

**Town of Ancram
Zoning Board of Appeals
April 22, 2008**

Present: Chair Leah Wilcox, Sue Bassin, William Lutz, Jay Katz
Absent: Kurt Sommerhoff, Sheldon Waldorf

Others: Alice Katz, Mr. & Mrs. Keith Morey, Abram Kells, Rick Simpson
Representing the applicant Double D Development

The meeting of the Zoning Board of Appeals was called to order by Chair Leah Wilcox at 7:26 PM.

The minutes of the February 26, 2008 meeting were approved on a motion made by Mrs. Bassin and seconded by Mr. Lutz. Carried.

Correspondence

The Columbia County Planning Board and the Greene County Planning Board will hold a special program on April 29th and 30th 2008. The topic will be Special Use Permits on the 29th and Freedom of Information Act and the SEQR basics on the 30th.

Pace college will hold a seminar on Land Use.

Mr. Katz asked if the hours of training required are per term or per year. Mrs. Wilcox stated that they were per year at a rate of 4 hours. If training is more than this amount, up to 4 hours can be carried over to the next year.

Double D Bryant Mine

Mrs. Wilcox gave some background on the proposed permit. She stated that the previous permit had expired on June 25, 2006 for both the Town and the DEC. The applicant had submitted a new application in May of 2006 but a decision was made to hear the application after the DEC issued its approval. The DEC was lead agency and the SEQR process is complete. The DEC issued a permit on January 28, 2008 which will run to January 27, 2013. The application was referred to the Columbia County Planning Board which determined it to be a local decision. The Town Planning Board recommended approval. A public notice appeared in the Independent April 11, 2008. Certified mail receipts were submitted; due to an oversight on the part of the applicant, all of the abutting property owners have been contacted except for Mr. Jack Lind.

Mrs. Bassin asked if there were any major complaints from the neighbors. There was not.

Mr. Lutz stated that there is an obligation to notify all of the neighbors. Mr. Lutz felt that he has a conflict of interest due to the fact that he does business with the mine through his employer Dan Slott.

The Board agreed that when the vote is called Mr. Lutz will have to recuse himself. Mr. Lutz agreed.

Mrs. Bassin stated that she feels that it may be an issue that Mr. Lind was not sent notification. According to Town regulations all abutting property owners must be sent notice of the public hearing 10 days prior and must be notified by return receipt. This usually happens with a 10 day notice in the official paper and 10 days written notice to the property owners by the applicant. If a decision was to be made at the meeting it may be thrown out at a later date due to a procedural problem. She suggested having the public hearing and then adjourn to advertise another meeting where the public hearing will be continued and the decision will be then made. Mrs. Bassin asked if Mr. Sommerhoff, who is absent, will be allowed to vote. Mrs. Wilcox stated that he will not.

Mrs. Wilcox asked for comments and questions from the board.

Mrs. Wilcox asked why it took the DEC a year and a half to make a decision on a renewal. The board is interested on the length of time.

Mr. Simpson stated that the DEC changed their computer program and it held up the application. The last correspondence that he received from the DEC was prior to the computer problem.

Mrs. Wilcox asked if the mine operations had changed since it had been sold to him. The permit went with the sale of the mine.

Mr. Simpson stated that when he first obtained the mine he met with the DEC and received a list of items that they did not like and he fixed them. There was no mining on the property for two years. (He showed the board the map of the mine.) He stated that any area that is shown disturbed is the area being worked at the moment. There have been no changes. The mine is broken into nine phases and when one phase is finished, the mine must then apply to the DEC to move to the next phase. Mrs. Bassin stated that the map does not show nine phases only five. Mr. Simpson stated that each phase was made larger and the phases made into five.

Mrs. Bassin asked if they have to reclaim each phase before they move to the next. Mr. Simpson stated yes, that is a DEC requirement. Mrs. Bassin stated that the maps do not add up. Mr. Simpson stated that the new map (May 5, 2005) is the approved map.

Mrs. Wilcox asked if the mining is quicker than when Tomark was mining the property. Mr. Simpson stated that they are mining slower and do not have as many customers.

Mrs. Bassin asked if Phase one is sixteen acres. Mr. Simpson stated that he thought it is closer to seventeen. Mrs. Wilcox stated that this area is approved by the DEC.

Mrs. Wilcox opened the **Public Hearing**.

Mr. Abram Kells asked if since the takeover has any of the property been reclaimed.

Mr. Simpson stated that some has been reclaimed. In order for the DEC to accept a piece as reclaimed, a year has to have gone by. Mrs. Wilcox stated that the DEC has changed their regulations and now requires reclaiming to happen concurrent with the mining. They have also increased the amount of the bond required of the mine owners for reclamation to \$5,000.00 per acre.

Mr. Keith Morey stated that he hears no noise from the mine and that he has no problem with it.

Mrs. Wilcox stated that she has a copy of the last permit with the Town of Ancram and that the conditions are similar with the DEC regulations.

Mr. Lutz asked if there was a length of time for the permit and if the mine is allowed temporary permission to work. Mrs. Wilcox stated that they can work while the application is being processed and that Mr. Simpson did reapply when the original permit expired.

Mrs. Bassin asked if the gravel is staying local and the mine is being used by the local companies. Mr. Simpson stated that he does mainly local business. Mrs. Bassin asked if the mine ships the gravel or if it is all local. Mr. Simpson stated that they have no trucks at the mine and do not plan to. Mrs. Bassin asked how the gravel is in quality in relation to other mines in the area and if there is any data for this. Mr. Simpson stated that the gravel is of good quality. Mrs. Bassin asked if there was any water on the property. Mr. Simpson stated that there was a stream. Mrs. Wilcox stated that Tomark had applied for a modification to build a bridge but withdrew their application before the DEC ruled. Mrs. Bassin questioned the pond on the property and if it was natural. Mr. Simpson stated that it was for runoff and to clean the product. Mrs. Bassin commented that the Comprehensive plan did a water study and is interested if the permit deals with ground water or runoff. Mr. Simpson stated that he provides silt fences. Mrs. Wilcox stated that there is an erosion and sediment plan. Mrs. Bassin stated that the mining will not happen near the stream for some time but that the edge of the mine is on the stream. This makes it a high risk area for contamination of the ground water.

With no further comments, Mrs. Wilcox adjourned the Public Hearing.

Mrs. Wilcox stated that the board will meet again on May 29, 2008 to continue the public hearing and to vote on the application. A public notice will be published on May 16, 2008.

Mrs. Wilcox asked for a consensus of the board pending any other evidence brought by property owners at the continued public hearing. She stated that the DEC is the lead agency but that the town is authorized on a few issues.

Mr. Katz stated that there seems to be no objecting property owners at this time.

Mrs. Bassin questioned the hours of operation and asked how the mine can limit hours with no trucks of their own. Mr. Simpson stated that the gates are locked and the people cannot get in. Mrs. Wilcox stated that the DEC permit gives the maximum allowed trucks per hour as 7 per hour or 14 one way trucks. She stated that the mine is operating as a good neighbor and that it makes sense to run the town permit concurrently with the DEC permit. The permit will be a three year permit with the renewal at two years.

The meeting was adjourned at 8:25pm.

Respectively submitted,

Monica Cleveland