

Town of Ghent Planning Board Minutes

04 November 2009

Co-Chair Aaron Groom called the meeting to order at 7:03 pm. In attendance were Board members Geoffrey French, Martin Silver, Pete Nelson Jr. and Larry Machiz. Member Frank Mendelson resigned from Board, early in September of this year. Absent was Chair Jonathan Walters.

New Business

Tax Parcel unk

Joe Haley

Carpenter Road, Ghent

Mr. Haley and surveyor Peter VanAlstyne of Kinderhook, NY appeared before the Board. Mr. VanAlstyne noted that he and Mr. Haley had met with Co-Chair Groom and Mr. French, at last month's Application Night.

Mr. Haley last appeared before the Board in 2007, when he requested and received approval for a minor 2-lot subdivision that separated a buildable lot from the parent parcel. It included a sixty-foot (60') easement across tax parcel 103.00-01-22.02, to provide the required frontage and driveway access from Carpenter Road to the 19-acre lot.

Mr. Haley is considering the purchase of a 109.4-acre parcel. The parcel fronts onto County Route 9 and the majority of it lies within the boundaries of the Town of Claverack. There is no access to Carpenter Road, in Ghent. He asked whether the language in the easement, relating to the 2-lot subdivision filed with the County, could be re-written to provide for access to the land he is interested in buying.

When questioned, Mr. Haley said that Mr. & Mrs. Jennings, owners of tax parcel 103.00-01-22.02, have agreed to the easement being used to access the 'new' parcel. Board members raised concerns about future development of the land and possible increased road traffic, use of an easement as access, the potential for the parcel to be landlocked, and the Ghent Planning Board's possible role in this potential purchase.

It was agreed that Co-Chair Groom request a written determination from the Town's Attorney.

ACTION

CO-CHAIR GROOM REQUEST DETERMINATION FROM TOWN ATTORNEY

Tax Parcel 92.00-02-92.11

Application for Special Use Permit & Site Plan Review

Paul and Kim Coon

200 Soller Heights Road, Ghent

At the request of Ghent Zoning Enforcement Officer (ZEO) Gil Raab, Mr. Coon is applying for a special use permit and site plan review. Mr. Coon stated he has been in the construction/excavation business for approximately six (6) years. He has been warehousing machinery and stockpiling material on his residential property. Over the

past several years, Mr. Coon said he has excavated a knob, built a roadway and installed an outdoor wood-burning furnace/boiler. When queried, Mr. Coon allowed that heavy equipment, including two (2) dumpsters, three (3) excavators, one (1) bulldozer and one (1) skid steer, is stored on the property. At Co-Chair Groom's request, abutting neighbors Chris and Mary Stapleton, who were in the audience, spoke. Mr. Stapleton told of Mr. Coon's disruptive activities, especially on weekends, and the running of heavy machinery on and off the site. Mr. Coon continues to grade the property and build a roadway. Co-Chair noted there appear to be two (2) separate issues: the improvement of property and the running of a home-occupied business. He said that the home-occupied business, including storage of equipment, screening, traffic and hours of operation fall under the jurisdiction of the Planning Board. When queried, Mr. Coon allowed that heavy equipment, including two (2) dump trucks, three (3) excavators, one (1) bulldozer and one (1) skid steer, is stored on the property. There are three (3) significant stockpiles on the property; two have been there for several years, and the third is more recent. Mr. French noted that with previous applications for home-occupied businesses, Board members have visited the sites. Mr. Nelson noted that Soller Heights is a heavily travelled road. It was noted that Mr. Coon's land is zoned RA-1 (residential-agricultural). Mr. Coon was requested to review the Town's Code as it relates to requirements for a home-occupied business. Mr. French informed Mr. Coon that he should contact ZEO Raab regarding improvements to his property. It was determined that Board members will visit the site, and view it from the abutting property. Mr. Coon was asked to complete an application for home-occupied business, provide the \$300 application fee, and an up-to-date site map of the parcel, indicating the location of all buildings, roadways, staging areas, heavy equipment, stockpiles, NYS Department of Environmental Conservation (DEC) wetlands, screening and whatever else appropriate. Ms Barrie will provide Mr. Coon with the required documentation.

