

Town of Ghent Planning Board Meeting – Wednesday, August 3, 2011

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

Also Present: Town Attorney Ted Guterman

Old Business

Camphill Village

Update presented by Michael Sullivan, Engineer.

Construction is well under way. Prior resolution outlined requirements for final approval to be granted. Mr. Sullivan has submitted all requirements – drawings, permits, etc. Discussion of rail trail through property. Silo was moved. Estimated opening date of facility is January 1, 2012. Estimated date for construction to be completed is end of October. Punch out lists and clean-up work should be done by Thanksgiving. Mr. Sullivan is asking for final approval, pending review by Town Engineer Ray Jurkowski.

Motion made by French, seconded by Silver to grant final approval of this site plan pending Town Engineer Ray Jurkowski's final review.

Machiz: approve, all requirements have been met. #14, rail trail, is only outstanding requirement.

Silver: approved, pending final review by Ray Jurkowski.

French: approve, met requirements per resolution, pending final review by Ray Jurkowski.

Groom: approve, met requirements per resolution.

Walters: approve, pending final review by Ray Jurkowski.

Vincent and Lisa Molinari

Special Use Permit

Tax Parcel ID# 103-1-22.112

A public hearing was held on July 27. The vote was tied 3 to 3. The application is in limbo. Chair Walters has offered to change his vote to "no" so that the matter could be finalized.

Town Attorney Ted Guterman told the Board that in a Zoning Board of Appeals variance case, a tie vote means disapproval. However, there is another Supreme Court case that indicates that a tie vote by a Planning Board is not a final decision. Therefore, because the courts have not definitely decided this issue when it applies to planning boards, he recommends making the vote final and definite. The Planning Board needs to vote again. If one of the positive votes for the project is changed to negative, that would start the appeal time running.

Board member Groom is not in favor of a default approval. Mr. Guterman says this is a gray area. Board member Groom wants a definite answer.

Motion made by Silver, seconded by Machiz to disapprove this special use permit application.

Machiz: for disapproving application, same reasons as stated at July 27 meeting; concern with no operator clearly defined and length of permit is too long.

Silver: for disapproving application, same reasons as stated at July 27 meeting.

French: against disapproving application, same reason as stated at July 27 meeting.

Groom: for disapproving application, in order to have definite answer to application.

Walters: for disapproving application, in order to have definite answer to application.

New Application

Gary Rossman

**Application for Minor Subdivision
Tax ID# 83-1-99**

Mr. Rossman would like subdivide his property so his son and daughter-in-law can build a single family dwelling on a portion of the property. He has applied for and received an area variance from the ZBA. He has received permission from the Town for a second driveway. He has received permission for septic from the Department of Health. Neither lot will be big enough to ever subdivide in the future.

Motion was made by French, seconded by Silver to hold public hearing for this application on September 7, 2011. All approved.

Old Business

Price Chopper

Tax Parcel 76.0-1-1 and 76.0-1-3

Chair Walters is trying to get Village of Chatham Planning Board to work with the Town of Ghent Planning Board on this issue. The Village voted to take lead agency status away from the Ghent Planning Board even though the Town of Ghent has already been granted lead agency status. A public hearing should

be scheduled at some point in the near future. This public hearing should include the following boards: Village of Chatham Planning Board, Town of Ghent Planning Board, Town of Ghent Zoning Board of Appeals and the Board of Trustees of the Village of Chatham.

The latest set of plans received from Price Chopper are fundamentally the same. Carl Matuszek says the storm water runoff prevention plan submitted by Price Chopper appears to be designed to reduce runoff from that parcel. He will provide an evaluation of the plan to the Planning Board in writing.

Board member Silver asked about signage. Chair Walters answered that the signage will require a variance from the Town of Ghent ZBA. Price Chopper has drastically reduced and changed all signs since their original submission.

Ted Guterman had a telephone conference with the NYSDEC about lead agency status. They will decide this issue. He believes they will keep the Town of Ghent as Lead Agency. There is only 250 sq. ft. of loading dock in the Village of Chatham. The overwhelming majority of the project is in the Town of Ghent.

Motion made by French, seconded by Machiz to accept application and go to public hearing at a time to be chosen by all four boards: Village of Chatham Planning Board, Board of Trustees of the Village of Chatham, Town of Ghent Zoning Board of Appeals and the Town of Ghent Planning Board. All approved.

Public Hearing

Jon David Schools
Minor Subdivision
Tax Parcel ID# 74.0-01-17.211

Presented by Cynthia Elliott, PLS, Land Surveyor

Map updates were discussed. Driveway shown – common use driveway for both parcels. Utilities shown on map. Both septic systems located, leech fields shown. Notes on maps discussed – one note clearly states there will be no further subdivision of either lot. No expansion is expected. Driveway maintenance is discussed in notes on drawings. Showed aerial photographs of the property.

Board member Groom asked which lot note #1 applies to. Ms. Elliot answered both. The intent of the property owner is to have two building lots. Board member Groom thinks note #1 cancels itself out.

Motion made by French, seconded by Groom to open public hearing. All approved.

No comments from the public.

Motion made by French, seconded by Groom to close public hearing. All approved.

Short form SEQR was completed. All negative declarations.

Motion made by Machiz, seconded by Groom to approve parcel split of J.D. Schools as presented by Cynthia Elliot.

Machiz: approve, in accordance with Town of Ghent master plan.

Silver: approve, meets all Town of Ghent requirements.

French: approve, meets all zoning requirements.

Groom: approve, meets zoning and master plan requirements.

Walters: approve, meets zoning and master plan requirements.

Maps were stamped for approval. Delivered one set to Assessor Lynn Hotaling.

New Business

**Hudson-Ghent Winery
Carlo and Dominique DeVito
Application for Site Plan Review
Tax Parcel ID# 3889-84-00-3.24.1**

Presented by Peter VanAlstyne, Land Surveyor and Carlo DeVito, property owner.

Site plan maps were updated and discussed. Property improvements are noted on new maps. Would like to expand barn and put up a storage shed. No additional permanent lighting is anticipated. Extension to be built on existing concrete slab behind the barn. The property is "agricultural", not a "home operated business." The proposed storage shed is set back 75' from the center of the road.

Short form SEQR was completed. Negative declarations from all.

Motion made by French, seconded by Machiz to hold public hearing for this application on September 7, 2011.

Old Business

**Szafran
Minor Subdivision
Tax Parcel ID# 92.00-01-03.221**

To be continued. Planning Board would like to visit property before a public hearing will be scheduled.

New Business

Motion made by French, seconded by Machiz: All applications submitted to this Planning Board, must be submitted at least 5 business days before each scheduled meeting (electronic submissions) or at least 10 days prior to each scheduled meeting (paper formats). All approved.

Minutes

July 6 minutes approved with changes noted.

#