

Chair Walters opened the meeting at 7:01 pm. In attendance were Board members Geoff French, Larry Machiz, Frank Mendelson, Martin Silver, Pete Nelson Jr., and Co-Chair Groom.

Also in attendance were Town Attorney Ted Guterman, Guterman, Shallo & Alford of Hudson, NY, and Ghent residents.

TAX PARCEL 84.00-01-19.112, TAX PARCEL 84.00-02-17.00, TAX PARCEL 84.00-02-18.00 AND
TAX PARCEL 84.00-03-27.00
APPLICATION FOR LOT LINE ADJUSTMENT

PAVELEK, TOM AND EMILY

COUNTY ROUTE 9, GHENT

Tom and Emily Pavelek appeared before the Board. As requested at the 03 June 2009 meeting, they provided a copy of the 02 June 2009 Columbia County Department of Health Sewage Disposal System Requirements, over the signature of Dale E. Rowe, and a copy of Permit 0919060, dated 24 October 2006, for a driveway cut onto County Route 9. They also provided professionally prepared survey mapping. As indicated, tax parcel 84.00-02-17.00 will be 5.33-acres, tax parcel 84.00-01-02-19.112 will split between tax parcel 84.00-03-27.00 (for a final total of 6.88-acres) and tax parcel 84.00-02-18.00 (for a final total of 1.11-acres) and then be removed from the tax roll. Tax parcel 84.00-03-27.00, previously inaccessible, will now be legal for building, in the shape of a 'flag' lot, with sixty feet (60') of frontage on County Route 9. (This parcel contains portions of NYS regulated wetland ST-21; a 100' buffer is indicated on the mapping.) Board members conducted a NYS Department of Environmental Conservation (DEC) short-form State Environmental Quality Review (SEQR). Members made negative declarations. Mr. Nelson abstained.

The Public Hearing was opened. There being no input from members of the audience, the Public Hearing was closed.

Mr. and Mrs. Pavelek reviewed the mapping with the Board members.

Board Members conducted a Finding of Fact.

- o Mr. Mendelson approved the Lot Line Adjustment, noting that it was an improvement and provides access to a once land-locked parcel, and meets zoning code requirements.
- o Mr. Nelson approved the Application, stating that the owners have provided a nice flag lot, for land that was previously unusable and meets the Town's Master Plan.
- o Mr. Silver approved, noting that it conforms to zoning requirements.
- o Mr. French approved and said that the Application makes usable land out of previously unusable land.
- o Co-Chair Groom approved the Application and noted that it meets the Town's Master Plan.

- o Chair Walters approved and observed that it makes an illegal parcel, legal, and conforms with the Town's Zoning Code and Master Plan.
- o Mr. Machiz approved for the reasons mentioned.

[A COPY OF THE MAPPING ENTITLED 'PROPOSED LOT LINE ADJUSTMENTS, PROPERTY OF THOMAS E. PAVELEK AND EMILY PAVELEK, TOWN OF GHENT, COLUMBIA COUNTY, NY,' PREPARED BY DANIEL J. RUSSELL, PLS FOR ALVIN B. HUEHNEL, PLS, A DIVISION OF CRAWFORD & ASSOCIATES ENGINEERING, PC, HUDSON, NY AND DATED 18 JUNE 2009, WAS STAMPED AND PLACED IN THE GPB FILES]

ACTION

FILE CLOSED

TAX PARCEL AND TAX PARCEL 103.00-01-022.12 & 103.00-01-22.112

APPLICATION FOR SPECIAL USE PERMIT - MINING

MOLINARI, VINCENT & LISA

CARPENTER ROAD, GHENT

Chair Walters noted that the Public Hearing is closed. He informed the meeting that he asked Molinari representative Dave Ingalls of Ingalls & Associates, Schenectady to appear this evening to answer any questions Board members might have. Following tonight's meeting, Town Attorney Guterman and Town Engineering Consultant Ray Jurkowski of Morris Associates Engineering Consultants PLLC, Greenport, NY will be asked for their recommendations. Should members wish, they can work through possible permit conditions at next month's meeting. Town Attorney Guterman addressed the meeting. He suggested that Board members, when it comes time, review each line item in the specific and general laws, so a basis is formed for their opinions, and it is in the official record. Chair Walters agreed. It was noted that a letter had been sent to Mike Higgins, Deputy Permit Administrator, Division of Environmental Permits, NYS Department of Environmental Conservation (DEC) on 22 June 2009, by Town Engineering Consultant Ray Jurkowski. As of today, a response has not been received. The Board requires an opportunity to review the response before any determinations are made.

Mr. Ingalls said that the overall plan had been revised to indicate changes of ownership of abutting property along the westerly border. ['OVERALL PLAN, MOLINARI POND & MINING PERMIT, CARPENTER ROAD, TOWN OF GHENT, COUNTY OF COLUMBIA, STATE OF NEW YORK, SHEET 1 OF 5' PREPARED BY INGALLS & ASSOCIATES, LLP, SCHENECTADY, NY AND DATED 09 SEPTEMBER 2008, REVISED 24 DECEMBER 2008, REVISED 01 JULY 2009] He said that he spoke with DEC representative Mike Higgins. A main question was whether the Town of Ghent can change materials previously reviewed by DEC, such as number of truck trips, which DEC used for the basis of their SEQR determination. Apparently, there are no problems. Mr. Higgins indicated that he would prefer to co-ordinate with the Town of Ghent representative. This would provide consistency between the DEC permit and the Town's Special Use Permit; no conflicting conditions. Mr. Ingalls confirmed that the DEC completed SEQR, but has not issued a permit with standard conditions and/or special conditions. The Molinari application for mining has been deemed complete by the state agency.

