

Chair Jonathan Walters called the meeting to order at 7:03 pm. In attendance were members J. Aaron Groom, Geoffrey French, Pete Nelson Jr., Martin Silver, Frank Mendelson and Larry Machiz.

Also in attendance, at times during the meeting, were Town's Attorney Ted Guterman of Guterman, Shallo & Alford, PLLC of Hudson, NY, and Town Engineer Ray Jurkowski of Morris Associates of Greenport, NY.

NEW BUSINESS

Arnie Cavellero of NY Air, a wireless broadband provider, appeared before the Board. It was explained that Messrs Mendelson, Groom, Walters and Attorney Guterman had met with Mr. Cavellero.

NY Air is considering the installation of proprietary equipment, near the existing Chatham water tower. It would initially provide wireless communication access to 500 homes in a 4-mile radius, within the Town of Ghent, via connection with Mid-Hudson Cable. During a general discussion, Mr. Cavellero informed those present that geographical and geological formations are factors that limit access. In order to provide increased access to a 6-mile radius, usually a 150' tower is required. Several communities across the state, including Berne, Durham, Freehold and Windham have installed NY Air systems. As requested, Mr. Cavellero will provide photos of existing towers. Attorney Guterman said that availability of broadband could play a major, significant role in the development of Chatham and the Town of Ghent. It was noted that the tower would not have to be lit. The Federal Communications Commission (FCC), based upon a Federal Aviation Administration (FAA) determination does not require towers less than 200' in height to be lighted at night. Mr. Machiz inquired if NY Air ~~would be able to be able to provide the necessary services~~ **had mapping of all the projected towers**, if the Town of Ghent was fully built-out. It was agreed that Co-Chair Groom and Chair Walters will be available to assist NY Air and Mid-Hudson Cable in developing an application package. Mr. Cavellero was provided with a copy of Code §185.17 through §185-30, applying to cell/tower telecommunications.

Attorney Guterman departed.

NEW BUSINESS

TAX PARCEL 82.00-01-04.111
STOCKPORT ROAD, GHENT

Mr. Richard Coon appeared before the Board to discuss an Application for Minor Subdivision. It is his intent to purchase the 54.7-acre parcel located on the northwest corner of State Route 9-H and Stockport Road. The parcel has 280' of frontage along Stockport Road. Mr. Coons plans to subdivide the land into two (2) lots – a 10-12-acre lot for his son and the remaining acreage for himself. He expects that both lots will share a common driveway. Mr. Coons was informed of the Board's requirement for an in-place maintenance agreement for a shared drive. This proposed subdivision would

result in lots #3 and #4, since January 1990.

Mr. Coon noted that the northeastern portion of the parcel, with frontage along State Route 9-H, is zoned commercial. It was suggested he speak with Zoning Enforcement Officer Gil Raab regarding any zoning questions.

TAX PARCEL 74.00-01-18.111
APPLICATION FOR LOT LINE ADJUSTMENT
WITHERELL, ALICE
FOWLER LAKE ROAD, GHENT

A representative of Richard Sardo Land Surveying Services of Ghent, NY, Ms Witherell's surveyor, appeared before the Board. He provided the previously requested letter of representation. Initially the Applicant had requested a Minor Subdivision. The Applicant now wishes to apply for a Lot Line Adjustment. The Board members reviewed the new mapping.

Mr. French made a motion to take the Application for Lot Line Adjustment to Public Hearing next month. The motion was seconded by Mr. Nelson and unanimously approved.

TAX PARCEL 91.00-01-68.00
APPLICATION FOR MINOR SUBDIVISION
CESTERNINO CONSTRUCTION CO., INC.
950 STATE ROUTE 9-H, GHENT

Mr. and Mrs. Joe Cesternino were in attendance. Board members were provided with copies of Zoning Enforcement Officer Gil Raab's letter of 18 February 2009 in which he wrote that a consignment shop is a permitted use, a second business is permitted, and that signage needs to be setback from State Route 9-H a minimum of 33 feet. It was agreed the existing wood sign, with metal lettering was acceptable and that the Cesternino's may add an additional plaque to it. They were requested to remove the portable, lighted 'readerboard' sign.

