

**TOWN OF GHENT PLANNING BOARD
MEETING MINUTES
March 2, 2016**

PRESENT: French, Groom, Machiz, Rosenstreich and Walters

ABSENT: Ocean

OTHERS PRESENT: Mallory Mort, Mitchell Khosrova

MINUTES

Motion made by Rosenstreich, seconded by Groom to accept the February 3, 2016 minutes as amended. All present approved. Motion passed.

PUBLIC HEARING

**John Sheerin / JDS Properties
Application for Site Plan Review
Tax Parcel ID# 82-1-28.12**

Mr. Khosrova read email received from member Ocean dated February 8, 2016.

Motion made by French, seconded by Machiz to open Public Hearing. All approved.

No comments from the public.

Motion made by Machiz, seconded by groom to close Public Hearing. All approved.

Unlisted action. Short form SEQRA was completed. Negative Declaration from all present.

Member Machiz would like to reiterate that only a maximum total of four (4) dumpsters will be allowed on this property at any one time.

Member Machiz asked Mr. Khosrova his opinion of how to handle snow plowing and removal on this parcel.

Mr. Khosrova recommends that this not be addressed in the proposed resolution as it is a Town Highway Department purview.

Member Machiz stated that he is approving of the dumpster now placed on this parcel— it is more than 30 feet from the corner - and thinks the snow should be treated the same way – so that it can't be piled to block line of sight of drivers on Water Street and Route 66.

Mr. Khosrova stated that item 10(b) of the proposed resolution covers this subject (dumpsters only).

Mr. Machiz would like snow piles to be included in this section as well.

Chair Walters read proposed resolution, as prepared by Mr. Khosrova, to all present.

Mr. Machiz would like item 1 changed to match changes made in February 3, 2016 minutes – that “collection” would be included only if “incidental” to the transfer of waste, i.e. “collection” of waste is not a primary use.

Mr. Khosrova will make that change.

Motion made by French, seconded by groom to approve amended Resolution.

Groom: approve. ZBA made it possible for a business to operate in a residential area, and this application meets all zoning and code requirements.

French: approve. Much review conducted by this Board, and nice to have cooperation from this applicant. Nice to have a good business back in this location.

Walters: approve. Good job cleaning up property by this applicant. Nice to have this actively on the Town tax rolls once again.

Rosenstreich: approve. Lots of review, thanks to applicant for his work and patience with this board. Property is much improved.

Machiz: approve. Regrets that formal site plan was not required from this applicant. Thanks to the applicant for his work on this property and reaching this conclusion.

Resolution is attached to these minutes – Attachment A.

Charles Silberstein
Applications for Site Plan Review and Special Use Permit
Tax Parcel ID# 93-1-22.2

Presented by Diego Gutierrez, Architect

Chair Walters read portions of two (2) emails received from ZEO Simonsmeier, dated February 26, 2016, one at 10:23am and the other at 11:14 am.

Member French asked Mr. Gutierrez to show where the second dwelling unit and main house are located on the drawings submitted.

Mr. Gutierrez showed on drawings and explained that the owner of this property has a large family and needs extra space for them to stay. Stated that there is no permanent caretaker on the property now.

Mr. Khosrova asked about entrances, bathroom and kitchen facilities in the second dwelling.

Mr. Gutierrez answered that there is a bathroom and a kitchenette space. Stated that there is a swinging door to access this portion of the building.

Member French stated that this board needs to know everything that happens on this property as it all part of the site plan review.

Mr. Gutierrez answered that the house is rented out occasionally through the Airbnb website.

Member French asked about right of way and cemetery located on this property.

Mr. Gutierrez answered that Fred Hailey did not include either on survey map he completed in January 2016.

Member French asked where proposed second septic system will be located on this property.

Mr. Gutierrez showed on drawings.

Chair Walters said this determination would be decided by County Health Dept.

Chair Walters asked if this property is committing any violations of Town Code at this time.

Member French answered no, and stated that Carl Matuszek will be designing the proposed septic system.

Member French would like a definite answer on right of way on this property.

Member Groom asked if the current application covers all uses as described.

Member French answered yes, and showed main house and second dwelling unit.

Member Machiz asked if the second dwelling unit/barn will be used for both the caretaker and migrant housing.

Mr. Gutierrez answered that there is no intent at this time to have a full time caretaker, down the road there may be a part time caretaker.

Member Groom asked if the entire barn will be used for migrant housing.

Mr. Gutierrez answered that the barn will have three sections: one for a second dwelling, one for a garage, and the last for migrant housing.

Member Machiz asked if there will be eight (8) migrant workers and one (1) caretaker, or a total of eight (8) people (meaning seven migrant workers and one caretaker).

Member French answered that current application allows for eight (8) migrant workers and one (1) caretaker.

