

**Town of Marbletown
Stone Ridge, New York 12484
Physical Address: 1925 Lucas Avenue, Cottekill
Zoning Board of Appeals
Monthly Meeting
January 18, 2017**

Official Minutes

Agenda: Chairman Husta called the meeting to order at 7:00pm and read the Agenda into the record

Old Business

New Business

Public Hearings

Will Husta & Tom Smiley	Roger Davis, AKA H&R Rock	Appeal of the Code Enforcement Officer's Determination that Applicant has expanded the previous pre-existing allowed use of mining and now is required to obtain a Special Use Permit	178 Quarry Rd	A4	55.1-1-11	200-46; 200-54	SEQRA classification; set PH
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Attendees:

- Present: Will Husta, Chairman; Paris Perry, Vice-Chair Alternate Kathie Grambling; Alternate;
- Absent: Brian Taylor; Alternate Max Stratton; Tom Smiley Dan Proctor

Consultants Present: Larry Wolinsky, Esq.

Announcements:

Old Business

New Business: None

Public Hearings:

Review time/ ZBA point person	Applicant	Application	Location	Dist	Tax Map Number	Applicable Regs	Need and/or update
Will	Roger Davis,	Appeal of the	178 Quarry Rd	A4	55.1-1-11	200-46; 200-54	SEQRA

Husta& Tom Smiley	AKA H&R Rock	Code Enforcement Officer's Determination that Applicant has expanded the previous pre- existing allowed use of mining and now is required to obtain a Special Use Permit					classification; set PH
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Applicant Overview: Rosemary Stack, ESQ. represented Mr. Davis regarding the Appeal. She presented the public record of facts of why she believes the CEO was wrong in his determinations:

1. Crusher-Mr. Davis replaced an old crusher from 1960 with a 1996 model. Under SAPA, upgrading an old piece of mining equipment is not an expansion
2. Expired Permit-Ms. Stack submitted proof there had been no gap in Mr./ Davis' renewals with NYSDEC
3. Importing materials into the site-The only materials imported are used for the required reclamation as part of the approved NYSDEC plan
4. Blasting & plan to mine deeper-this proposal was withdrawn from submission to NYSDEC

She further stated M. Davis did create a Stormwater detention pond.

Attorney for the ZBA, Larry Wolinsky stated all mines are being brought into Stormwater requirements and Marbletown is an MS_4, so there is a higher reporting piece

Ms. Stack stated the crusher is newer and portable, so the CEO may have believed it was larger

Ms. Stack also stated that Mr. Davis uses a hammer as well

Mr. Davis is still only mining the 4.9 acres as originally approved by NYSDEC

Public Input:

- Resident on Upland Rd questioned why they could hear it now all of a sudden when they never heard it before
- Resident that lives across the street stated the grinding/crushing noise is much louder
- Resident across the street complained about the hours of operation
- Resident complained about the location of the crusher and the dust from it
- Several members of the public spoke in favor of having accessibility to local materials after storms

Board Input:

Can crusher be used where the impact is less

Any expansion needs new SUP

Can duration and timing of machines be modified

Is any of the materials brought in sold from site?

Did bond get paid to NYSDEC?

Official Actions:

Member Paris Perry motioned to continue the public hearing to February 22, 2018; member Kathie Grambling seconded the motion which was thereupon called to the following vote:

Will Husta Aye
Paris Perry-Aye
Brian Taylor-Absent
Kathie Grambling-Aye
Tom Smiley-Absent
Dan Proctor-Absent
Max Stratton-Absent

The motion carried by a vote of 3 ayes; 0 nays; 2 absent; and 0 abstention/ refusal

Action Items: None

Correspondence: None

Paris Perry motioned to adjourn the meeting; Kathie Grambling seconded the motion which was thereupon called to a vote as follows:

Will Husta-Aye
Kathie Grambling-Aye
Brian Taylor-Absent
Paris Perry-Aye
Dan Proctor-Absent
Max Stratton-Absent
Tom Smiley-Absent

Motion carried by a vote of 3 ayes, 0 nays, 0 abstentions and 2 absent

Meeting adjourned at 8:35pm.

Respectfully Submitted,
Maggie Colan, ZBA Secretary