

NEW BUSINESS

TAX PARCEL 93.00-01-63.00 & 93.00-01-67.00

23 WESTVIEW DRIVE, GHENT

APPLICATION FOR LOT LINE ADJUSTMENT

HARTNETT, JOHN & VALERIEJEAN (VJ)

Mrs. Harnett appeared before the Board to request approval to merge the two (2) existing Harnett tax parcels 93.00-01-63.00 (3.81-acres) and 93.00-01-67.00 (3.20-acres), into one (1) 7.01-acre piece of property. The parcels are located back-to-back and both have frontage on Westview Drive. (see mapping) It was noted that the presented mapping does not identify the lot line to be removed to merge the existing parcels. Attorney Guterman suggested the Applicants draw up a new deed that includes merger language and convey the property to themselves. It was recommended that she have her surveyor contact Co-Chair Groom to clarify mapping notation requirements .

The Board accepted the Application for Lot Line Adjustment. It was observed that the Application had been formally noticed in the local newspaper.

The Public Hearing was opened. There being no comments from public attendees, the Public Hearing was closed.

Mr. Machiz made a motion to approve the Application for Lot Line Adjustment, conditional upon receipt of mapping including necessary merger language. The motion was seconded by Mr. Nelson and unanimously approved.

Mr. French made a motion to classify the application as a 'Type II' and therefore not requiring completion of a DEC SEQR. The motion was seconded by Mr. Nelson and unanimously approved.

ACTION

APPROVAL OF LOT LINE ADJUSTMENT CONTINGENT UPON RECEIPT OF MAPPING THAT INCLUDES MERGER LANGUAGE
CORRECTED MAPPING REVIEWED BY CHAIR WALTERS AND CO-CHAIR GROOM & STAMPED ON MONDAY, 15 MAY 2009.

CONTINUING BUSINESS

TAX PARCEL 83.00-01-56.00

176 BARTEL ROAD, GHENT

APPLICATION FOR MINOR SUBDIVISION

GIBSON, DANIEL & SUSAN dba GRAZIN' ANGUS ACRES

Gibson representative Cindi Elliott, (see Gibson 05 May 2009 letter of designation) appeared before the Board. The Applicant wishes to subdivide land identified as 'Lot 3' from the parent parcel. Ms Elliott reviewed changes made to the mapping. Mapping now includes Note1, which relates to subdivision of the lands since 01 January 1990 and includes the phrase 'other than those shown on this map.' Note 5 addresses well and septic issues and the existing trailer and driveway for Lot 3. According to Ms Elliott, the site will require a new full-fill septic system. The existing well is located too close to the septic site and will be sealed: a new well will be sited and dug. Additionally, the new, modular home will be located on a new site.

Ms Elliott referenced the 05 May 2009 letter from the Gibsons, which in part states:

'... we are at our limits for the consideration of 'minor subdivision'
we are not planning any further subdivision at this time.'

There was a general discussion. It was agreed the Application had previously opted out of consideration as a Conservation Subdivision, due to the majority of the substantial acreage involved in agriculture and the meeting of average density requirements.

The Public Hearing was opened. There being no comments from public attendees, the Public Hearing was closed.

Members of the Board conducted a DEC SEQR. All members made negative declarations.

Mr. French made a motion to approve the Application for Minor Subdivision, as presented. The motion was seconded by Mr. Mendelson. Board members conducted Findings of Fact.

- o Mr. Machiz stated the Board is entertaining this Application as an exception to the Conservation Subdivision laws as the majority of the 260+ acre parcel is devoted to farming. Mr. Machiz voted in favor.
- o Mr. Mendelson voted in favor of the Minor Subdivision noting that it meets the intent of the Conservation Subdivision Law given the large open space and agricultural use.
- o Mr. Nelson approved, as stated. The Application is in compliance with Ghent Zoning Code requirements.
- o Mr. Silver voted to approve for the previously stated reasons.
- o Mr. French voted to approve, for the previously stated reasons. He noted the Application meets Town Zoning Code, and that the Conservation Subdivision regulations do not necessarily apply due to the large agricultural use.
- o Co-Chair Groom vote to approve the presented Application. He concurred with the opinion offered by Mr. Machiz; the Applicant's opting to not being considered a Conservation Subdivision.

