

**TOWN OF GHENT PLANNING BOARD
MINUTES**

02 SEPTEMBER 2009

Chair Jonathan Walters opened the meeting at 7:00 pm.

In attendance were Board members Pete Nelson, Co-Chair Aaron Groom, Larry Machiz, Martin Silver and Frank Mendelson.

Absent was Board member Geoff French.

Tax Parcel 73.00-01-99.00

Application for Special Use Permit

Pinkowski Builders, Inc. dba Cedar Flow Development Corp.

State Route 9-H and Falls Road, Ghent

Mr. Cliff Adee, a principal of Pinkowski Builders, Inc., appeared before the Board. They wish to clear and level approximately 0.98-acres of the 2.50-acre parcel located on Falls Industrial Park Road, in the Summit Development Group subdivision, to provide a level site for the eventual construction of a building for their business. The parcel includes a rough shale knob/bank.

The Applicant provided a copy of a 01 September 2009 letter to Zoning Enforcement Officer (ZEO) Gil Raab, responding to Mr. Raab's 25 August 2009 inquiry.

- o proposed use – construction of building from which to conduct construction
- o and foam insulation business
- o screening – no screening will occur on the site
- o approval - a 01September 2009 letter from William Better dba Summit Development Group, owner of the private road accessing the site said there are arrangements in place for road maintenance and gave approval to remove shale from the site, via the privately-owned roadway
- o survey – 'Grading Plan/Mining Plan – Lands of Cedar Flow Development Corp., Town of Ghent, County of Columbia, State of New York, Tax Parcel 73.00-01-99' prepared by Richard G. VanAlstyne, PLS, Kinderhook, NY, dated 12 August 2009
- o disturbed soil – approximately 0.5-acres per year – the disturbed acreage will be reseeded annually
- o time frame – estimated 3 – 5 years

Chair Walters noted that reclamation will not be required. Approximately 12' will be removed from the top of the knob, bringing elevations in line with the rest of the parcel. Mr. Adee estimated that a total of 3,000 – 5,000 yards of shale material will be removed. It is anticipated that the Applicant will proceed with an application for site plan review in 3 – 5 years time. It was pointed out that, while a Special Use Permit is required, a mining-specific permit is not required for the removal of shale (Town of Ghent Code §190.79 A.), the applicant will have to meet the requirements of Code §190.75 (special permits not subject to DEC). Board members reviewed the applicable Code and the presented survey.

Chair Walters informed the meeting that on 23 August 2009, the New York State Department of Transportation (NYS DOT) approved the Ghent Planning Board as lead agency. This relates to requirements for ingress and egress onto State Route 9-H by the road owner. Chair Walters noted that Mr. Better was required to provide a significant bond.

Mr. Nelson made a motion to take the Application for Special Use Permit to Public Hearing. The motion was seconded by Co-Chair Groom and unanimously approved. Mr. Adee will return before the Board at the 07 October 2009 meeting.

ACTION Ms Barrie to place Public Hearing notice in newspaper.

Tax Parcel 73.00-01-78.00

Application for Site Plan Review

Robert Cohen dba BAC Sales, Inc.

1871 State Route 9-H, Hudson

Mr. Cohen appeared before the Board.

The Public Hearing was opened. It was noted that Chair Walters and Co-Chair Groom had visited the site in question. The application was reviewed. Mr. Cohen explained that his son Jack formed a company, Hudson River Stove Works, to import fire place-related components from British Columbia, Canada and China, for distribution. The proposed 100' x 100' building, located in the southeast corner of the parcel, will be used to stock containers of inventory. UL testing and/or light manufacturing might be considered for future uses. When queried, Mr. Cohen said that 3 – 4 tractor-trailer truckloads of material will be arriving monthly.

Board members conducted a short-form New York State Environmental Quality Review (SEQR). All members made negative declarations.

Co-Chair Groom requested that the existing vegetation/tree line along State Route 9-H be included on mapping, as they provide screening and as such, are part of the site plan. The planting of additional trees was discussed. Co-Chair Groom also suggested that the row of Pin Oaks (*Quercus palustris*) be extended along the business-industrial corridor of State Route 9-H as it greatly enhances the area. Mr. Cohen referenced the 19 August 2009 letter from Crawford & Associates Engineering, Inc. Hudson, NY regarding the existing septic system located in the rear of the property.

after inspection, it was concluded that the system is operating well – the addition of 6 employees in the proposed Hudson River Stove Works building 'could be handled by the existing system without failure.'

