



Present: Ray Herrmann, Planning Board Chairman
Matthew Murnane, Planning Board Member
Trina Porte, Planning Board Member
Mark Sheline, Planning Board Member
Craig Trombley, Planning Board Member

Absent: Jim Dixon, Planning Board Member
Jerry Grant, Planning Board Member

Others: Allison Phillips, Attorney representing Valley Materials
Representatives of Dolomite Products Company & Callanan Industries: Skip Daniels, Andy Stokes, Jeremy Smith, Mark Clement

I. Call to Order:

Chairman Herrmann called the regular meeting of the Planning Board to order at 7:33 pm.

II. Minutes Review/Approval

A motion was made by Trina Porte, seconded by Matthew Murnane to approve the January 21, 2009 as submitted.

III. Request for Advisory Opinion/Recommendation

Case No. ZBA 2008-057 – Valley Materials

Ms. Phillips stated that she represents Valley Materials, the current permit holder. She informed the Planning Board that there was an error made on the draft minutes of the Zoning Board of Appeals minutes dated April 7, 2009. She stated that the following sentence in said minutes is incorrect:

“In the meantime the applicant renewed their DEC permit relevant to the 9.45 Acre parcel (8.-2-69)”

And that a more accurate statement would be:

“The applicant obtained a modification to its DEC permit in 2005 to expand the Life of Mine area to 30+ acres, and the DEC permit was subsequently renewed in August of 2008.”

Ms. Phillips stated that reason they are here is because the original Special Permit to mine the Teal Pit is for 9.45 Acres. In 2004 they [Valley Materials] made an application for a DEC permit and a Special Permit from the Town to expand the Life of Mine from 9.45 Acres to 30+ acres. They never received the Town Permit due to an error in Town processing, however, at the time they thought they were approved due to a letter they received from the Code Enforcement Officer. At that time DEC modified the permit the DEC offered Lead Agency for SEQR review to the Town. Due to a lack of response from the Town, the DEC assumed Lead Agency, did a full SEQR review and declared a negative declaration in 2005. The modified DEC permit was issued in August of 2008.

They are now seeking a Special Permit from the Town that accords with the DEC permit issued in August of 2008 which covers the entire 30+ Acres and authorizing mining of the 9.45 A. Said permit expires in 2013 and states that when the phase in the 9.45 Acres has been completed, no SEQR review will be required, they will apply for a modification and that they must satisfy reclamation of the 9.45 acres before they move to the 30+ acres.

Ms. Porte questioned why the Building/Zoning permit application [2008-057] requests an 'expansion' yet the Special Permit application to the Zoning Board is requesting 'Commercial Excavating' eliminating the word 'expansion'. Ms. Phillips replied that the planning/zoning clerk completed that portion of the application and erroneously used the word "expansion". They are not seeking an expansion.

Mr. Trombley asked if they are permitted to mine up to the property boundary lines or are there setback requirements. Mr. Smith replied that there is a 25 foot setback that is also known as the 'no touch zone'. Mr. Daniels added that their logging operation extends to the full 480 acres; there are no boundary setback requirements.

Mr. Trombley commented on the poor condition of Route 9 from the bridge to Route 20. He stated that the road takes a lot of abuse from the trucks. Mr. Daniels stated that they are required to take a left onto Route 9 when leaving the grounds. He further stated that they are generally not on the roads during May and June and that it is a low priority mine or low impact mine with clean material. We do not run over weight and there is low truck traffic, approximately 30 trucks per day maximum.

Mr. Murnane questioned whether 30 trucks per day was a safety hazard. Chairman Herrmann commented that it is not an increase from the current use.

Ms. Porte asked if they have a DOT permit for the trucks. Mr. Daniels replied "yes".

Mr. Murnane stated that it was his understanding that the original 9.45 acres has been dried out. Mr. Daniels stated that there are still reserves left and they want to finish.

Trina Porte moved to recommend that the ZBA grant a Special Use permit for the 30+ acre Life of Mine in accordance with the 2008 DEC permit with the condition that when they complete the 9.45 Acres they will notify the Town before they move on. Craig Trombley seconded the motion. The motion carried on the following roll call vote:

Ray Herrmann	Aye
Jim Dixon	Absent
Jerry Grant	Absent
Mark Sheline	Aye
Craig Trombley	Aye
Matthew Murnane	Aye
Trina Porte	Aye

IV. Adjournment

By consensus the meeting adjourned at 8:00 pm.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk