

ZONING BOARD OF APPEALS
TOWN OF CANAAN
COLUMBIA COUNTY, NEW YORK
March 29, 2016

Present: David Cooper, Pat Liddle, Sandy Haakonsen, Christy Ransford, John Stelling, Bill Wallace

Chairman Cooper opened the meeting at 7:00 p.m. with nine people in the audience. Motion made by Pat Liddle with 2nd by Bill Wallace to accept the February minutes as submitted. All in favor.

There is one item on the agenda: Public hearing on file #2016-2, Gutches Lumber who is being represented by Andy Didio of Taconic Engineering.

The hearing commenced at 7:02 with David reading the Legal Notice. Andy Didio submitted his receipts for the mailing to abutters. David asked if Andy would give a presentation. Andy stated that Gutches Lumber was looking to expand their log storage facility. The company is looking to expand onto a 2 ½ acre parcel to the south of the current operating location. They are looking to add a large gravel lot with an additional entrance and storm water drainage site. There is also a residence on the property that will be used as both an office and residence. There will be nothing further south of the standing residence. David said the initial plans showed the entrance through the leased plant and asked if that was still the plan. Andy stated that it was the preferred entrance but the planning board wants an alternate entrance. They intend to meet with the highway superintendent on site to discuss. David said he has spoken with Bernie Meyer and that was the plan.

David asked if the operation was somewhat seasonal? Andy replied that it was an all year process. David said there was a reason for it to be seasonal, and that reason is bugs. He said that when you cut logs in the summer you get a lot of bugs. David stated that when this plan was originally initiated it was during the Emerald Ash Borer time. He asked if the company was aware of this bug? He asked if the DEC regulated that. Andy affirmed that and stated that the logs were all locally sourced, and mostly oak and maple. Chairman Cooper then asked what the hours of operation are and the reply was 6:00 am. Pat Liddle asked 6:00 am to what time? The reply was 3:30 normal or 5:00 if there was overtime, and this came from audience member David Dunce who is the manager of the lumber site. Pat Liddle then asked what was meant by locally sourced? How many miles are you referring too? David Dunce replied that it was 65 miles, and then the wood goes to Cortland NY. The Chairman asked if there were only trucks during this time? Andy stated yes, but audience member Peter Bartlett said that wasn't true and that there had been wood dropped off even on Easter morning. Pat asked what happened when no one was there to receive the logs and the reply was that the driver unloads and puts their name and date along with a bill of lading on the end of the logs. Board member Bill Wallace asked if there was any sawing or cutting on these occasions? Audience member John Kie who is an abutter said no there wasn't. David Cooper asked if there were any other questions?

Chairman Cooper asked the audience if there was anyone who would like to speak either in favor or otherwise? Peter Bartlett who stated that he lived at 146 Flints Crossing asked to speak. He stated that the weight limit for the road was 5 tons and now there were hundreds of trucks coming up the road. They come in at 80,000 pounds and leave with log loads. He said the operation is open all the time and never stops. He stated that Easter morning there was a truck dropping off wood. He went on to say that

Gutchess is trying to pass this off as wood storage when it is wood transporting and this is not allowable in this zone. Peter said there is an issue with the railroad and that it is not proper to have more traffic, which then makes the town liable. He said there are hundreds of people in the truck stop located at the end of Flints Crossing at 4:00 in the morning and he believes there is going to be a major problem. Peter believes that this operation should be on a main road and that Gutchess Lumber had tried to purchase the sawmill in Berlin but had heard that fell through for some reason. He is concerned that a lost person will turn into the loading zone. He stated his other concerns were noise violations from logs smacking together, diesel on the property and trucks leaking fuel into the ground and contaminating the water.

Peter then went on to say that he had tried to get a permit but was unable to get one due to the hours at the Town hall. He presented the board with a check, that chairman Cooper looked at and asked what it was for. Mr. Bartlett stated he thought he needed a permit and David told him he didn't need a permit and gave him his check back. Chairman Cooper said that first of all Peter was an interested party and it is his right to be here and gather information on how this will fit into the neighborhood. This is a chance for the public to comment, and you don't need to pay to do that.

Peter then said that he had contacted a lawyer but that he had been unavailable on such short notice. Peter said he had only received the letters to abutters about 15 days ago. He said that everyone should have received a letter, and not just the people within 500 feet of the property.

Mr. Bartlett went on to say that there was gravel all over the road and when he asked for it to be cleaned up it was, but the road just can't handle the weight of these trucks day after day. David asked if the trucks are coming in from the Massachusetts end of the road, and Peter said not all of the time, but sometimes someone gets lost and does. He said this is a huge operation and it is dangerous. If a kid on a bike gets in there and plays on the logs he could be killed.

Mr. Bartlett said that he had a letter from CSX which was dated 2007, and also the Standards and Uses that the Zoning Board of Appeals follows. David asked for it and Peter gave the board eight copies. The document reflected what some of the residents of Flints Crossing Road thought the storage facility would violate. This document can be found in file #2016-2 for Gutchess Lumber at the Canaan Town hall.

Peter said they are not storing lumber but raw material. Chairman Cooper said it is unmanufactured raw material and part of this comes under Agriculture and Markets. David expressed that the board is charged with the actual special permitted use. We have options: We can deny it or we can modify it or other things like that. He said that there was another part to this, which is the site plan review which is conducted not by us, but by the planning board. David suggested that with Peter's interest in this matter that he participate in the process with the planning board, as it is his right to do so.

Chairman Cooper asked if anyone else had anything to add? David Dunce said that in regards to the Emerald Ash Borer, that Gutchess Lumber has a compliance agreement and can bring the logs in as it is a quarantined area of New York. Chairman Cooper asked what was involved in that, and Mr. Dunce said that the logs are inspected and can only be transported from non-quarantined areas between May and September when the bugs are dormant. Quarantined areas however can transport logs between themselves and other quarantined areas.

David asked if most of the folks in the audience were residents of Flints crossing Road, and most said yes. David asked one of the audience what she thought, and she stated that Peter Bartlett was her

brother, and that between them they had a farm. She stated her name was Pamela and also introduced her mother Phyllis. David said that fortunately or maybe unfortunately for you people that have houses in this area, this is one of the commercially zoned areas of the town. Because of this anything that someone wants to do will require a special permit. Even if someone wants to build a house they will need a special permit. The town is trying to balance two uses that may or may not be compatible, and we are charged with trying to sort it all out. We are using your input to facilitate with this process.

David said that we can continue this hearing or we can close it, but can't make a decision until a site plan is in place. At this point Andy Didio asked if he could address the question about increased traffic? He said that the new site would not increase active deliveries. Currently there are 7 to 10 deliveries a day and that will remain the same. David Cooper stated that would mean there were at least 14 trips up the road a day. He asked if making a right hand turn was not convenient on the access turn? Also is there equipment available to clean the road? Audience member Kurt Fuhlbrigge said that he has gone to ask Gutches to clean the road, and they immediately did so, but he was concerned with whether they would continue to maintain the road. David mentioned that one of the original stipulations was that very coarse material be used and asked if that worked? Mr. Dunce responded that it had worked but they got too big and had to move off of it. Certain times of the year get very muddy. Chairman Cooper asked if there is equipment to clean the road, to which the reply was yes, we have a power scrubber.

David Cooper said let's talk about the proposed site. He stated that he had been looking at it and wondered if it was a natural bowl shape or had there been gravel taken out? Both Peter Bartlett and John Kie stated that it was natural and had once been a farm. Andy Didio said that they want to grade it so that it is mono-pitch and all the water goes off the back, away from Flints crossing Road. The tree line will stay, as will the trees by the road. He also said that they are working on the storm water prevention plan for the DEC, and approval by them is contingent upon it.

Chairman Cooper asked where they were in regards to the planning board, and Andy said that it has now gone to the County Planning, and they will weigh in. In regards to the mud issue he wanted to say that they had gotten new equipment to sweep the road, and that they were going to maintain the coarse material to help control the mud. The new Lot is going to be constructed like a parking lot so it will be a much more stable site.

David asked if there was a lot of trespassing and Mr. Dunce said he didn't believe so. He stated that people keep an eye on it. There are workers there five or six days a week and they are mostly from Lenox, Dalton and Lee.