It was noted that the Public Hearing had been continued.

The Public Hearing for the Application for Minor Subdivision was opened. There were no comments from the attending Public. The Board members did not have any new questions for Mr. or Mrs. Cesternino. The Public Hearing was closed.

Chair Walters confirmed that a short-form NYS State Environmental Quality Review (SEQR) had been completed at a previous meeting. The culvert was discussed. It was recommended that a shared driveway maintenance agreement be drawn up, which will benefit the owners with any future sale or use of the property.

Co-Chair Groom confirmed that the setbacks between parcel A and parcel B meet zoning requirements.

Mr. French made a motion to approve the Application for Minor Subdivision. Board members conducted a Finding of Fact.

Mr. Machiz approved and noted the request meets zoning code requirements
Mr. Mendelson approved and noted the application conforms with the Town's Master Plan

Mr. Nelson approved the minor subdivision and observed it meets zoning code requirements and conforms with the Master Plan

Mr. Silver approved and voiced his support for local businesses

Mr. French approved.

Co-Chair Groom approved the application and noted it meets with the Master Plan, the Town's Zoning Code and noted the Site Plan had been brought into compliance

Chair Walters approved and noted it is good to have a local business grow.

A stamped copy of the mapping entitled 'Minor Subdivision By: Cesternino Contracting Co. Inc., Town of Ghent, County of Columbia, State of New York, tax parcel 91.00-01-68.00,' prepared by Robert J. Ihlenburg, LS of Hudson, NY and dated 16 May 2008, rev 10 Oct 08, rev 11 Nov 08, rev 02 Dec 08 was placed in the GPB files.

NEW BUSINESS

TAX PARCEL UNK

Representatives of Schuyler Companies, Price Chopper

Schuyler Companies

Mr. Mike Tucker, PE, Principal, Director of Land Development, Infinigy Engineering, Latham, NY, two (2) representatives of Price Chopper (Golub Corporation) and Melissa Aucompaugh, Vice President of Schuyler Companies, Latham, NY, appeared before the Board regarding the development of a new Price Chopper grocery store within the Town of Ghent.

Chair Walters noted that the majority of the Board's concerns related to the siting of the building, customer parking and the façade of the building. Mr. Tucker offered two versions, differing from the originally presented site plan. After review, Board members determined the originally presented version better met its requirements. A potential second driveway was discussed. The parcel configuration does not allow for alignment of a driveway with Payne Avenue. Ownership and availability of additional frontage on State Route 66, including a previous rail right-of-way, were discussed.

The project representatives were requested to complete a title search of sale of land purchased/being purchased from Fairpoint Communications, specifically any 'railway land.' There was a general discussion of traffic lights, roundabouts, and traffic reports. It was noted that The NYS Department of Transportation (NYS DOT) has not yet been contacted.

A representative of Price Chopper presented façade drawings, conceptually different from those presented at the January 2009 meeting. Exterior changes to the main box of the store included:

- o exterior surface of pre-cast concrete panels smoothed and colored finish applied
- o addition of board and batten, pre-cast stone and simulated copper roofing
- o addition of a bottle recycling area to front of building, under canopy
- o reworked façade, including a peak and cornice molding
- o columns dressed with a simulated wood product
- o windows of smoke glazing glass (not mirrored), complete with dark bronze mullions and transoms

The representative noted that Price Chopper has two standard sizes of signs. It was suggested that an application for zoning variance might be necessary.

(Mr. Ray Jurkowski joined the meeting at this time.)