Mr. Mendelson inquired if DEC received the latest mapping? Mr. Ingalls said that he had not forwarded the mapping to DEC. Mr. Mendelson noted that the mapping does not include the correct name of the owners located along the west perimeter of the

Molinari lands; it should read 'Carsten Otto and Dawayne Powell.' Mr. Ingalls agreed to make the correction. It was also agreed that corrected and/or updated mapping be sent to DEC.

In response to an inquiry from a member of the audience, it was confirmed that DEC has closed the period for Public comment. Should anyone wish a copy of the applicable minutes, they were asked to contact the Board's Recording Secretary. The Board's complete file is available for review by members of the Public. It was confirmed that school buses and trucks using Carpenter Road at the same time had been discussed extensively. The Planning Board has not yet made a determination. Co-Chair Groom said that the Application has been before the Board for almost three (3) years. Give the expanse of time, the Board should have a complete and up-to-date set of application-related documents, same as those on file with DEC. According to Mr. Ingalls, a full set of documents should have been sent to the Board by Mr. Higgins. Apparently the Town requested them and they were supplied. It was agreed that Mr. Jurkowski confirm this with Mr. Higgins, and that the DEC has the latest mapping.

ACTION TOWN ATTORNEY GUTERMAN OFFERED TO FOLLOW-UP RE BOARD HAVING UP-TO-DATE, DOCUMENTATION, SAME AS THAT HELD BY DEC

Attorney Guterman departed the meeting.

TAX PARCEL 92.00-01-35.00
APPLICATION FOR MINOR SUBDIVISION
ACKERMAN, DEBRA
527 TALERICO ROAD, GHENT

Chair Walters recommended that the Public Hearing be closed and the Application be denied, without prejudice, as Ms Ackerman has failed to produce required documentation relating to sewerage issues for the parent 6.5-acre parcel. Members reviewed the chronology of events.

A motion was made to close the Public Hearing and to deny the Application for Minor Subdivision, without prejudice.

Board members conducted a Finding of Fact.

- o Mr. Machiz approved the motion, noting that Ms Ackerman failed to complete the Application in accordance with the Board's rules and standards.
- o Mr. Mendelson approved.
- o Mr. Nelson approved the denial without prejudice.
- o Mr. Silver approved the denial without prejudice.
- o Mr. French approved.
- o Co-Chair Groom approved the motion.
- o Chair Walters approved the motion, based upon Ms Ackerman not providing the requested information.

ACTION CHAIR WALTERS WILL MAIL A LETTER TO MS ACKERMAN, INFORMING HER OF THE BOARD'S DECISION

TAX PARCEL 82.00-01-04.111
APPLICATION FOR MINOR SUBDIVISION
COON, RICHARD
STOCKPORT ROAD, GHENT

It was agreed to continue the Public Hearing for Mr. Coon's Application for Minor Subdivision.

TAX PARCEL 73.00-01-11.00
APPLICATION FOR SITE PLAN REVIEW
NIELSEN, MARK & LISA dba NIELSEN CONCRETE FOUNDATION
GRANDINETTI DRIVE, GHENT

It was agreed to continue the Nielsen Concrete Foundation Public Hearing.

TAX PARCEL UNK
APPLICATION FOR SITE PLAN REVIEW AND
APPLICATION FOR SPECIAL USE PERMIT
LONG HEATING AND COOLING
STATE ROUTE 9-H, GHENT

Board members reviewed updated mapping, entitled 'Long Heating & Cooling, Town of Ghent, Columbia County, Proposed Site Plan,' prepared by Crawford & Associates Engineering, PC, Hudson, NY and dated 19 September 2007, revised 21 September 2007, revised 27 September 2007, revised 05 December 2007, revised 01 February 2008, revised 04 March 2008, revised 31 March 2008. There is no set of stamped maps on file. It was agreed to have the Town's Engineering Consultant review the material before the Board considers approving and stamping the site plan mapping. When queried, Chair Walters noted that the Applicant has met all the Board's requirements with the exception of training for members of the local volunteer fire company. Chair Walters allowed the Applicant six (6) months in which to complete the training.

ACTION MS BARRIE TO FORWARD COPY OF MAPPING TO TOWN ENGINEERING CONSULTANT FOR HIS REVIEW

OLD BUSINESS
TAX PARCEL 73.00-01-16.00
HABECK GROUP LLC dba KINDERHOOK TOYOTA
444 OLD POST ROAD, GHENT

Chair Walters informed the Board that he had been contacted by 459 Old Post Road resident Glory Mink, whose property is located 'behind' the Toyota dealership.

GPB-MINUTES-01JUL09

APPLICATION NIGHT

It was agreed that Chair Walters and Mr. Nelson will attend the 08 July 2009 Application Night.

There being no further business, the meeting adjourned at 7:40 pm.

SUBMITTED BY
BARBARA BARRIE
RECORDING SECRETARY