

Ghent Planning Board Minutes, Wed., April 7, 2010

Board Members Present: Geoffrey French, Aaron Groom (co-chair), Larry Machiz, Dana Rosenstreich, Martin Silver and Jonathan Walters (chair).

Old Business

Bill Baldwin & Sons, lot # 92.-2-7.112

Conservation subdivision. Dept. of Health satisfied. Grading was approved by Ray Jurkowski. Wetland delineation was done. There is a 100' setback.

Adjustment was approved based on comments from the County. Motion made by French, seconded by Groom, approved by all others, to re-stamp the new maps that were revised on February 20, 2010.

Public Hearings

Paul Coon, Lot # 92.00-02-92.11, application for home occupied business. Town attorney Ted Guterman sent letter of definition of "vehicle." Letter was read aloud by Chair Walters. Attorney for Paul Coon, Mitchell Khosrova, referred to section 190-9, special permit for home occupied business. Mr. Khosrova stated that noise is a big issue that affects neighbors, and stated that this business has existed for almost 10 years already. Site visits by Board members confirms that berms block view of most vehicles. Mr. Khosrova stated that a home occupied business is good for the economy and for the community. French asked Mr. Coon to state the hours that the business will operate. Answer is 630am to 730pm. Exemption to this is during winter months for snow removal, when it could be 24 hours a day. Walters asked if the business will only operate Monday through Saturday. Yes, except during snow removal. French asked if during the day, would any work be done on site and what would maintenance hours be. All maintenance would be done during the day. French asked for an inventory of all vehicles and equipment that will be store don the property. It is: two (2) dump trucks, three (3) pick-up trucks, two (2) rollers, two (2) trailers, one (1) grader, one (1) paver, one (1) bulldozer, one (1) seal coater and three (3) excavators. The two (2) trailers and one (1) seal coater are not mechanized machines, and can only be towed behind a motorized vehicle. The board determined that there would be thirteen(13) motorized vehicles on the property. The dump trucks and pick-up trucks are the only registered vehicles, and the only vehicles that can be driven on roads. French asked what equipment was missing from the site when he visited. Mr. Coon answered that most equipment stay off-site when work is being done and that it would very rare for all of the equipment to be on his property at one time. Pick-up trucks are used for personal and business reasons. Groom asked about workers vehicles. They are not used for personal reasons and should not be include din the count of vehicles. Groom asked board members how many pieces of equipment each board member would consider a "vehicle" as defined by Ted Guterman's letter. Machiz: 10; Silver: not sure; Rosenstreich: 10; French: disagrees with 10; Groom: thinks trailers meet vehicle

description and should be included in count; Walters: not sure. Groom would like a more detailed description of the area in which machinery, vehicles, etc. will be stored.

Motion to open this portion of the meeting for public comment was made by French, seconded by Silver, all others approved.

Chris Stapleton, read from a packet he had prepared to support his opposition to the issuance of a home occupied business permit. Packet was copied and distributed to all board members.

Jeff Robinson – agrees with many points made by Stapleton. He thinks that a home occupied business is something done “inside” and building, not outside. The location of the second structure (storage area, barn, work space) is close to road, only setback about 10’. Asked if any testing of wetland and water supplies had been done to determine that there was no contamination caused by Mr. Coon’s business. Asked the board to not bend the law in favor of a long-time local family, and to listen to Stapleton’s points.

Mike Sharp – Mr. Coon has a lot of land to use.

Barbara Sujon – Lots of hauling in and out on the road. Dump trucks and pick-up trucks haul the trailers.

Maryanne Duficy – bought property when out-building on Mr. Coon property was already built. Stated that Mr. Coon is a good neighbor and always tries to accomodate his neighbors.

Cassie Everett – stated that there are no water contamination problems.

Mary Stapleton – stated that trucks are constantly in and out all day long. It is very noisy and there is a lot of pollution and dust from the trucks. She appreciates and is glad that Mr. Coon is growing his business, but believes he should be working out of a commercial area. Does not think that definition of a home occupied business meets what Mr. Coon is doing. Asked the board to please stick to the letter of the law.

Lisa Kring – Property value is a big concern.

Mary Stapleton – is a licensed real estate agent and agrees that the value of homes will be greatly affected having this type of business on the road. Estimates that home values could be decreased by as much as 35%. A disclosure of a nearby home occupied business would be required if any neighbor planned to sell their property.

Richard Coon – says the numbers and volume of the business has been greatly exaggerated by those who seem to oppose the granting of a home occupied business permit.

Chris Stapleton – has photo evidence to dispute that.

Marcia Coon – had water tested, and all was fine.

Tom Roeman – believes that Mr. Coon’s business does not meet the definitions of a home occupied business. Asked if the property needed to be re-zoned. Not sure if this should be a home occupied business or if it better meets the definition of light commercial. Asked the board to stick to the law, and asked if the application meet the definitions of a home occupied business.

Laurence Coon – thinks people are jealous because the Coon family is made up of hard workers. Said the outside wood stove is for personal use, not business.

Barbara Bullock – either the business meets the definition of the code, or it does not. Stated that this will be precedent setting for any future applicants.