How about if I have logs? How does that work asked chairman Cooper? David Dunce said that when there are logs you would call him. David Cooper asked that even if I was established would I still have to call? Mr. Dunce said yes, and not a lot of people ever just pop in. We are not trying to increase traffic, but rather to maintain it. Peter Bartlett responded that you are making more traffic. Making it bigger increases traffic. At 2:00 in the morning there are tractor trailers. Let's do a study and see how many trucks there are all night long. John Kie said that generally some trucks come at 5:30 or 6:00 am, and at night they are usually gone. Randomly there may be a truck around 7:00 pm but not often. They need to be able to see to unload. David asked what kind of trucks these were and John Kie answered that they were mostly single axle log trucks with their own boom. There is a loader that has a backup alarm, but you can barely hear it. He went on to state that the train rattles him out of bed 4 or 5 times a night, but he is personally not bothered by the Lumber operation or he would be here complaining. Peter Bartlett

said that “he is the one selling his property.” With a chuckle the board members all stated that they knew this.

David asked if anyone else wanted to comment either positively or negatively? Pamela Bartlett said we are used to the train and the thruway and we knew they were there when we bought the property, but now there is a lot more congestion. We have the new Truck Stop down there and the dump, and it just seems there are so many more people on the road. Mr. Kie stated that Gutches has permits to run and could buy the piece of property they are leasing and stay there forever. They are trying to make it safer for themselves by making the piles smaller and having more room.

David said he thinks we are understanding the issues and asked if there were any other questions from the board? He said we have a couple of options. We can continue or close it and wait for the site plan review so we can deliberate. Pat Liddle said that she had a question. She asked if the 7-10 loads that are now going to the Lumber company would increase? Andy Didio said that no they would not and that there is a signed statement from Gutches Lumber stating this. They just want more room, not to increase business.

Bill Wallace asked if presently there were any time restrictions on the hours of operation? David Dunce responded that there were none ever given to him. Andy stated that there were none that he was aware of either.

Christy Ransford asked if there were records at the company to say when trucks are there? David Dunce said that the truck drivers had to carry a log book. Christy said but your company doesn't keep a log? David said he gets a bill of lading. Chairman Cooper asked if they were shipping out constantly, and the answer was every day with a minimum of two trucks.

Bill Wallace asked if they would be open to setting certain hours and David Dunce said that he would be willing to discuss it.

Christy Ransford asked if there was a noise ordinance in the town, and David Cooper and Pat Liddle both said yes. Christy asked what hours it was for, but was told that it is for certain decibels, and not hours.

David Dunce said that trucking goes with the weather, and when there is rain in the forecast the logs need to get dropped off as soon as possible, even if it is Easter morning.

Chairman Cooper said we are not in a position to deliberate, but can we close? Andy said that there were no major changes to the site plan, so he would like to close the public comment period.

Bill Wallace said that the map he had was a little different than the one Andy had on the board, and didn't show the drainage. Andy said that the one he had was a bit more developed. He will provide the Zoning Board of Appeals with an updated map.

Pamela Bartlett said she had a question, and said that her land doesn't abut as there are 5 acres in between where someone could build. Could a house be built there because it is commercial? David said yes, but it would also need a special permit, but not a site plan review. On the expansion of houses in that area the board looks at them on an individual basis. David stated that he is not sure why the town set this up the way it did, but we work with what we have. They have had this dual use option for a long time.

David said we can't deliberate until the site plan is in place. There are whole criteria for approval of special permits. When we deliberate we will go through line by line. We will try to resolve any issues and make sure the site plan is compatible with the special use.

Peter then asked if this business was going to bring down the value of his property and the 5acre lot next to him. David said that he didn't know, but wouldn't think so. He said the whole area is not going wholesale commercial. The rest of the road is residential. The commercial value of your property could be higher than the residential as well. Peter said, so this parcel can have both a commercial and residential use? David said absolutely. I spent two hours with the town attorney to make sure the land can have 2 uses. What can't be done is putting 2 residences on one piece of property. The only way that can be done is with a special provision in the law to have an accessory dwelling, and there are certain criteria to having a second residence on the property.

Motion by Bill Wallace to close the public hearing, with 2nd from Sandy Haakonsen. David said a motion has been made and seconded to close public hearing on file 2016-2. All in favor say Aye. All in favor.
8:02

David said here is what is going to happen: Gutchess Lumber's representative from Taconic Engineering is pursuing a site plan review. Once that site plan review is in place, we will deliberate at our next meeting. I would encourage you if you are interested in this application to go the Planning Board meeting where they are going to take up this matter. We will not be able to deliberate until the site plan is done. Our meetings are always the last Tuesday of the month and are always open to the public.

Motion by David to adjourn with so moved by Pat Liddle and a 2nd by Christy Ransford. Adjourned at 8:04.

For the Board,

Heather O'Grady,
Clerk