A copy of the mapping entitled 'Proposed Parcel Split, Lands of Dan Gibson, Town of Ghent, Col. Co., N.Y., prepared by Cynthia Elliott, NYPLS, dated 08 December 2007, revised 24 March 2008, revised 05 May 2009' was stamped and place in the GPB files.

ACTION APPROVAL OF MINOR SUBDIVISION
PROVIDED MAPPING STAMPED

CONTINUING BUSINESS
TAX PARCEL 82.00-01-04.111
STOCKPORT ROAD, WEST OF STATE ROUTE 9-H, GHENT
APPLICATION FOR MINOR SUBDIVISION
COON, RICHARD

Mr. Coon appeared before the Board. Members were informed that the parcel in question is comprised of both residential-zoned and commercial/industrial-zoned land. A copy of the mandatory shared driveway maintenance agreement was requested. Mr. Coon stated the agreement will be written into the actual deed. The actual mapping needs to reference the roadway maintenance agreement. Mr. French observed that the ZBA is acting as lead agency. As such, it will complete the DEC SEQR. A variance from the Zoning Board of Appeals (ZBA) will be required before the Planning Board may consider the Application for Minor Subdivision. When asked, Town

Attorney Guterman said that when the ZBA grants a variance, it issues a letter to the Applicant. A copy of that letter should be copied to the Planning Board. No mapping is stamped. Board members reviewed the question of number of subdivisions of the parent parcel since January 1990. It was suggested that the requested minor subdivision of the parcel into two (2) lots will result in the fourth (4th) division of the original parent parcel. The Applicant was informed that mapping will require:

- o notation as to number of subdivisions of the parent parcel since January 1990
- o referral to shared driveway maintenance agreement in deed
- o removal of reference to 'lot 3'

Town Attorney Guterman requested a copy of the proposed road maintenance agreement to be included in deed, from Mr. Coon. Attorney Guterman will review the document and provide his findings to the Planning Board in the form of a letter. It was agreed to accept the Application as presented.

A motion was made to open the Public Hearing. It was agreed to continue the Public Hearing until next month, June 2009.

ACTION TOWN ATTORNEY TO PROVIDE WRITTEN REVIEW OF ROAD MAINTENANCE AGREEMENT
MAPPING TO BE UPDATED/CORRECTED BY APPLICANT
ZBA TO PROVIDE GPB WITH COPY OF LETTER RE NECESSARY VARIANCE
PUBLIC HEARING CONTINUED

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

Ms Ackerman did not appear. Ms Barrie informed the Board that she had notified Ms Ackerman numerous times about the continued Public Hearing. There has been no response, nor has Ms Ackerman appeared before the Board since fall 2008. Town Attorney Guterman suggested the Planning Board issue a letter to Ms Ackerman, informing her that if she does not appear at the next regularly scheduled Board meeting, her Application for Minor Subdivision will be denied. She will be contacted via certified mail. All Board members were in favor.

A motion was made to open the Public Hearing. It was agreed to continue the Public Hearing until next month, June 2009.