Member Machiz does not think this is explained fully in application.

Mr. Gutierrez stated that there will be a proposed grand total of eight (8) migrant workers. He does not have an answer for where a caretaker would stay if one is again hired.

Member French asked how many bedrooms are in the second dwelling.

Mr. Gutierrez answered that he thinks there are four (4).

Motion made by Machiz, seconded by Groom to open Public Hearing. All approved.

Rich White – grew up in this property and now lives next door. Gave the website of this property rental. Stated that “one” caretaker assumes a single person, and asked that the board

consider what the total number would mean if the person has a significant other or family. Stated that there are no more than 24 acres of farmable land, and thinks eight (8) migrant workers would be excessive. Renting this property out worries him. Stated that surveyor did a good job identifying streams located on this property. Stated that there is currently only one well on this property, which seems small for the proposed number of people who could be staying here.

Ed Tice – website about rental is for the apartment (second dwelling), not the main house, and it states that ten can sleep here. Stated that his interpretation of the Town Code says a property owner has to be present if a bed and breakfast business is on this property and stated that he doesn't think the owner is on the property at all times. Asked if this would be considered a violation. Would love to see positive agricultural use on this property, but would rather see locals hired than migrants. Doesn't think that asking \$485/night for a room rental seems sensible if migrant workers will be housed in the same building.

Faxed letter of objection to this application was received from Ed and Christa Tice.

Mr. Mort asked if there really is a cemetery located on this property.

Mr. White answered yes, and explained where it is located.

Member Machiz asked about the right of way on this property.

Mr. White answered that he did not know, was always told by previous Town Highway Supervisors that there was a right of way on this property.

Chair Walters would like the applicant to clarify the current use of the property, the proposed future use of the property, definite information of whether or not the right of way exists and the exact location of the cemetery (which should also be shown on drawings).

Member Machiz would like a definite number of migrant workers that will or may be housed on this property and the applicant should substantiate the need for that amount.

Mr. Gutierrez answered that eight (8) would be a maximum number, not the initial number hired.

Mr. Khosrova stated that the website posting for rental of this property could be removed as a condition for this application being approved.

Member French stated that this is a large property and all members of this board should keep in mind increases in traffic, guests, family workers, etc. Parking should be looked at more thoroughly.

Chair Walters reiterated that he would like an honest list of what goes on at this property and the proposed future uses and suggested the board prepare a list of questions.

Member French stated that the right of way determination must be made, and then included on drawings if it does exist. The cemetery should also be included on drawings.

Christa Tice – asked if the zoning of this property would change from residential to commercial if this application is approved.

Chair Walters stated that this is a RA2 zone and explained that this use would be allowed if a special use permit is granted. Any determination to grant a special use permit comes from this planning board.

Member Groom asked about a deadline for getting questions to applicant.

Chair Walters answered that all questions should be submitted to Mr. Khosrova within one week, and then Mr. Khosrova will submit them to Mr. Gutierrez. Mr. Gutierrez should have all answers returned to the board within one week before the April 6, 2016 meeting.

Motion made by Machiz, seconded by Groom to continue this Public Hearing to the April 6, 2016 meeting. All approved.

OLD BUSINESS

Love Apple Farm

Site Plan Review

Tax Parcel ID# 82-1-27

Presented by Keith Bogdanovich, Love Apple Farm and Andy Didio, Taconic Engineering

Mr. Bogdanovich stated that this applicant would like to reconsider driveway on previous application. Mr. Didio presented an amended site plan and asked that the applicant be given approval of amended plan – only ADA parking has been moved.

Chair Walters would recommend waiving SEQRA as this is a very minor change.

Mr. Mort spoke of heavy traffic and difficulties pulling out of the current driveway. Ingress and egress traffic is bad. Would like to see continued use of Old Mill Road entrance.

Member French asked if DOT comments will be provided.

Mr. Didio answered no and stated that old driveway was used historically.

Member French asked how many cars can be parked at the road side (front) of this building.

Mr. Didio answered that there are six (6) diagonal spaces.

Member French asked how visitors could be enticed to use the new parking area.

Mr. Didio would like a temporary kiosk sign for the “main entrance.”

Member Machiz would like a sign pointing out the regular parking spaces at the side of the building.

Member Rosenstreich agreed, and stated that all signs should be temporary.

Mr. Khosrova stated that this changed can be approved with no public hearing or SEQRA as it is a lesser impact than originally submitted.

Motion made by French, seconded by Rosenstreich to amend site plan as discussed, with the condition to use appropriate signage seasonally. All signs shall be temporary and shall comply with the Town of Ghent Code requirements. Temporary signs shall be used for ADA parking, regular parking and a kiosk sign for the main entrance. All approved.

Chair Walters will stamp new maps and notify applicant when they are ready to be picked up.