Exterior lighting was reviewed. Mr. Cohen stated that, other than a simple light over the entry/doorway, no exterior lighting is planned for the building. Mr. Machiz requested downcast lighting for any exterior lighting fixtures, with a maximum wattage of 80 – 100 wt. Signage was discussed. Mr. Cohen provided a drawing of proposed signage for Hudson River Stove Works. He inquired about new signage that would list all of the business on the site, including Hudson River Stove Works, Amanda's Fireplace and BAC Sales. Board members noted that the presented, proposed signage would enhance the appearance of the State Route 9-H business-industrial corridor. The sign will not be lighted. Placement of the signage needs to be determined/approved. There was a discussion of the surface material for the parking lot. Mr. Cohen said the parking lot for BAC Sales had been blacktopped. The parking area for Amanda's Fireplace is currently gravel and there are some grading concerns. The Public Hearing was closed. Mr. Mendelson made a motion to conditionally approve the Application for Site Plan Review. Conditions include:

- o provision of an updated survey map that incorporates:

- additional landscape screening, including Pin Oaks (*Quercus palustris*)
- full cut-off downcast exterior lighting, with placement of fixture(s) to be located on proposed building
- placement of signage to be determined
- approval of application by Columbia County Planning Board
- review and stamping of updated mapping to be made by Chair Walters and Co-Chair Groom, on behalf of the Planning Board

Board members conducted a Finding of Fact.

- Mr. Machiz approved the motion, including receipt of the requested mapping and the outlined conditions being met.
- Mr. Mendelson approved, noting he was pleased with expansion of a Ghent business and that the conditions of approval will benefit the appearance of the business-industrial section of State Route 9-H.
- Mr. Nelson approved the application, with requested condition.
- Mr. Silver approved, citing previously-mentioned reasons.
- Co-Chair Groom approved the Application for Site Plan, noting it is in accordance with the Town's zoning and Comprehensive Plan and it will provide for a couple of new jobs in Ghent.
- Chair Walters approved, noting it is compliant with the Town's Comprehensive Plan.

Chair Walters said that the Application will be sent to the County Planning Board. He requested that Mr. Cohen meet with Carl Matuszek, PE, LS of Chatham, NY as soon as possible and have the updated survey map sent to the Planning Board for approval and stamping.

ACTION Chair Walters to provide Columbia County Planning Department with copy of application.
 Mr. Cohen to provide updated mapping for review and stamping.

Tax Parcel 73.00-01-78.00

Application for Site Plan Review

Nielsen, Mark and Lisa dba Nielsen Concrete Foundations

Grandinetti Drive, Ghent

The Public Hearing was opened. A motion was made to deny the Application for Site Plan Review, without prejudice.

Board members conducted a Finding of Fact.

- Mr. Machiz approved the motion, noting the Applicant has failed to prosecute the Application.
- Mr. Mendelson approved the motion to deny the Application without prejudice.
- Mr. Nelson approved the motion, noting the lack of motion by the Applicant.
- Mr. Silver approved the motion, stating that the Applicant had not supplied the requested information.
- Co-Chair Groom approved the motion to deny the Application without prejudice.
- Chair Walters approved the motion to deny Application without prejudice

ACTION Chair Walters write the Applicant, informing them of the Board's decision.

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

A motion was made to continue the Public Hearing.

ACTION Chair Walters to meet with Town Supervisor Andrews and Town Attorney Guterman regarding zoning issues related to this Application.

Tax Parcel 103.00-01-22.11 & 103.00-01-22.12
Old Business
Molinari, Vincent and Lisa
Carpenter Road, Ghent

Chair Walters informed the meeting that an 'Article 78' Proceeding* had been filed by some residents of Carpenter Road.

ACTION Chair Walters and Town Attorney Guterman will provide Board members with copies of the action.

Minutes

01 July 2009

A motion to approve the 01 July 2009 minutes, as presented, was made by Mr. Machiz, seconded by Mr. Nelson and unanimously approved.

05 August 2009

A motion to approve the 05 August 2009, with attached corrections, was made by Mr. Machiz, seconded by Mr. Silver and unanimously approved.

Application Night

It was agreed that Co-Chair Groom and Mr. Nelson will be in attendance, Wednesday, 09 September, 2009.

Tax Parcel 73.00-01-16.00

Old Business

Kinderhook Toyota Dealership

Old Post Road, Ghent

Board members were provided with copies of the landscaping drawing of the area behind the building, approved by the Board on 07 May 2008, and with approved landscape plant material changes per a 14 October 2008 e-mail.

Other Business

The recent removal of several mature trees along State Route 66, across from the Price Chopper plaza, caused Co-Chair Groom to comment about the value of landscaping, including mature plantings, and the overall appearance of commercial properties located along main roadways through Ghent, especially 'gateways' to the Town. He queried whether the placing of 'mature' trees be could be incorporated into Site Plan Reviews and Special Use Permit issued by the Planning Board. Chair Walters noted that Co-Chair Groom's request is consistent with the Town's newly-adopted Comprehensive Plan.

Mr. Machiz suggested the hiring of a professional planner by the Town, to provide several options relating to landscaping requirements, transportation issues, including alternate access, and traffic lights. It was agreed that the Planning Board will ask the Town Board to retain a planner.

ACTION Chair Walters will make formal request to the Town Board, on behalf of Planning Board.
 Chair Walters will speak with Town Attorney Guterman about the possible use of 'impact fees.'

There being no further business, the meeting was adjourned at 8:50 pm.

SUBMITTED BY
BARBARA BARRIE
RECORDING SECRETARY

* Article 78 of the NYS Civil Practice Laws and Rules provides for the appeal of a decision made by a government agency.