

Chair Walters opened the meeting at 7:04 pm. In attendance were Board members Geoff French, Larry Machiz, Frank Mendelson, Martin Silver, Pete Nelson Jr., and Co-Chair Groom.

Also in attendance were Town Attorney Ted Guterman, Guterman, Shallo & Alford of Hudson, NY, and Town Engineering Consultant Ray Jurkowski, Morris Associates Engineering Consultants, PLLC of Greenport, NY and Ghent residents.

TOWN OF GHENT COMPREHENSIVE PLAN

Mr. Mendelson reminded Planning Board members that the Town Board will meet with Comprehensive Plan Committee members as well as Planning and Zoning Board members tomorrow evening at 7 pm, to review the Draft Plan prepared by the Comprehensive Plan Committee. Board members were encouraged to attend.

TAX PARCEL 84.00-01-19.112, TAX PARCEL 84.00-02-17.00, TAX PARCEL 84.00-02-18.00 AND  
TAX PARCEL 84.00-03-27.00

APPLICATION FOR LOT LINE ADJUSTMENT

PAVELEK, TOM AND EMILY

COUNTY ROUTE 9, GHENT

Mr. and Mrs. Pavelek appeared before the Board. They wish to take existing land-locked 2.0-acre Tax Parcel 84.00-01-19.112 and split it out into two other parcels they own. Approximately 1.5-acres of Tax Parcel 84.00-01-19.112 will be added to Tax Parcel 84.00-03-27.00 and approximately .5-acres of Tax Parcel 84.00-01-19.112 will be added to Tax Parcel 84.00-02-18.00. Tax Parcel 84.00-02-19.112 will then be removed from the Tax Roll.

An approximate 10' wide piece of Tax Parcel 84.00-02-17.00 will be added to Tax Parcel 84.00-02-18.00. This will provide for an existing, established screening of *Arborvitae* to be attached to Tax Parcel 84.00-02-18.00.

Finally, an approximate 60' wide section of Tax Parcel 84.00-02-17.00 will be added to Tax Parcel 84.00-03-27.00. This will provide the previously land-locked parcel with required roadway frontage and allow for access via driveway cut on County Route 9. According to Mrs. Pavelek, septic tests have been conducted by the Columbia County Department of Health (CC-DOH) and the Applicants have an approved Columbia County Department of Transportation (CC-DOT) driveway cut. Their surveyor is presently producing mapping to meet Planning Board requirements. Members reviewed the materials. It was determined that this Application will require a NYS Department of Environmental Conservation (DEC) short-form State Environmental Quality Review (SEQR).

Mr. Machiz made a motion to accept the Application for Lot Line Adjustment and to take it to Public Hearing on Wednesday, 01 July 2009, conditional upon provision of the

required mapping and information. The motion was seconded by Chair Walters and unanimously approved.

ACTION MS BARRIE TO NOTICE PUBLIC HEARING

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

It was agreed that Chair Walters will notify Ms Ackerman by certified mail that, unless she appears at next month's regularly scheduled 01 July 2009 meeting, her Application for Minor Subdivision will be denied without prejudice.

The Public Hearing was continued to the Board's 01 July 2009 meeting.

ACTION CHAIR WALTERS TO NOTIFY MS ACKERMAN BY CERTIFIED MAIL  
COPY OF LETTER TO BE PLACED IN GPB FILE

TAX PARCEL 101.00-01-11.00  
APPLICATION FOR SITE PLAN REVIEW  
NEILSEN, MARK & LISA dba NIELSEN CONCRETE FOUNDATIONS  
7 GRANDINETTI DRIVE, GHENT

The Public Hearing was continued to the Board's 01 July 2009 meeting.

ACTION N/A

TAX PARCEL 103.00-01-22.11 & TAX PARCEL 103.00-01-22.12  
APPLICATION FOR MINING & APPLICATION FOR SPECIAL USE PERMIT  
MOLINARI, VINCENT & LISA  
CARPENTER ROAD, GHENT

