

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

Meeting: December 10, 2008
7:30 p.m.

Approved 2/25/09

Chairman Frank Clegg called the combined November – December meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

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

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

Chairman Frank Clegg introduced newly appointed member Oliver Milot who replaces Steven Harder.

Absent with regrets was Jock Winch.

Correspondence was received from the Town of Claverack Building Inspector's report for October and November 2008.

Board members reviewed the minutes of October 22, 2008. Motion to approve the minutes of the October 22, 2008 meeting was made by 1st Norma Barnard with a 2nd from Steven Melnyk. All members were in favor. Motion carried.

Continuing Board cases for 12/10/08:

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 Jeff Long were present for the meeting to present their application. Mr. Long is an associate of Mr. Paul Griggs the geologist working for Mr. McNamee. Mr. Long reviewed the project for the Board members and the audience. Mr. Long stated that the site of the proposed gravel bank is located at the intersection of County Route 27 and NYS Route 9-H. The site is approximately 120 acres with a maximum of 17 acres being used for the gravel bank. The plan calls for the gravel bank to start in the back of the 17 acres and working toward the front to maximize the screening. Topsoil will be removed and saved for reclamation as the gravel is removed and before excavation of the next site. The gravel bank face will be 5 feet to 15 feet in depth. Mr. Long informed the audience that the plan calls for 50 trucks per day but actually the more likely scenario would be 20 trucks per day. The 50-truck amount is in the permit to DEC because they have to apply for the maximum amount instead of the lesser amount to be sure not to exceed the lesser amount on occasions. The proposed hours of operation from 7:00 a.m. to 6:00 p.m. Monday through Saturday as per the DEC application but most likely 7:00 a.m. to 4:00 p.m. Monday through Friday with possibly some Saturday hours. The site will have a small screening operation but no crushing. The primary users of the gravel bank will be local contractors trucking the product out County Route 27 and onto NYS Route 9-H either north or south. Trucks will only use County Route 27 if the product is needed along that area by a contractor or private entity. Water will be applied to the hall roads to mitigate dust. The site will have berms planted with vegetation to reduce any noise and screen the site from the neighbors and roadway. No on-site fuel storage and no on-site maintenance, only minor fixes like tire changes. The planted berms and a locked gate will control access to the site. Mr. Long informed the Board that more than a 100-foot buffer between neighboring properties is proposed. DEC can inspect site at any time. Bonded with DEC to ensure reclamation and removal of equipment. No below water excavation with a 5-foot separation above the water table. Rob Fitzsimmons reminded the Board that a notice of complete