ACTION ISSUE LETTER TO MS ACKERMAN VIA CERTIFIED MAIL
PUBLIC HEARING CONTINUED

CONTINUING BUSINESS

TAX PARCEL 101.00-01-11.00

GRANDINETTI DRIVE, GHENT

APPLICATION FOR SITE PLAN REVIEW

NIELSEN, MARK & LISA dba NIELSEN CONCRETE FOUNDATIONS

Ms Cindi Elliott, representative for the Applicants, appeared before the Board. The 1.01-acre site is located in the Gerald Simmons Commerce Park and adjoins Nielsen parcel 101.00-01-09.00 along its western perimeter. The parcel along the eastern perimeter is presently owned by Almstead Realty Company, Inc. The Nielsens had initially contracted with George Schermerhorn to install a metal-siding building. Due to Mr. Schermerhorn's sudden death this past winter, plans were placed on hold. No building details were available: Ms Elliott was not able to provide elevations necessary for the Site Plan Review Application. Based upon a sketch recently provided by her client yesterday, Ms Elliott developed elevations of the proposed post and beam structure with a 2-on-12 pitch that matches the existing Nielsen building. The west side elevation does not include any windows. In the preliminary presentation, six (6) parking slots were located on the south side. In accordance with Commerce Park regulations, the parking lot has been relocated to the eastside of the structure. The proposed entrance will be located directly across from Biocam LLC, located on tax parcel 101.-01-10.00. All exterior lighting will be downcast and encapsulated/fully contained. Fixtures will be located over both 16' wide doors on the building's east side, over the 14' wide door on north side, and over the entry door. Specifications are included.

A 15' x 35' planting bed will be situated north of the twenty-foot (20') utility and drainage easement. The planting list includes blue spruce, crabapple and flowering quince. The building exterior will be forest green with tan trim and have a gray-colored roof.

Ms Elliott reviewed the 'integrity waterproofing' business that is planned for the site. The water-based product, used to waterproof concrete walls is not classified as 'HazMat' (hazardous material). At night, the product will be stored in 55-gallon plastic drums on the trucks parked inside the building. This is also in accordance with Commerce Park requirements. It is anticipate that two (2) employees will be on the site. Provisions for the locating of a screened dumpster are included on the drawings. Mr. Silver asked if there will be any run-off resulting from washing of the drums or vehicles. In answer to Attorney Guterman's inquiry, drums will not be stored outside. Mr. French pointed out that the mapping requires additional details, such as grading, contours, storm water drainage and erosion specifications, lighting and delineation of the parking lot. Mr. Nelson requested MSD (material safety data) sheets. Co-Chair Groom told Ms Elliott that the Board has been referring applications such as this, to the Town's Engineering Consultant, for review. Too, funds will need to be placed in escrow against engineering costs. Mr. Jurkowski will review the application and determine the escrow fee.

The Public Hearing was opened. A motion was made to continue the Public Hearing, pending provision of additional information.

ACTION	PUBLIC HEARING CONTINUED
	REFER APPLICATION TO TOWN ENGINEERING CONSULTANT
	DETERMINE AND COLLECT ESCROW FEE

CONTINUING BUSINESS

TAX PARCEL 74.00-01-18.111 & TAX PARCEL 74.00-01-18.112

154 FOWLER LAKE ROAD, GHENT

APPLICATION FOR LOT LINE ADJUSTMENT

WITHERELL, ALICE

Alice Witherell and her representative Richard Sardo, PLS appeared before the Board. The continued Public Hearing was opened. The Applicant wishes to move the lot line between her two abutting tax parcels 74.00-01-18.111 and 74.00-1-18.112. Tax Parcel 74.00-01-18.111, presently 5.869-acres in size, will be reduced to 5.0-acres and Tax Parcel 74.00-01-18.112 will increase in size from ±14.4-acres to **±15.269-acres**. The updated mapping was reviewed by Board members and Town Attorney Guterman. Mr. French made a motion to classify the application as a 'Type II' and therefore not requiring completion of a DEC SEQR. The motion was seconded by Mr. Nelson and unanimously approved.

There being no questions from public attendees, the Public Hearing was closed.

Mr. French made a motion to approve the Application for Lot Line Adjustment, as presented. The motion was seconded by Mr. Machiz and unanimously approved.

A copy of the mapping entitled 'Lot Line Adjustment of Property of Alice H. Witherell, Town of Ghent, Columbia County, New York,' prepared by R. Sardo PLS Land Surveying Services, Ghent, New York and dated 16 July 2008, was stamped and place in the GPB files.