Mr. Vince Molinari and Dave Ingalls, PE, Principal, Ingalls & Associates, LLP of Schenectady, NY, appeared before the Board. Chair Walters noted that the Town's Attorney and Consulting Engineer will be assisting the Board in reviewing the Applications. He also explained to those in attendance that this is not a Public Hearing. Chair Walters said that the Planning Board had not received any communication from the Applicant or the DEC in quite some time. In an 08 April 2009 letter, sent via certified mail to Town of Ghent Supervisor Larry Andrews, and copied to the Ghent Planning Board, Michael Higgins, Deputy Permit Administrator, Division of Environmental Permits, NYS DEC stated that on 03 April 2009, DEC determined the Molinari application was complete. A copy of the SEQR negative declaration and the 'Notice of Complete Application' (NOCA) were enclosed with letter. (A copy of the NOCA had been sent to the Town on 06 April 2009.) It was noted that the Applicant had not kept the Planning Board apprised of actions taken. Chair Walters said that he had spoken with some residents of Carpenter Road, regarding the DEC's latest actions and determinations. He also spoke with Mr. Vince Molinari regarding 'some slippage of

information' and the possibility of the Board re-opening the Public Hearing, at least for a month.

Chair Walters noted that the project has changed: the pond referenced in the Applications has been reduced in size. On behalf of the Town, Engineering Consultant Ray Jurkowski wrote to Mr. Higgins on 07 May 2009 to request an extension of the public comment period and on 13 May 2009 to comment on documentation forwarded from Ingalls & Associates, LLP. The Town of Ghent, through Mr. Jurkowski, stated its concerns and requested that DEC extend the public comment period, to provide the Planning Board with an opportunity to receive and review the applicable materials. It was confirmed that DEC extended the public comment period to 22 June 2009.

Chair Walters asked Mr. Ingalls to address the issues raised by Mr. Jurkowski. Mr. Ingalls offered that it was assumed DEC, in co-ordinating the SEQOR was also acting as a clearing house for the distribution of materials relating to the Application; Ingalls & Associates LLP should have been copying the Planning Board directly. The Applicant's engineering firm did respond to Mr. Jurkowski's 13 May 2009 letter to DEC.

The pond project has been reduced from an approximately total surface acreage of 10-acres to a surface acreage of 6-acres, with approximately 9+ acres of total graded surfaces. Otherwise, it is basically the same project.

Truck trips will right turn-only onto Carpenter Road. The maximum sight distance to the left is 500'. The right has right sight distance limited to approximately 180' to the west. Mr. Ingalls stated that the operational characteristics of Carpenter Road are fine. He noted that the Applicant has no control over County Bridge #54, located on Carpenter Road.

Mr. Ingalls referenced the supplied Noise Report.

No issues of run-off from the site – grading of the site, including stockpiling and processing area, will be in towards the pond.

Truck trips, with a maximum load of 54,000 lbs, for a total of 20 round trips per day were discussed. Mr. Jurkowski noted that a truck trip should not be based on a truck being a maximum legal load of 54,000 lb. He suggested that truck size or weight load should not be factors. Mr. Machiz inquired about a method of record number of daily truck trips. Mr. Ingalls agreed to abide by whatever format is requested by the Planning Board.

There was a discussion of the use of tri-axle versus trailer trucks and a possible limitation of usage. Mr. Ingalls said that the issue is open for discussion as it is not presently known 'operationally' what (equipment) the excavator will need.

Reconstruction of Carpenter Road was addressed. Mr. Ingalls stated, that after review, that there was no known reason to reconstruct Carpenter Road. Mr. Jurkowski questioned 'to further ensure protection to the existing Carpenter Road corridor the owner has agreed to reconstruct Carpenter Road....' as set out in a 31 October 2008 letter from Mr. Ingalls to DEC representative Higgins. Mr. Jurkowski noted that there was no description or intent. Chair Walters said that it has been established that the Applicant will be liable for damages to Carpenter Road. It was suggested that the construction of an apron leading from the site onto Carpenter Road, issuance of a bond against roadway damage, along with any necessary permits, be discussed with Highway Superintendent Mike Losa. Reference was made to Mr. Losa's letter of 25 August 2006, in which he stated 'I believe that Carpenter Road is an adequate

roadway for use by trucks carrying gravel, as long as the trucks are not overloaded and carry no more than the legal weight authorized for each truck.'

Mr. Ingalls suggested that a 'truck entrance' sign be placed west of the property's driveway. In addition, inclusion of a possible sign was included in the Site Plan Review application. A decision has not been made at this time.

It was agreed that a lockable gate be situated back off the roadway so as to provide enough room for a truck to completely pull off the road.

