

Town of Ghent Planning Board Meeting, Wednesday, December 1, 2010

Board Members Present: French, Groom, Machiz, Nelson, Silver and Chair Walters

Continuing Business

Price Chopper
Mike Tucker, Infinigy

Update on this proposed project:

- Waste water issues still be worked on, but looking at on-site packet plant.
- Wetland area will not be directly affected
- Wetland buffer area only small effect
- Building has been rotated, and is now facing south, with parking to the south
- Only one entrance/exit on Route 66
- Plans to include a drive-thru pharmacy
- 208 parking spots, lost a few with the new layout
- DOT: driveway good. Traffic study completed. Still need permit.
- Applicant was asked if there will be a turn lane off Route 66. Applicant does not know yet.
- There will be an Emergency (2nd) exit onto Fairpoint property.
- Rail Trail will be maintained on the property.

Board member Machiz stresses that he would like to see Applicant try harder to work out a deal with the tenants of the existing plaza.

Board member Silver asked about landscaping at the back of the building. Applicant will try to do as much as possible to make this area look attractive.

Applicant stated that all lighting will meet dark skies standards.

Applicant will return to the January 5, 2011 meeting will more information.

Old Business

Cesternino

At the request of Gil Raab, Mr. (First Name) Cesternino was asked to go before the planning board for site plan review of his commercial property on Rte. 9H. Plans must include parking, signage and all other details in accordance with Ghent Zoning Code Section 190-23, which outlines site plan review criteria. The board told Mr. Cesternino that the site plan must be professionally prepare, and that the board no longer accepts, for example, survey maps that are marked up by applicants because those are too vague and difficult to enforce. The board asked the applicant to get this done as quickly as possible.

New Business

Ted Guterman met with the Planning Board to discuss proposed Zoning Law Modification. Dana Rosenstreich is the only Planning Board member who is also on the Ad Hoc Master Plan Zoning Review Committee.

At issue is the building of two residences on the same lot. An applicant can currently obtain a special permit to allow a second residence, but the Zoning Review Committee would like to make the following amendments (#2, a-c is *proposed new portion*):

TWO RESIDENCES ON THE SAME LOT

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Generally, this chapter does not permit more than one residence on the same lot. However, where there is proposed to be more than one residence on a single lot, such additional residence shall be allowed in the R\$A-1 and RA-2 Zones in the following circumstance:

1. Where the second residence shall be located on the lot in a manner so that all of the minimum area requirements governing the location for each residence are met. Specifically, the residences shall be located so that, in the event of a future subdivision of the property, all of the dimensional requirements set forth in Appendix B will be met by each residence, or,
2. In a case where the second residence cannot be located on the lot in a manner so that all of the minimum area requirements governing the location for each residence are met, the second residence shall be allowed as an accessory for the first residence, provided that:
 - a. No future subdivision separating the two residence will be permitted, and this restriction shall be noted on the building permit and certificate of occupancy for the second residence, and
 - b. The second residence shall not be greater in square footage than Sixty Six and Two Thirds Percent (66 2/3%) of the primary residence.
 - c. The lot shall be at least two (2) acres in a Ra-! Zone and at least four (4) acres in an RA-2 Zone.

Also discussed Density Requirements, as proposed:

EXCEPTION TO DENSITY REQUIREMENTS

Notwithstanding anything set forth in the density requirements, any person or entity who owned an improved lot with a dwelling thereon in an RA-1 Zone as of May 18, 2006, and which lot is at least two acres, but less than six acres, shall be entitled to subdivide said property so as to create one additional lot of at least one acre, and which minor subdivision shall be exempt from the minimum density requirement for the RA-1 Zone. However, this exception to the density requirements shall not apply where such subdivision would not otherwise qualify as a minor subdivision, and each subdivided lot must also meet all other dimensional requirements as set forth in Appendix B.

Notwithstanding anything set forth in the density requirements, any person or entity who owned an improved lot with a dwelling thereon in an RA-2 Zone as of May 18, 2006, and which lot is at least four acres, but less than ten acres, shall be entitled to subdivide said property so as to create one additional lot of at least two acres, and which minor subdivision shall be exempt from the minimum density requirement for the RA-2 Zone. However, this exception to the density requirement shall not apply where such subdivision lot must also meet all other dimensional requirements as set forth in Appendix B.

This exception is personal to any person or entity who was and still is an owner of record of the subject lot as of May 18, 2006, and does not enure for the benefit of any subsequent owner, assignee or mortgagee.

Board Members and Ted Gutterman discussed both proposed Zoning Law Modifications. They will be discussed further at Zoning Board and Planning Board meetings.

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