ACTION APPROVED APPLICATION FOR LOT LINE ADJUSTMENT
 PROVIDED MAPPING STAMPED

CONTINUING BUSINESS

TAX PARCEL 73.00-01-37.211

STATE ROUTE 9-H, GHENT

APPLICATION FOR MINOR SUBDIVISION

BETTER, WM. dba SUMMIT DEVELOPMENT GROUP, LLC

Town Attorney Guterman provided Ms Barrie with copies of mapping that had been reviewed. He gave a synopsis of the Summit Development Group, LLC (Summit) Application for an industrial park located on the west side of State Rout 9-H, south of Falls Road. On 06 August 2008, the Planning Board determined that approval of the minor subdivision of the 72.2-acre parcel was conditional* in part upon:

- o a bond being put in place with NYS Department of Transportation (DOT) against the development of ingress/egress of the private road onto State Route 9-H
- o a bond being put in place against construction of the private roadway meeting Town Code requirements

Attorney Guterman said he corresponded last month with Carl Matuzsek of Chatham, NY, engineering consultant for the Town of Ghent regarding the Summit roadway bond: Mr. Matuzsek suggested an \$80,000 bond. Apparently Mr. Matuzsek received a copy of the DOT bond. The original Town roadway bond was given to Ms Barrie. Both bonds are now in place. After reviewing the material, Attorney Guterman recommended to the Planning Board that the mapping be stamped: he, Chair Walters and Mr. Matuzsek have signed-off. Co-Chair Groom will compare files with Chair Walters and, with the

Board's permission, stamp the mapping at a later date. Town Attorney Guterman suggested no additional Planning Board activity is required. It was determined that a motion was not necessary.

- o lot 2-01 2.88-acres
- o lot 2-02 3.66-acres
- o lot 2-03 2.34-acres
- o lot 2-04 39.00-acres

remaining lands 24.32-acres

* CONDITIONS OF APPROVAL PER 06 AUGUST 2008 PLANNING BOARD MINUTES

- o receipt of final NYS DOT approval for the entrance to the parcel
- o receipt of updated hydrology report
- o include the approved lots in the existing road maintenance agreement
- o the updated road maintenance agreement must be approved by Town Attorney Ted Guterman
- o designate a manager who is responsible for the roadway
- o Town Attorney Ted Guterman and William Better to arrange letter of credit, or cash to be held against the meeting of conditions, with value of letter of credit, or cash to be determined by Carl Matuzsek
- o Carl Matuzsek to sign-off on the conditions discussed this evening

ACTION APPROVAL OF APPLICATION FOR MINOR SUBDIVISION PER REVIEW BY TOWN ATTORNEY GUTERMAN, CHAIR WALTERS AND CARL MATUZSEK
 MAPPING ENTITLED 'PROPOSED SUBDIVISION, PHASE TWO, SUMMIT DEVELOPMENT GROUP, LTD., TOWN OF GHENT, COUNTY OF COLUMBIA, STATE OF NEW YORK,' PREPARED BY RICHARD G. VAN ALSTYNE, PLS, PC OF KINDERHOOK, NY, DATED 02 JUNE 2008, AND REVISED 21 APRIL 2009, STAMPED ON MONDAY, 15 MAY 2009 AND PLACED IN GPB FILE

CONTINUING BUSINESS

PORTION OF TAX PARCEL 73.00-01-37.211
 STATE ROUTE 9-H, SOUTH OF FALLS ROAD, GHENT
 APPLICATION FOR SITE PLAN REVIEW AND APPLICATION FOR SPECIAL USE PERMIT
 LONG HEATING & COOLING, INC.

Applicant Bob Long and Mr. Tim Ross of Annandale Engineering, LLC of Red Hook, NY appeared before the Board. Mr. Ross referred to a 'cease and desist' order that had been recently received by Mr. Long. Mr. Ross said it was his impression the Site Plan Review had been approved sometime last year and that he was not aware that a Special Use Permit was still required.

Town Attorney Guterman said he had reviewed the meeting minutes relating to the Long applications and they do not indicate that the Planning Board approved the Site Plan Application, or that a determination had been made on the Special Use Permit. Approval of both is necessary before the Applicant may request the necessary building permit from the Building Inspector. Additionally, before the structure may be used, the Town's Bldg Inspector must issue a Certificate of Operation [CERTIFICATE OF COMPLETION]. Member French and Town Engineering Consultant Jurkowski pointed out that a building permit was required for the concrete pad as it is deemed a structure by NYS Building Code: Inspector Simonsmeier should have been able to view the pad before the propane tank cradles were installed. Mr. Jurkowski said that last month he and

Inspector Simonsmeier had walked the site and taken some photographs. Inspector Simonsmeier had indicated that a permit was required.