The landscape berm to the east was enlarged and a requested screening berm has been added to the south, to provide screening from the roadway. Mr. Jurkowski pointed out that stockpile heights were not known. Mr. Jurkowski noted that the provided Noise Study did not include the referenced Appendices I and II. Mr. Ingalls will check into the matter.

Board members reviewed provided mapping. When queried, Mr. Ingalls said inboard side slope of pond will be 1:3. There will be a 15' 'bench' and slope above the pond will be 1:4. Mr. French inquired about the yardage of material to be removed and the timeframe required. Mr. Ingalls stated that removal of an estimated 100,000 – 115,000 cubic yards, at a steady rate, will require 3 – 4 years of time. Preparation of material for shipping, truck size and number of trips all need to be factored.

Mr. Nelson raised the issue of stockpiling of material on the site and the allotted time frame. Mr. Jurkowski noted that the pond footprint will effect the location of the stockpile. Town Attorney Guterman said that there is a maximum stockpile height included in the Town's Local Law #3-2005, Mining Regulations Amendment. According to Code, a maximum of 200 yards may be stockpiled for a maximum of sixty (60) days [...unless associated with an approved mining plan or unless a Use Permit has been obtained.... §190-79-B] Mr. Ingalls agreed that stockpiles not being visible from the property's frontage will be included as a condition of permit.

Mr. French asked about the method of mining. Mr. Ingalls said that first the knolls will be removed, second phase will be the removal materials above the groundwater line and the last phase will be mine dry; wet out.

Co-Chair Groom inquired about the expected traffic flow on the site. He noted that most noise comes from the backup audible safety feature and requested that a circular traffic flow be considered to reduce the need for reversing.

When queried by Mr. Machiz, Mr. Ingalls said Mr. Molinari will put the plans to construct a pond, with residual removal of sand and gravel, out for bid. While a contract will be entered into with another party, Mr. Molinari will be the Special Use and DEC permittee and ultimately responsible.

Mr. French asked about the anticipated use of third-party trucks.

Mr. Mendelson questioned how the number of 20 round truck trips per day was determined. Mr. Ingalls noted it is based upon mathematical calculation of number of trucks over desired time frame. Mr. Mendelson requested Mr. Ingalls prepare a couple of different scenarios, based upon various number of trucks and number of visits per day and the duration of the mining. Chair Walters noted that, should the Public Hearing be re-opened, that residents will provide input based upon hours of operation and number of trips per hour/day. When asked by Mr. Silver, Mr. Molinari agreed to not expand the footprint at a later time.

Attorney Guterman recommended the Board re-open the Public Hearing, given the amount of time that has passed, and allow for public input. He referenced his 29

May 2009 letter to Board members. Chair Walters said that he had told Mr. Molinari that it would not be the intent of the Board to delay the project.

Given the 22 June 2009 deadline for the Planning Board providing DEC with its input, Mr. Jurkowski raised the possibility of the Board holding a special meeting prior to that date. After a brief discussion, it was agreed to hold a Public Hearing relating to the Molinari Application for Special Use Permit and Application for Site Plan Review on Wednesday, 17 June 2009.

Mr. Machiz inquired about truck routes over Town of Ghent roads. It was noted that if the road is not posted, there is no weight limit. Mr. Jurkowski noted that third-party hauling companies will be involved. Mr. Ingalls pointed out the safeguard that should a trucker use a 'route of convenience,' the Town Board can resolve to enact a weight limit on the road.

Attorney Guterman raised the issue of a bond been posted against incurred expenses relating to the mining applications, potential issuance, and enforcement. It was agreed that Attorney Guterman and Engineering Consultant Jurkowski will determine a bond relating to issues outside of the perimeter of the mine; issues inside the mine perimeter are the responsibility of DEC. Board members were reminded that Code provides for a maximum workday of 12 hours. Mr. Jurkowski requested Mr. Ingalls provide a copy of the referenced noise study, complete with appendices, to both Ms Barrie and himself. There was a general discussion. Mr. Mendelson asked Mr. Ingalls to prepare a chart and extrapolate possible numbers of truck trips and the effect on total time. It was noted that an 'average' number is not enforceable.

Mr. French made a motion to hold a Special Meeting and to take the Applications to Public Hearing on Wednesday, 17 June 2009. The motion was seconded by Mr. Machiz and unanimously approved.