**OMI INTERNATIONAL ARTS CENTER
APPLICATION FOR SITE PLAN REVIEW
TAX PARCEL ID# 74.00.01-24.122**

Request to move new dormitory 100 feet north on account of utility line. Board determined that the change may have some additional impact so agreed best to invite input from public prior to approving. Public hearing will be scheduled for April 6, 2016 Planning Board meeting.

Motion made and seconded to adjourn. All approved.

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ATTACHMENT A

Resolution for JDS Properties

**RESOLUTION
TOWN OF GHENT
PLANNING BOARD**

WHEREAS, by letter dated September 11, 2013, JDS Properties of Ghent, LLC received a use variance for self-storage rental units and operation of its contracting business from the Town of Ghent Zoning Board of Appeals, subject to conditions limiting the self-storage units to 4, precluding storage of hazardous materials, prohibiting outdoor storage and permitting only parallel parking on the Water Street Side of the building;

WHEREAS, the variance further stipulated that additional conditions may be imposed during the site plan review by the Planning Board;

WHEREAS, the applicant, JDS Properties of Ghent, LLC, has submitted an application for site plan review from the Planning Board;

WHEREAS, the Planning Board reviewed the application and on November 4, 2014 commenced a public hearing;

WHEREAS, the Planning Board has held multiple scheduled meetings and has discussed the benefits and detriments of the application;

NOW THEREFORE, LET IT BE RESOLVED that the Planning Board has determined that application meets all the criteria as required under the code that the Planning Board has not waived in connection with this application¹ but has made the following conditions for the site plan approval:

1. Project Description. Owner's Contracting Business and plus a maximum of four (4) self-storage rental units. Owner's Contracting Business consists of nonhazardous waste-hauling and transfer service. Collection incidental to transfer service is included.
2. No wholesale or retail activities are to be conducted on the premises. No part of the premises may be used for the sale of boats, automobiles, equipment or other goods.
3. The Owner shall provide a copy of these approved conditions and the site plan to every current and future tenant or licensee so as to facilitate their compliance with these conditions.
4. Hours of outside business activity will be: 7 a.m. to 7:30 p.m. seven days a week.

¹ The Planning Board has waived the requirement of a formal site plan.

5. Signs. No business signs are proposed or approved. Any future signs must comply with and be permitted in accordance with the Town Code.
6. Lights. Any lights used to illuminate the site shall be completely cut off (hooded) designed so as to reflect away from adjoining properties and public thoroughfares.
7. General Conditions. All on-site operations shall comply with the conditions set forth in the Town of Ghent's (190-19 (I)).
8. Front and side yard restrictions:
 - a. Dumpsters may be located on the property only temporarily. Dumpsters may remain at the property for no more than 2 days at a time. No more than 1 dumpster may be located on the front (Route 66) or the side (Water Street) of property at a time except in extraordinary cases.
 - b. No vehicles, equipment or machinery for sale.
9. Rear yard restrictions: none.
10. Specific Additional Provisions re Dumpsters:
 - a. The term "Dumpster" as used herein shall include but not be limited to a large trash receptacle designed to be hoisted and emptied into a truck or hauled away on a truck.
 - b. Dumpsters shall not be placed closer than 30 feet from the intersection of Route 66 and Water Street.
 - c. A placard or decal shall be affixed to each dumpster until such time as the dumpster is removed. Such placard or decal shall have one or more warning signs of a contrasting color to identify that the contents may be dangerous, that children should be kept away, that playing in, on or about the dumpster is prohibited.
 - d. No dumpster shall be emptied or sorted on the property.
 - e. A tarpaulin or other secured material shall completely cover any dumpster at all times that it is on the property.
 - f. No hazardous material or organic waste shall be placed in a dumpster. It shall be the responsibility of the Owner to maintain the dumpster (1) rodent, vermin and insect free and (2) that no noxious smells travel off the property.

BE IT FURTHER RESOLVED that the Planning Board has deemed this an unlisted action and at the March 2, 2016 meeting issued a negative declaration after reviewing all the specific items as required under SEQRA.

BE IT FURTHER RESOLVED that the secretary of the Planning Board is directed to file this Resolution with the Town Clerk forthwith.

<u>Planning Board Members</u>	<u>Aye</u>	<u>Nay</u>	<u>Other</u>
Jonathan Walters	<u>X</u>	___	___
Aaron Groom	<u>X</u>	___	___
Geoffrey French	<u>X</u>	___	___
Larry Machiz	<u>X</u>	___	___
Gary Ocean	___	___	<u>abs</u>
Dana Rosenstreich	<u>X</u>	___	___
Vacant	___	___	___

Vote of 5 in favor, 0 opposed, 0 recusal and 1 absent.

ATTACHMENT A

Resolution for JDS Properties/John Sheerin