the application for the gravel bank complete and this letter was submitted to the file. The letter states that the NYS DEC is receiving public comments on the application until November 7, 2008. Rob Fitzsimmons informed the audience that the Town of Claverack ZBA will hold a public comment at a later date. The public is also able to send any comments regarding the project to the New York State DEC. Rob Fitzsimmons also informed the Board and members of the audience that the Town of Claverack Engineer Joe Romano will also review the application and submit comments to the NYS DEC for the Town of Claverack. Mr. Paul Griggs geologist for the application reviewed the project for the ZBA members. Mr. Griggs stated that the project is located near the intersection of NYS Route 9-H and Columbia County Route 27. The site contains 122 +/- acres encompassing 2 separate parcels owned by Mr. James McNamee. Of the approximately 122 acres, 17.4 acres will be the extent of the mining operation. The excavation would be directional mining by starting at the back of the site and working to the front. The mining consists of sand and gravel which will be removed by first removing the top soil, storing that top soil, excavation of the sand and gravel, and then reclamation of the area with the stored top soil. Mr. Griggs informed the Board that only the area being used at that time will be stripped of topsoil. Then when that area has the material excavated the area will be reclaimed with the topsoil before moving to the next area. Trucks will enter and exit the quarry via County Route 27 and make a right or left onto NYS Route 9-H. Water will be used to maintain dust levels and roads will be cleaned of any tracked materials. Mr. Griggs informed the Board that the mine is not in the water table and is required to maintain a 5-foot buffer from the water table. Mr. Griggs estimated that the life of the quarry product is approximately 5 – 10 years. Mr. Griggs stated that the amount of material excavated per year would be about 170,000 yards. Mr. Griggs informed the Board that no crushing or screening is planned for the site and the hours of operation would most likely be 7:00 a.m. to 5:30 p.m. Monday through Friday with some possible Saturday

hours of 8:00 a.m. to 2:00 p.m. if needed for sales. The roadway for the site will be gated with berms. Mr. Griggs informed the Board that the NYS DEC has informed the applicant of noise and dust requirements that they will implement. Joe Romano informed the applicant that he will conduct a technical review on behalf of the Town of Claverack and they should contact the Town Office to set up an escrow account. Joe Romano also asked that the applicant supply the Town of Claverack with a copy of the application to remain at the Town Office Building. The Town of Claverack will hold a public hearing regarding this application on Wednesday, December 10, 2008. Rob Fitzsimmons informed the Board and audience that the application is deemed complete.

Bartges, Hans: 880 Snyderstown Rd. Stop 20. Tax Map #(SBL) 132 . – 2 – 31 . 1 seeking Area Variance for side set backs.

Mr. Bartges was present for his application for an Area Variance for solar panels. Mr. Bartges informed the Board that he contracted with local company Sun Dog Solar to erect solar panels on his property on Snyderstown Rd. The company had a change of ownership during his contract therefore the new owner thought that the previous owner had a building permit for the solar panels. Mr. Bartges thought that this was done also but when he tried to obtain the needed building permits from the Town of Claverack Building Department Stan Koloski discovered that the panels did not meet the required side set backs. Mr. Bartges also owns both parcels in question but still needs an Area Variance due to possible sale of the properties in the future. Mr. Bartges informed the Board that he is unable to pay the company without the building permit and also he wants the panels to be legal. Rob Fitzsimmons informed the Board that he witnessed the signs informing the public of the hearing when he visited the site on another matter. Board members asked Mr. Bartges why the panels are located so far away from his residence. Mr. Bartges informed the Board that NYSERTA and NYSEG required the distance due to the meters, which collect and return the unused power. These meters can not be near the residence. Chairman Frank Clegg opened the meeting to public hearing at 7:50 p.m. Audience member Joe Lupo informed the Board that he lives near the site and the panels are practically unseen from Snyderstown Rd. at this time, but moving them would make them more viewable. Requests the panels remain where they are. No further comments Chairman Clegg closed the public hearing at 7:52 p.m. Rob Fitzsimmons reviewed the criteria for granting an Area Variance with the Board members. Rob Fitzsimmons reminded the Board members and audience that the application is exempt from SEQRA review because the panels are an accessory structure to the existing one family residence. Motion to grant the Area Variance was made by 1st Steven Melnyk with a 2nd from David Graziano. All members were in favor. Motion was carried.