Mr. Machiz spoke about his disappointment with the Applicant. At the April 2008 meeting, the Applicant had requested the Board's permission to store some large equipment on the potential site, prior to any determinations being made. At last month's meeting (01 April 2009), Board members viewed photos (taken by Mr. Jurkowski and Mr. Simonsmeier during their walk-through of the site) of assembled tanks on the yet-to-be-approved site. Mr. Machiz questioned how the Applicant could not have known. Mr. French also voiced his disappointment to the Applicant about proceeding to act without required Board approval being in place, especially when 'life safety issues' are involved and that at last month's meeting he had said, 'The operation has to stop right now.' Mr. Long responded that he did what he thought was right; that the tanks were approved and had been voted on, contingent upon a bond being put in place by Mr. Bill Better. He said he was told that he was approved. Mr. Long said that no one said he could not put the tanks up. Mr. Nelson noted the Applicant is out of compliance and needs to stop immediately.

Co-Chair Groom told the Applicant that there is no stamped, approved Site Plan on file and the issues at hand need to be remedied. It was stated that approval by the Planning Board or Zoning Board of Appeals does not authorize an applicant to begin work on a site. Mr. Jurkowski suggested Board members visit the location, as it relates to the Site Plan. The status of the private roadway was questioned. Mr. Jurkowski informed the Applicant that the Board will require a letter from the West Ghent Fire Chief, stating satisfaction with existing road conditions to and from the site.

Attorney Guterman spoke on behalf of the Town of Ghent. The site cannot be used until final approvals and permits are in place: it is the Applicant's responsibility to provide proof that requirements have been met. Attorney Guterman stated that should the Applicant ignore the 'Cease and Desist Order' and 'Order to Remedy Violation' issued by Zoning Enforcement Officer Gil Raab on 09 April 2009, the Town will ask the Courts for prosecution and fine. It was noted that the conditions of approval [TAKEN FROM GPB MINUTES] were included in Mr. Raab's letter.

Mr. Ross reported the fire pond currently does not meet size requirements; it needs to be repaired and filled. Possible conditions of approval were reviewed by Attorney Guterman. Mr. Jurkowski asked the Board how they wish to handle changes made to the site that were not included in the presented Site Plan. When queried, Mr. Jurkowski said he has not yet conducted a formal inspection of the site; the Site Plan first needs to be stamped and approved. It was noted an easement will be required from Summit Development Group, LLC for potential overflow drainage from fire pond. No correspondence relating to the Long Applications, has been received from the West Ghent Fire Chief. Once requirements have been satisfied, Attorney Guterman will provide all necessary documentation, including confirmation of fire company training, to the Planning Board and recommend stamping of the mapping. Mr. Jurkowski asked the Board how they wish to proceed regarding non-approved, in-place modifications to the site. He gave the example of a generator that is not on the originally-presented, conditionally-approved Site Plan.

Mr. Long said that he relied on people to do what they're supposed to do; he hires people to do things. It was observed that Mr. Long is ultimately responsible for actions

relating to his Applications. Mr. Mendelson asked about the generator and other modifications to the Site Plan. Mr. French questioned who will certify that all conditions have been met. Attorney Guterman said he will co-ordinate with Mr. Jurkowski and provide information to the Board. Mr. Mendelson told Mr. Long that the Ghent Planning Board is pro-commerce and likes to see successful businesses.