application with DEC was received awaiting the final comment letter from DEC. The public comment period for the DEC is closed as of the beginning of December 2008. Rob Fitzsimmons reminded the Board that DEC is the lead agency for this application but the ZBA can impose restrictions on the following areas: buffers, barriers, dust, noise, roadways used, and the hours of operation. Also the ZBA requires copies of all correspondence from DEC. The applicant needs a valid mining permit from the DEC prior to operations. Joe Romano informed the Board that he received the OK to perform the technical review for the TOC. Chairman Frank Clegg asked the applicant if the ZBA or TOC officials will be able to inspect the site as needed. Mr. Long stated that it would be up to the owner of the site and the DEC states that the TOC can act as they see fit in order to maintain the requirements of the application. Norma Barnard asked about the hours of operation. Mr. Long stated that DEC requires the absolute maximum hours of operation for the application process but the hours in the application are an exaggerated amount. The regular hours of operation will be from 7:00 a.m. to 4:00 p.m. daily with some possible Saturday hours as needed. Worst case scenario will be until 5:00 or 6:00 p.m. on occasion. Paul Gundrum asked that one of the items that the ZBA can regulate is the hours of operation. Norma Barnard stated that she felt that the hours of operation for Saturdays should be 8:00 a.m. to 2:00 p.m. Mr. Long and Mr. McNamee both agreed that the Saturday hours would be 8:00 a.m. to 2:00 p.m. Chairman Frank Clegg opened the public comment at 7:38 p.m. Dr. Gretchen Stearns asked if the proposed site for the gravel bank is out of site of County Route 27 and NYS Route 9-H. Mr. Long answered that the site is down in a hole and should not be seen from County Route 27 and NYS Route 9-H. Also berms will be constructed with plantings for screening. Dr. Stearns asked if the site could be situated farther to the back of the property. Mr. Long answered that the site has been mapped over the past two years. The proposed site is located where the mapping shows the material that is suitable gravel for excavation. Dr. Stearns stated that the ZBA has the responsibility to regulate a specific list of regulations as the hours of operation, dust control, barriers, screening, noise, and roadways used and requests that the ZBA and other TOC officials be allowed to visit the site if complaints are received. Mr. Long stated that the TOC has the ability to inspect or visit the site without any litigation. Chairman Frank Clegg asked if there is no crushing on-site what the applicant will do with larger pieces of rock. Mr. Long answered that the material is not the type of gravel that would have many larger rocks but if one is found it will be set aside for use in reclamation or if a contractor has a specific need for a larger stone. Jennifer Post addressed her concerns with the amount of truck traffic at the intersection of County Route 27 and NYS Route 9-H. Mrs. Post stated that this intersection is a difficult point and is dangerous as it is now without any more truck traffic and wondered if there were any plans to modify or change this site? Mrs. Post stated that she has written to NYS DOT regarding this intersection. Mr. Long stated that it is up to the NYS DOT to modify this intersection. Steve Melnyk stated that the ZBA would need a detailed screening plan to review. Mrs. Post stated that she felt that 50 trucks per day are too many. Mr. Long answered that this is the number that is in the application to DEC which is the worst case and will only be about 20 or so trucks per day. Paul Gundrum asked if a truck as stated in the DEC permit consists of a 12-wheeler entering and exiting equals one trip. Mrs. Post asked why the TOC ZBA was able to limit the amount of truck traffic for the Alvarez gravel bank. Rob Fitzsimmons stated that the reason the TOC ZBA could regulate the truck traffic for the Alvarez bank is because the site was on a TOC roadway. Chris Post asked Rob Fitzsimmons to restate the criteria that the ZBA can regulate. Rob Fitzsimmons stated that NYS DEC is the lead agency with regard to the application but the TOC can regulate the following: buffer zones, barriers for access to site, dust mitigation, hours of operation, and other items such as noise. Also all correspondence between the applicant and DEC should be on file with the TOC. Chris Post stated that he has an issue with the amount of truck traffic applied for with the DEC. Rob Fitzsimmons stated that DEC is the lead agency for this application and they are better suited to address any issues. Chris Post then asked that the applicant and the TOC keep in mind that he lives very close to the site and likes to enjoy his yard during the weekends and he hopes that the applicant will take this into consideration when deciding hours of operation during Saturdays. Rob Fitzsimmons informed the Board that the public comment should continue to the January 28, 2009 meeting to allow TOC engineer Joe Romano to do a technical review and give the applicant enough time to address this review. Paul Gundrum asked Mr. Post if he had any suggestions regarding the hours of operation on Saturdays. Mr. Post stated that he felt that on Saturdays the hours of operation should be from 7:00 a.m. to 2:00 p.m. or 8:00 a.m. to 2:00 p.m. Mr. Long stated that the hours of operation would need to be determined according to the start of certain jobs. Continued to January 28, 2009.