New Cases:

Won Buddhism of America: Tax Map # SBL (122. –1-. 53) Rte. 23 Claverack. Site Plan Review for Buddhist Residence and Ministry

Construction engineer Pat Prendergast, Architect Tom Hanrahan, and Myongai Sul owner of the project were present. Mr. Prendergast addressed the Board with the new project. Mr. Prendergast reminded the Board that the applicants received approval for a previous Site Plan Review at the site. Mr. Prendergast informed the Board that the previously approved plan was not going to be used now by the members of Won Buddhism of America. The applicant came back to Mr. Prendergast to revise the project. The applicant retained a new architect for the project which will better meet their needs. Tom Hanrahan informed the Board that the site which was previously located closer to NYS Route 23 has now been moved farther back into the property approximately $\frac{3}{4}$ of a mile off of Rte 23. Mr. Hanrahan informed the Board that the project now consists of a total of 5 buildings containing a total 18,000 square feet. Pat Prendergast informed the Board that the previously approved Site Plan was never started and the only part of the original plan that will remain the same will be the NYS DOT approved curb cuts. Steven Melnyk asked Mr. Prendergast if the soil at the new site is similar to the approved site. Mr. Prendergast answered that the soil tests show more overburden at the new site but no rock. Mostly sand and gravel. Rob Fitzsimmons asked Mr. Prendergast why the parking area was so far away from the buildings. Mr. Prendergast answered that the applicant asked for the parking to be far enough away from the buildings to deter the noise and glare. Mr. Prendergast also stated that visitors to the site would drive up to the building to drop off then go and park in the lots and walk to the site. Chairman Frank Clegg asked Mr. Prendergast the occupancy of the buildings. Myongai Sul answered that a total of 13 people will reside at the residence at a time living in 13 single rooms. Mr. Prendergast informed the Board that the buildings will not be able to be seen from Route 23 but possible viewable

from Route 217. Chairman Frank Clegg asked Mr. Prendergast if the new plan had any issues with water to the buildings. Mr. Prendergast answered that he does not foresee any water issues and may use dosing chambers using the two wells already on the site. Board members and Mr. Prendergast will discuss water issues in greater detail as the project progresses. Paul Gundrum asked the applicant if there are any plans for further development at the site. Myongai Sul answered that this is the only plan for the site. Board member David Graziano asked that the applicant describe the project because he was not a member of the ZBA at the time of the previously approved project. Myongai Sul stated that the area will be used as a retreat and training center for Won Buddhism of America. Board member Steven Melnyk asked the applicant why they are changing the plan now. Myongai Sul answered the plan is being revisited because after the former architect designed the previous plan and it was approved the members of Won Buddhism of America reviewed the plans and decided that they did not meet their beliefs. They found that the previous plan was too grand, too large, and did not blend into the landscape. Their beliefs are more humble wanting a more residential feel to the buildings and plan. Rob Fitzsimmons asked Mr. Prendergast if the lighting standards for the new project will remain in conformance with the previously approved plan. Myongai Sul answered yes and the plan is to have lighting even lower and less of an impact. Mr. Hanrahan stated that he plans to have the lighting meet the minimum standards for safety. Steven Melnyk asked if handicapped parking would be available at the buildings because he did not see any parking at the buildings. Mr. Hanrahan stated that he is planning to add 3 handicapped parking spots at the main entrance. Rob Fitzsimmons asked if fire and emergency vehicles would have adequate space in the driveway to access the structures. Joe Romano informed the Board that he will address all necessary concerns with his review. Pat Prendergast informed the Board that he has met with someone from an emergency department to review the project to meet all of the NYS fire and building codes. Mr. Prendergast stated that the tallest building is 34 feet in height. He continued by telling the Board that all of the structures will be wooden construction with flat roofs containing solar panels for power. Joe Romano informed the Board that he will have adequate time to review the project prior to the December 10, 2008 meeting. Pat Prendergast informed the Board that he is awaiting Department of Health approval but felt that the Board could set public hearing for December 10, 2008. Rob Fitzsimmons informed the Board that the decision was up to them whether to wait for engineering comments from Joe Romano or set public comment for the December meeting. Board agreed to set public comment for December 10, 2008.

Motion to adjourn meeting was made by 1st Norma Barnard with a 2nd from Steven Melnyk. All members were in favor. Motion carried. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Jodi Keyser
Secretary