EXPANDED UPON DESCRIPTION OF LATER PORTION OF LONG REVIEW PER BOARD MEMBERS' 03 JUNE 2009
REVIEW OF MINUTES

ACTION MR JURKOWSKI TO SIGN-OFF ON ENGINEERING-RELATED ITEMS
 GPB REQUEST LETTER FROM WEST GHENT FIRE COMPANY
 ATTORNEY GUTERMAN AND MR. JURKOWSKI REVIEW EASEMENTS
 ATTORNEY GUTERMAN TO COMPILE AND PROVIDE ALL NECESSARY
 FORMS/DOCUMENTATION/INFORMATION FOR GPB FILES
 ATTORNEY GUTERMAN TO CO-ORDINATE WITH MR. JURKOWSKI AND WHEN SATISFIED,
 RECOMMEND STAMPING OF MAPPING BY GPB

CONTINUING BUSINESS

TAX PARCEL 103.00-01-22.11 & TAX PARCEL 103.00-01-37.211

CARPENTER ROAD, GHENT

APPLICATION FOR MINING & APPLICATION FOR SPECIAL USE PERMIT

MOLINARI, LISA

Mr. Jurkowski informed Board members that the Town received notice that on 28 April 2009, DEC provided a Notice of Complete Application for the Molinari mining application. At that point, DEC opened to public comment period. On 30 April 2009, Mr. Jurkowski wrote to DEC Deputy Permit Administrator Michael Higgins, indicating that the Town had not received any updated documentation or mapping in the past two years and requested 'a complete copy of the current application and supporting information, including any modifications.' He also inquired about the status of SEQR. The Planning Board will have 62 days from the determination of SEQR to act on the Molinari applications. Mr. Jurkowski was informed that DEC had completed the SEQR review and issued a negative declaration on 03 April 2009. This means the Planning Board will have until 05 June 2009 to act.

Apparently the Applicant hired a new engineering firm. The new firm dealt directly with the DEC on the application: the Town of Ghent was not kept apprised. Late this afternoon, Mr. David F. Ingalls, Principal, Ingalls & Associates, LLP Molinari engineering representative e-mailed updated documents to the Planning Board. Mr. Jurkowski will review the documentation. Additionally, the engineering firm indicated their wish to be on the June 2009 Planning Board agenda, to discuss the Application for Site Plan Review.

Attorney Guterman noted there is a section in Town Law whereby the Applicant or the Planning Board can extend the 62-day review period. He noted that it is to the Applicant's advantage to not place the Planning Board in the position of having to make a determination without all the information at hand. It was agreed that Mr. Jurkowski will request an extension from DEC for additional time to comment. There was a general discussion of the application and possible actions. Mr. Machiz suggested

Board members review Local Law #3-2005, Mining Regulations Amendment to the Town's Zoning Code.

ACTION MR. JURKOWSKI TO REVIEW DOCUMENTATION PROVIDED BY APPLICANT'S ENGINEERING FIRM, INGALLS & ASSOCIATES, LLP, AND PROVIDE COMMENTS
MR. JURKOWSKI TO REQUEST EXTENSION FROM DEC
PLANNING BOARD MEMBERS TO BE KEPT APPRISED OF LEGAL AND ENGINEERING RECOMMENDATIONS
ATTORNEY GUTERMAN TO REQUEST EXTENSION FROM APPLICANT
PLANNING BOARD TO BE KEPT APPRISED OF RESPONSES
APPLICANT TO APPEAR AT 03 JUNE 2009 MEETING

NEW BUSINESS

NY AIR AND AT&T

Co-Chair Groom reported that AT&T wishes to install an extended communications tower on the Village of Chatham-owned water tower. It had been suggested that representatives of AT&T contact NY Air, and NY Air representatives contact the Village of Chatham.

COMPREHENSIVE PLAN COMMITTEE

Co-Chair Groom reported that a final draft plan was submitted to the Town Board. A meeting of Town Board members, members of the Comprehensive Plan Committee and members of various town boards is scheduled for Thursday, 04 June 2009. Planning Board members were encouraged to review the Plan and attend the meeting.

APPLICATION NIGHT

It was agreed that Co-Chair Groom and Mr. French will be present next Wednesday, 13 May, 2009. Should Mr. French not be able to attend, Mr. Nelson offered that he could fill-in.

There being no further business, the meeting adjourned at 9:45 pm.

SUBMITTED BY
BARBARA BARRIE
RECORDING SECRETARY