

**Ancram Zoning Board of Appeals
September 7, 2010, 7:00PM
Meeting NOTES**

Board Members Present: Sheldon Waldorf, Sue Bassin, Leah Wilcox, Fred Schneeberger, Will Lutz, Alyson Kozlowski

Others Present:

Ken Faroni, Samantha Langton, Art Bassin, Robert Wilcox

Chair Leah Wilcox called the meeting to order at 7:01pm.

MINUTES FROM MEETING ON 8/10

Mr. Waldorf motioned to approve the minutes, Ms. Bassin seconded, the minutes were unanimously passed.

Correspondence

Training

There will be a training session in Cairo for municipal regulation of wind energy and unwanted land use on 9/13/2010. Inform Ms. Wilcox if you would like to attend.

Free training for Biodiversity and the Environment with Gretchen Stevens is taking place on 9/30 at 7:00pm in Copake. There is no sign up.

O&G Gravel Mine Renewal

Application 10-5 for a 2 year renewal of a 3 year gravel mining permit, which expires on 9/30/2010. The tax map numbers are 207-1-24 and 208-1-14.6 and they are in the R district. The DEC permit is a 5 year permit that expires on 9/30/2012. The DEC completed a SEQRA review. The Ancram Planning Board recommended approval on 9/2/2010. Notices appeared in the local paper and notices were sent to the abutting property owners via certified mail on 8/26/2010.

The DEC has jurisdiction over this operation, however, the town has the authority to set setbacks, hours of operation, and whether mining is permitted at that location (I think I missed 2 points here). The DEC reported no activity during the last 2 years and kept a groundwater monitoring report.

Mr. Faroni explained that he was seeking a 2 year renewal identical to the renewal from 3 years prior without any change in footprint or depth. There were 3 monitoring wells installed and these are monitored quarterly. The base of the mining must be 5 feet above the water table. The western well shows a water table level of 7.35' below the mine, the eastern well water table is 10' below, and the northern well water table is well above the elevation of the other two wells. A bond was put into place for the town to cover the cost of reclamation and cleanup. A second bond is kept for the DEC. Although there is currently no on site gravel processing, dry screening of some gravel might take place in the future. If so, O & G will apply for modifications at that time. Some of the land is currently leased to Langdonhurst Farm for agricultural use. The hours of operation were tailored for neighbors who no longer reside in the area.

Ms. Bassin asked Mr. Faroni if the groundwater levels were lower than average due to the dry summer. Mr. Faroni explained that the groundwater levels have been measured for 3-4 years and after a longer period of time, there will be a more accurate estimate of the height of the water table. The mean distance, including seasonal variability, from the mine floor to the water table must be 5'. Currently, the distance is greater than the required 5'.

Ms. Bassin asked about whether or not further mining will change the distance between the floor and the water table. Mr. Faroni explained that once the average water table height and flow is established, mining will be done to avoid reaching 5'.

Ms. Bassin asked if the water table could rise due to increased rainfall and cause the distance to the mine floor to be less than 5'. Mr. Faroni explained that due to the mean data obtained over the last few years, the water table should remain on average below 5', however new data will be recorded. The aquifer is within highly permeable sand and gravel, which drains very quickly, so the annual average water table height should not be affected.

Chair Wilcox asked Mr. Faroni for the total acreage of disturbed land. Mr. Faroni clarified that the amount of land mined is less than 16 acres. There was no activity from 2008-2010 due to the recession.

Public Hearing

There were no comments presented by the public. The public hearing was closed.

Board Discussion

Mr. Lutz explained that this area might not even be mined in the next 2 years. Mr. Faroni said that he hopes that the mine will be in use, but it depends on demand. All of the board members reviewed the previous permit with conditions. Mr. Waldorf motioned to approve the renewal with the same stipulations as the previous permit. Ms. Bassin seconded the motion. Mr. Schneeberger abstained from the vote due to business relations with O & G. All other board members voted to pass the mining renewal.

Town of Ancram Garage Ap 10-4, Tax Map # 220.1-1-16

Building regulations require 100' setbacks for structures built near property lines. The proposed garage extension will be 75' from the property line, therefore, a 25' variance is necessary. The Ancram Planning Board recommended approval of the area variance and recognized that the property line is, in fact, further than 75' from the proposed extension. Notices were printed in the paper and sent to abutting property owners for the public hearing on 8/26/2010. Ms. Bassin recused herself from deciding with the board on this matter.

Supervisor Bassin brought a letter to the board from an abutting property owner, Mr. Roy Sloane, as the only correspondence received from the public with reference to this area

variance. Mr. Sloane's property borders the town garage and he is in support of the area variance. In addition, he gave permission for the town to dig drainage on his property.

Supervisor Bassin brought a map to to the board members and showed the area in question on the map.

Chair Wilcox listed 5 factors to be considered for the board's decision:

1. Would this create an undesirable change in the character of the neighborhood? This was the location of the town garage for 60 years. Traffic levels will be constant. Visual improvements are planned in addition to improved storm drainage. The neighborhood will not be negatively impacted. The construction phase will be short. Mr. Bassin added that the construction should be finished by 1/1/2011 or sooner.

2. Can benefits be obtained by any alternative situation?

Expanding the existing building creates the lowest cost to the town. Other sites were assessed, but none were as appropriate as the expansion of the current building. An alternative would be to tear down the old milk barn and build the garage in that location, however, the cost would have been greater and there would be a worse visual impact.

3. Is the requested variance substantial?

The expansion is ~90' from the property line. The existing building is closer than 90' from the property line. Therefore, the variance is not substantial.

4. Would the variance have a physical impact on the neighborhood?

The variance would lead to the improvement of drainage. There would not be an increase in dust due to the expansion of the garage. Spruce trees will be planted. Gravel will be stored on land donated by Tucked In Farm, LLC, that is further away from other residences. The neighbors to the east of the garage expressed concern.

5. Was this difficulty self-created?

The garage was built before zoning regulations came into affect.

Public Hearing

Mr. Lutz stated that a problem will be created for the neighboring mobile home and hopes the town will resolve it.

Chair Wilcox asked to explain the problem.

Mr. Lutz explained that a loader may be left running next to the trailer because of the gravel storage.

Supervisor Bassin explained that the town would buy the land, but it is not offered at a reasonable price.

No further comments were made. The public hearing was closed.

Board Discussion

Chair Wilcox asked the board members to compare the benefits to the detriment to the community. The board agreed that there are no detriments and several benefits. Chair

Wilcox proposed to grant the area variance based on the evidence and answers to the 5 questions in addition to the positive remarks from the closest abutting property owner. Ms. Wilcox motioned to approve the variance. Mr. Schneeberger seconded. Ms. Bassin abstained from the vote. All other board members approved the motion. Ms. Wilcox explained that the area variance would be written the following day and then a building permit can be applied for.

Mr. Waldorf motioned to adjourn the meeting, Ms. Bassin seconded, all were in favor to adjourn the meeting at 7:39pm.