Mary Stapleton asked Chair Walters to read two (2) letters and one (1) fax that he received in regard to this matter.

Ralph Kring – concerned about depreciation values of neighboring properties. Stated that Mr. Coon is a hard worker and that the noise can be loud sometimes. Would like to see a compromise reached that would keep Mr. Coon and all of the neighbors happy.

Maryanne Duficy – Mr. Coon owned his property first and all other neighbors moved in after. Stated that Mr. Coon always tries to be considerate. Asked the board to follow the law.

Mary Stapleton – doesn't think Mr. Coon is upsetting neighbors on purpose. Respects his hard work and is glad to see his business growing.

Barbara Barry – Has environmental concerns. Federal and state wetlands are nearby. Has concerns of run-off and impact this would have on the wetlands.

Motion was made by Machiz, seconded by Silver and approved by all others to close this public hearing.

Chair Walters stated that no decision on this issue would be made tonight. There will be further discussion at the next Planning Board meeting scheduled for Wednesday, May 5, 2010.

Peduzzi, Tax Parcel ID# 64.00-01-07 – minor subdivision, Leggett Road. Presented by Jeffrey Plass on behalf of the property owner. Only access to both parcels is 50' right-of-way. No frontage for either parcel. One house on property is located in the Town of Kinderhook, the other is Town of Ghent. Machiz asked if the property owner would agree to no further subdivisions. Mr. Plass will check with the property owner. Chair Walters asked if property owner would be willing to buy the right-of-way and add it his property. Mr. Plass will check with his client. Groom asked about road maintenance. Property owner is responsible for right-of-way maintenance. Groom asked if the owner had considered buying more land to get access to the property. Town of Ghent law allows for no further sub-division of the smaller parcel. Land owner and Ray Jurkowski will come up with language about no further subdivision and send it to the Planning Board members. There will be a note on maps about right-of-way and easement. A short form SEQR was completed with all members finding "negative." Motion to open hearing to public was made by French, seconded by Rosenstreich and approved by all others. No issues brought forward. Motion to close public hearing made by Rosenstreich, seconded by Silver, and approved by all to close the public hearing.

Motion was made by French, seconded by Groom to accept subdivision with the two provisions as were proposed by Ray Jurkowski, Town Engineer. Machiz – yes, even though subdivision was not originally allowed, but was done

anyway. Silver – in favor, and agrees with Machiz. This is an exception to our laws and will be subject to the two conditions. Rosenstreich – yes, not precedence setting. French – approve, no additional impact on the Town of Ghent. Groom – approve with the two conditions. Walters – approved, no additional impact on town, this will be a correction of municipal error.

Ralph Gardener – lot line adjustment. Property currently has two lot assessments and the property owner would like to have only one tax id#. This needs a minor subdivision application submitted. Motion made by Silver, seconded by French, approved by all others to set this matter for public hearing at the May 5, 2010 Planning Board meeting.

Camp Hill

Camp Hill Representative Michael Sullivan and Jeff Sexton, Secretary of the Camp Hill Ghent Initiative Board, were before Planning Board for a preliminary discussion of the organization's plans for the 110 acre parcel on Route 66 just below the Village of Chatham. The intended use for the property is an Elder Care Community that will include a frail care component.

No one contested lead agency status. Motion made by Machiz, seconded by French, approved by all others to declare Town of Ghent planning Board lead agency status for this project.

Ray Jurkowski spoke of time frame – proposed that applicant issue a report addressing: traffic impact, water and wastewater issues, archaeological issues, wetlands, lighting (outdoors), endangered species and habitats. When SEQR is completed, this matter will go to Town Board for approval, then comes back to planning board for site plan approval. Advised Mr. Sullivan to get everything in quickly in the interest of time, and suggested a special meeting for the public hearing on SEQR. Both boards need to had a full understanding of the use of this property, get required re-zoning for use of land in this project. Let the Town Board know that the Planning Board is currently is pursuing the SEQR process, request the Town Board to move forward, but not to complete their decision until the SEQR process is complete.

The barn on the property is coming down, and they will build an exact replica in it's place, according to John Baring. Will have the design for that at the meeting in May. Mr. Sullivan and Camp Hill invited the entire Board for a tour of its property in Philmont.

Motion was made by French, seconded by Machiz and approved by all others to forward the conceptual site plan to the Town Board to consider as looks at rezoning the parcel as a PRD, and Ray will write that letter on behalf of the Planning Board.

Actions: Regular meeting will be held May 5. Special meeting for public hearing of SEQR will be held on Wednesday, May 19, 2010.

Other Business

Long Fuel – has been delayed, dry hydrant issues must be resolved.

Jim Tomaso – Stockport subdivision. Only 4 of his 100 acres are in the Town of Ghent. Chair Walters will write a letter to the Town of Stockport – they can be lead agency.

County Waste – need revised and updates drainage drawings. Need to meet with West Ghent Fire Department to address emergency water issues.

March 2010 Minutes

Motion to accept March 2010 Minutes made by Silver, seconded by Groom, approved by all others, with changes noted.