ACTION                    MS BARRIE TO NOTICE PUBLIC HEARING  
                                 ATTORNEY GUTERMAN & ENG CONSUL JURKOWSKI DETERMINE ESCROW

TAX PARCEL UNK  
APPLICATION FOR SITE PLAN REVIEW & APPLICATION FOR SPECIAL USE PERMIT  
LONG HEATING & COOLING  
STATE ROUTE 9-H AND FALLS ROAD, GHENT

Mr. Jurkowski informed the meeting that he has visited the site on two (2) separate occasions; once with the Applicant and design engineer and once with representative of the West Ghent Volunteer Fire Company. Outstanding issues were reviewed. Mr. Jurkowski said the all outstanding Planning Board related-issues, with the exception of fire company training, have since been resolved. Given organizing difficulties, on the part of fire company volunteer members, apparently Chair Walters suggested a time frame of six (6) in which training is to occur. Easements have been submitted to Attorney Guterman for his review. Mr. Jurkowski has written a sign-off letter. In addition, Chair Walters has drafted a Special Use Permit-related letter, which he will have the Town's Attorney and Engineering Consultant review. Mr. Jurkowski pointed out that every time he said he was going to do something, Mr. Long did, and in a timely manner.

Chair Walters will draft a letter, setting out conditions of approval of the Special Use Permit. At the next regularly scheduled meeting, Board members will review the latest mapping provided by Long Heating & Cooling.

ACTION CHAIR WALTERS COMPOSE LETTER RE SPECIAL USE PERMIT, FOR REVIEW BY THE BOARD  
JURKOWSKI TO PROVIDE COPY OF SIGN-OFF LETTER FOR GPB FILES  
GUTERMAN TO REVIEW EASEMENTS

TAX PARCEL 92.00-01-24.00

SIGNAGE

GHENT WOOD PRODUCTS

1262 STATE ROUTE 66, GHENT

Chair Walters informed Board members that Mrs. Marie Meltz learned that signage, as discussed at the 05 November 2008 meeting, would be cost prohibitive. The Applicants wish to replace the existing sign with one similar to that of Robert Geel Jr. dba ACP, located at 2419 State Route 66, in the Hamlet of Ghent. Chair Walters said it was unlighted. Chair Walters will review the requested sign with Zoning Enforcement Officer (ZEO) Raab.

ACTION CHAIR WALTERS TO ISSUE LETTER, STATING TERMS OF APPROVAL  
COPY OF LETTER TO BE PLACED IN GPB FILE

UPDATE

POTENTIAL PRICE CHOPPER SITE

Chair Walters said that developer Schuyler Companies, Latham, NY and Price Chopper (Golub Corporation) representatives are negotiating with Village of Chatham representatives regarding the availability of sewerage and potable water utilities for the proposed Price Chopper grocery store to be located on State Route 66, within the Town of Ghent.

ACTION N/A

NEW BUSINESS

WIRELESS BROADBAND

Chair Walters said that he spoke with Village of Chatham Mayor Boehme and suggested that NY Air, Greenville, NY ([www.nyair.net](http://www.nyair.net)) and AT&T work on something together. He recommended Board members check [www.ccscoop](http://www.ccscoop) for the latest information.

ACTION N/A

MINUTES

A motion was made by Mr. Mendelson and seconded by Mr. Silver to accept and approve the 01 April 2009 minutes as presented and to accept and approved the 03

May 2009 minutes, modified to include more detailed information relating to the discussion of the Long Heating & Cooling, Inc. applications. The motion was unanimously approved.

POSTING OF PLANNING BOARD MINUTES AND AGENDAS ON TOWN WEB SITE

Mr. Mendelson inquired about the placement of Planning Board minutes and agendas on the Town's website. Currently, tentative agendas are being posted on [www.townofghent.org](http://www.townofghent.org). There was a brief discussion. It was agreed to place agendas and *approved* Board meeting minutes on the web site.

ACTION MS BARRIE POST APPROVED 2009 PLANNING BOARD MINUTES ON WEB SITE

APPLICATION NIGHT

It was agreed that Co-Chair Groom and Mr. French will attend Application Night on Wednesday, 10 June 2009.

ACTION ATTENDEES PROVIDE MS BARRIE WITH WRITTEN CONFIRMATION FOR 2009 ATTENDANCE RECORD

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:48 pm.

SUBMITTED BY  
BARBARA BARRIE  
RECORDING SECRETARY