It was agreed that Mr. Coon will return before the Planning Board next month.

ACTION MS BARRIE TO PROVIDE MR. COON WITH INFORMATION AND APPLICATION DOCUMENTATION RELATING TO A HOME-OCCUPIED BUSINESS BOARD MEMBERS TO VISIT SITE

Tax Parcel 82.00-01-04.111
 Application for Minor Subdivision
 Richard Coon
 Stockport Road at State Route 9-H, Ghent

A motion, to continue the Public Hearing, was made and approved.

ACTION AWAITING DETERMINATION BY ZONING BOARD OF APPEALS

Tax Parcel 73.00-03-99.00

Application for Special Use Permit – Mining

Pinkowski Builders dba Cedar Flow Development

State Route 9-H, south of Falls Road, Ghent

Mr. Clinton Adee and surveyor Pete VanAlstyne of Kinderhook appeared before the Board.

The continued Public Hearing was opened. Mr. Adee gave a brief overview of the application. The existing shale knob will be leveled above the grade of the roadway. There were no comments from the attending Public. The Public Hearing was closed.

Board members conducted a short-form NY State Environmental Quality Review (SEQR). All Board members made negative declarations. Zoning Code requirements were reviewed.

Mr. French made a motion to conditionally approve the application for special use permit to mine shale, at the specified location. He noted the application complies with Zoning Code §190.74 and if less than 1-acre of land is disturbed, DEC regulations do not go into effect.

Conditions of approval include:

- o on-going maintenance of soil erosion measures
- o waiving of bond upon provision of principles' personal performance guarantee
- o seeding and mulching of erodible soils at the time of reclamation per DEC standards
- o Conditions stated in 01 September 2009 reference sheet, attached to application.

‘We will be constructing a building on this property to conduct our construction and foam insulation business from.

No screening will take place on this site. Shale is being taken off only.

We will be disturbing approximately ½ acre per year. Each year the ½ acre that is, disturbed will be re-seeded to keep a constant growth.

The estimate time frame is three (3) – five (5) years.”

Written approval from owner of the private roadway that accesses the site.

Board members conducted a Finding of Fact.

- o Mr. Machiz approved the application, with the stated conditions, noting it will have little negative impact.
- o Mr. Nelson approved, noting the application complies with the Town’s Zoning Code and Comprehensive Plan, and will have minimal impact.
- o Mr. Silver approved the application, stating it is consistent with commercial industrial code requirements and will improve the site.
- o Mr. French approved, offering that the application will have minimal impact on the surroundings; that the leveling of the site will be an improvement.
- o Co-Chair Groom approved the application, with a maximum removal of 750 cubic yards of shale per year, noting it meets the Town’s Comprehensive Plan, there is existing roadway access and will have minimal effect on the area.

ACTION MR. FRENCH AND MR. MACHIZ TO PROVIDE WORDING FOR THE GUARANTEE
MAPPING TO BE STAMPED, ONCE SIGNED GUARANTEE RECEIVED

Minutes

Mr. Machiz made a motion to approve the 07 October 2009 minutes, as presented. The motion was seconded by Mr. Nelson, and approved. Mr. French abstained as he had not attended the October meeting.

Other

Co-Chair Groom informed the meeting that later this month, the Town Board will be appointing Dana Rosenstreich to replace Frank Mendelson. Mr. Mendelson stepped down from the Board in September.

Application Night

Application Night will fall on Veterans Day this year. As the Town Hall will be closed, there will be no Application Night.

There being no further business, the meeting adjourned at 8:34 pm.

SUBMITTED BY
BARBARA BARRIE
RECORDING SECRETARY