It was also suggested the group determine the possibility of abutting landowner Francis Greenburger making land available for a roadway. Concerns about the in-place drainage swale and general, local drainage issues were voiced. The possibility of a drainage easement onto the Fairpoint Communications parcel to the south, or development of a storm water holding pond across the back of the parcel were discussed. It was noted that any lease agreements that might be necessitated by storm water mitigation would be dependent upon which federal or state agency holds jurisdiction over the wetlands. Town Engineer Jurkowski raised the issue of total acreage disturbance and government regulations. Chair Walters informed the representatives that the Planning Board will be greatly interested in landscape proposals for the project. Discussion of various aspects of the possible site plan continued. They included, but were not limited to:

- o exterior window treatment
- o wetlands mitigation
- o maximum required customer parking
- o setback from State Route 66
- o blank exterior sides of the box-like building

Mr. French later offered to provide Board members with a photograph of the Price Chopper store in Malta, NY. According to the Price Chopper people, it has the same windows treatment that is being suggested for the Ghent site.

Chair Walters suggested that he, Town Attorney Guterman, Town Engineer Jurkowski, and Town Supervisor Andrews meet and discuss the issue of wastewater management for a situation, such as that proposed this evening. It was suggested the Village of Chatham might serve as an out-of-district provider.

The Board conceptually agreed with the presented usage.

ENGINEERING UPDATE

Town Engineer Ray Jurkowski reviewed federal and state storm water regulations with Board members. NYS Department of Environmental Conservation (DEC) was mandated to implement a federal regulation commonly known as 'Stormwater Phase II'. This regulation requires permits for storm water discharges from residential applications with disturbed land in excess of 5-acres and for commercial/industrial projects with disturbed areas in excess of 1-acre.

'Municipal Separate Storm Sewer Systems' (MS4s) are required for urbanized areas (defined as containing a population exceeding 1,000 persons per square mile) *and* for construction activities disturbing one or more acres. In municipalities containing an MS4, the municipality is responsible for ALL storm water abatement. For example, drainage may commence on private land, but if the water flows through a town culvert, the town is obligated to require a DEC-developed Storm Water Permit (SWP). Additionally, municipalities, with 'urbanized areas' are required to designate a person to visit/review sites – a 'MS' coordinator. Mr. Jurkowski said that some municipalities use either their respective Town Engineer or local Soil and Water Conservation District to review 'SWPPPs.'

The federal Stormwater Phase II regulations are constantly being revised and updated. Mr. Jurkowski informed the Board that program revisions are scheduled to take place

in 2010, and again in 2012. By 2012, current proposals will require that all municipalities, urbanized or not, have storm water management (MS4) programs in place.

NYS DEC developed the Storm Water Permit (SWP), in compliance with the federal Stormwater Phase II order. Its implementation and enforcement was assigned to local jurisdictions in 2003: towns are obligated to follow federal 'Phase II' and DEC SWP regulations. It was strongly recommended that the Planning Board modify all application forms to require that submitted mapping identifies areas of disturbance, and that a completed Stormwater Pollution Prevention Plan (SWPPP) and a DEC SWP be a standard conditions of approval. For residential applications (phased or non-phased – calculations must be based on the entire project), areas of disturbed land in excess of 5-acres must be labeled. For commercial/industrial projects, disturbed areas in excess of 1-acre must be labeled.

A general discussion of engineering-related issues took place.

TAX PARCEL 92.00-01-35.00

APPLICATION FOR MINOR SUBDIVISION

ACKERMAN, DEBRA

TALERICO ROAD, GHENT

A motion to continue the Public Hearing was made by Mr. French, seconded by Mr. Machiz and unanimously approved.

TAX PARCEL 101.00-01-11.00

APPLICATION FOR SITE PLAN REVIEW

NIELSEN, MARK AND LISA DBA NIELSEN CONCRETE

GRANDINETTI DRIVE, GHENT

A motion to continue the Public Hearing was made by Mr. French, seconded by Mr. Machiz and unanimously approved.

MINUTES

Mr. Machiz made a motion to approve the Minutes of the 07 January 2009 meeting and the 04 February 2009 meeting, as presented. The motion was seconded by Mr. French and unanimously approved.

COMPREHENSIVE PLAN UPDATE

Board members were informed the Ghent Comprehensive Plan Committee Public Hearing will be held Saturday, 04 April 2009. Members were encouraged to attend.

APPLICATION NIGHT

It was agreed that Chair Walters and Martin Silver will attend next week's Application Night.

There being no further business, the meeting adjourned at 9:10 pm.