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

Pat Prendergast appeared for the applicant. Mr. Prendergast submitted a revised Long EAF form and revised plans for the Board. Chairman Frank Clegg asked if the new plans call for using the same water supply as the previous plan. Mr. Prendergast answered yes the plan would try to use the same water supply but that the well may be too far away from the new site and may require another well. Mr. Prendergast then went on to show the Board members changes to the parking area. Norma Barnard and Chairman Clegg both asked how far the parking area is away from the buildings. Mr. Prendergast stated that there is situated away from the buildings because that is part of the philosophy of peace and quiet at the site. Cars will be parked away from the buildings and visitors will walk to the buildings. Norma Barnard informed Mr. Prendergast that handicapped parking spots are not shown on the maps. Mr. Prendergast answered that he contacted NYS questioning the need to have handicapped parking and the distance required for the parking from the building. Mr. Prendergast stated that he did hear back from NYS but they were unclear with the specifications. Mr. Prendergast will install handicapped parking. Steven Melnyk stated that he understands the reasoning behind the parking area and drop-off idea but there is still a need for handicapped parking spots. Mr. Prendergast informed the Board of the design of the septic system and that the test holes were not yet approved by CCDOH. Mr. Prendergast stated that the system is similar to the original with a small adjustment for flow and he will send the newly designed plan to Mike DiRuzzio. Chairman Clegg asked what amount of water storage is in the plan. Mr. Prendergast stated that a 68,000-gallon tank would be housed in the administration building, which is a little more than one-day's usage. Sprinklers will be installed in the buildings due to public usage and the 34' height of the building will require a ladder truck in case of a fire. Chairman Clegg asked if the plan calls for overnight guests. Mr. Prendergast answered no only the 12 permanent residents will be staying in the residence building. Mr. Prendergast continued to show the Board that a small maintenance shed was added to the plan for equipment i.e. snowblower, tractors, other small equipment. The shed will cut into the bank with a row of trees to keep hidden. Mr. Prendergast informed the Board that the new plan will use the entrance that was previously approved NYS DOT. Mr. Prendergast detailed the new landscaping design that was designed by a landscape architect in South Korea. The new design uses saplings of native species that will need time to mature. Mr. Prendergast then described the lighting design for the Board. Mr. Prendergast stated that the lighting design is very low level lighting that is only enough to be able to see the walkways. No large exterior lights on buildings keeping the amount of light very low. Steven Melnyk asked if the lighting would be enough to be secure for people walking in the area. Mr. Prendergast answered that the client specified that the design allow only enough light to allow for guidance of the walkways, parking areas, and driveways. No illumination of buildings. Light poles in parking areas only with low level downward lighting. Norma Barnard asked if the site has signage. Mr. Prendergast stated that the plan calls for a stone wall approximately 50' long and 4' in height will be located at the entrance with a small sign stating, "Won Buddhism of America". Norma Barnard asked for the dimensions of the sign and how will the sign be lit. Mr. Prendergast that he is unsure of the size of the sign but did stated that a small light located on the ground would illuminate the sign. Norma Barnard stated that she understood that the ZBA has a rule that lights for signs must be attached to the sign itself. Rob Fitzsimmons referred to ZBA regulations and found that signs must be illuminated by lights attached to the sign only. Joe Romano stated that he will need to perform a technical review. Chairman Frank Clegg opened the meeting to the public for comments at 8:15 p.m. Howard Branston informed the Board that he has reviewed the lighting design for the project. Mr. Brandston stated that the lighting design is very rational for the rural site of the project and that only minimal lighting is needed to be adequate and not intrusive. Continued public comment to the January 28, 2009 meeting. Mr. Prendergast will get plans to CC DOH. Joe Romano will review new plans. Check for \$58.14 received for certified mailing.

New Cases:

Almstead Nursery Company, Inc.: Tax Map #(SBL) 101 – 2 – 53 Located at 905

Route 66 in the Columbia County Commerce Park. Site Plan Review for the expansion/modification of on-site processing of natural wood mulch.

Mr. William Spampinato was present for the applicant. Mr. Spampinato informed the Board that his client had received a temporary permit in March of 2008 to operate a natural wood mulch processing business in the Columbia County Commerce Park. The temporary permit approval carried the conditions that screen planting of trees be completed, and second, that the applicant makes a request for permanent approval of the temporary use. Mr. Spampinato informed the Board that the applicant completed the planting of trees for the screening design in the spring of 2008. Mr. Spampinato informed the Board that with this condition met the next step is to apply for permanent approval of the use. Mr. Spampinato informed the Board that the plan submitted is the exact same plan submitted for the temporary use permit. Rob Fitzsimmons asked Mr. Spampinato how long his temporary permit is valid. Mr. Spampinato answered that he understood that the temporary use permit expires one year from the date of issue. Mr. Spampinato informed the Board that the temporary use permit was issued on March 12, 2008. Rob Fitzsimmons then informed the Board and applicant that public comment is required and a technical review is needed to be secure before final approval. Continued to January 28, 2008 and will be placed first on the agenda. Check for \$15.60 received for payment of certified mailing.

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

Mr. Spampinato and Mr. Vormer were present addressing a previously approved Site Plan. Mr. Spampinato informed the Board that after ZBA approval the CC DOT found fault with the planting of trees along the front driveway of the site. The CC DOT requested that the applicant erect a fence instead of trees at the driveway entrance. Mr. Spampinato informed the Board that the plan shows an 8' fence. Rob Fitzsimmons informed the applicant that the TOC ZBA law allows for fencing to be maximum height of 6-feet. Motion to approve Site Plan as revised replacing the planting of trees with a fence not to exceed 6' in height was made by 1st David Graziano with a 2nd from Paul Gundrum. All members were in favor. ZBA signed off on the revision.

Motion to adjourn meeting was made by 1st Norma Barnard with a 2nd from Paul Gundrum. All members were in favor. Meeting was adjourned at 8:45 p.m.

Respectfully submitted,
Jodi Keyser
Secretary