

**TOWN OF GHENT PLANNING BOARD
MEETING MINUTES
April 6, 2016**

PRESENT: French, Groom, Machiz, Ocean, Rosenstreich and Walters

OTHERS PRESENT: Mallory Mort, Peter Nelson, Mitchell Khosrova

MINUTES

Motion made by Machiz, seconded by Groom to accept the March 2, 2016 minutes as amended. All present approved. Motion passed.

NEW APPLICATION

**Paris & Meg Smeraldo
Application for Special Use Permit
Tax Parcel ID# 76-1-49.111**

Located on State Route 66 in Ghent, used to be a boat place. Would like to have a farm stand that has a horizontal area of 32 square feet or more, and this requires a special use permit. Will probably be open late June through October. Plans to use "A frame" signs on the side of the road. Has three large gardens on property. Old wagon will be used for display. No lighting, electric or water will be used with stand. Will have someone working occasionally, but will also use honor system for purchases. Owner has survey of land and will bring to next meeting. Have parking for 2-4 vehicles. Current driveway on property is "U shaped" but would like drivers to only use one entrance for ingress and egress.

Chair Walters suggested using two signs so people know which end of driveway to use; one on north side of driveway and one on the south side of the driveway.

Board member Machiz would like to see drawing of signs to be used. Applicant will bring them to May meeting.

Motion made by Machiz, seconded by Ocean to have public hearing for this application at May 4, 2016 planning board meeting. All approved.

PUBLIC HEARING

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

Presented by Diego Gutierrez, Architect, and Victoria Polidoro, Esq.

Chair Walters and board members French and Groom did a site visit and walk around this property.

Mr. Gutierrez submitted written responses to all questions submitted by board members. Owner is now considering having a full time caretaker on the property.

Ms. Polidoro explained that Town Code refers to “migrant worker” and in this case the owner would like to have “seasonal” and/or “temporary” workers. The applicant is willing to put restriction on barn area not being rented out. At this time, the Town of Ghent has no restrictions for renting main house.

Member Machiz asked if any who lives in migrant housing will be working at other properties/for other farms.

Ms. Polidoro answered no, that is not the intent. Explained that the proposed build out for six beds is maximum occupancy, not the starting point. The applicant is thinking of the future, would prefer not to come back every time a person is added.

Member Machiz thinks it is odd that the barn is being converted to housing rather than building a new building for housing.

Member Ocean asked what type of farming is planned.

Mr. Gutierrez answered small fruit trees and hopps.

Ms. Polidoro stated that the applicant plans to plant about nine acres this year.

Mr. Gutierrez stated that the proposed septic system is being sized for the maximum number of people. Too hard and too expensive to do a smaller system, then build for more in the future.

Barn is three stories – new drawings were submitted.

Motion made by Rosenstreich, seconded by French to re-open Public Hearing. All approved.

No comments from the public.

Motion made by French, seconded by Ocean to close Public Hearing. All approved.

Member Groom explained what he observed on the site visit – the proposed rooms will be above the garage area of the barn. There is enough space to support proposed use. Plenty of parking, and easy to pull in and out. Emergency vehicles have easy access. Nice pond on the property that can be used as a dry hydrant if needed.

Mr. Khosrova stated that this is an unlisted action and short form SEQRA should be completed.

Chair Walters read SEQRA. Negative Declaration from all.

Member Machiz asked about the road with the right-of-way and the cemetery on the property.

Chair Walters stated that the cemetery is very well maintained. Stated that the road is immaterial to proposed use, and that there is no right-of-way on deed or in Town paperwork.

Member Machiz would like a condition to be set allowing access to cemetery.

Ms. Polidoro said she would object because that is not relevant to this application.

Member Machiz read his proposed conditions.

Motion made by Rosenstreich, seconded by French to accept application as submitted, with the following conditions:

1. Occupancy of the migrant worker housing is limited to a maximum of 6 persons. Occupancy of the caretaker residence is presumed to be for up to 2 persons.
2. Occupancy of the migrant worker housing is limited to seasonal farmworkers, working on the parcel that is the subject of this permit, and shall also include immediate family members of such farmworkers.
3. Owner shall comply with all applicable Federal, State and Local laws and regulations relating to such farm workers, including particularly and without limitation, in the areas of immigration status, employment and housing.
4. The Town Code Enforcement Officer shall have the right to inspect the migrant worker housing on reasonable prior notice and without notice in the case of a perceived emergency.
5. No rental (including Airbnb.com type rental) of the migrant worker housing or the caretaker apartment is permitted.

Groom: approve, with conditions. Meets master plan, good agricultural use, open space will be maintained. Meets zoning requirements.

French: approve. Meets zoning requirements and master plan. Good enforceable plan.

Walters: approve. Meets master plan and zoning requirements. Good agricultural use and open space.

Ocean: approve. Meets zoning requirements, and agrees with all previous comments.

Rosenstreich: approve. Meets code and master plan. Good agricultural use, happy to see this happening.

Machiz: approve. Agrees with all previous comments.

Drawings will be left at Town Hall and stamped by Chair Walters in the near future.

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

Presented by Peter Franck, Architect Previously completed site plan review for building new dormitory. Discovered electrical main ran underground through the chosen location for the dormitory, so would like to move location approximately 100' away from the power line. Legal setbacks have been maintained.

Member Machiz asked how the power line was discovered.

Mr. Franck answered that safe dig marked all lines before any construction can begin.

Member Ocean asked if power lines were shown on original site plans.

Mr. Franck answered that underground lines are generally not shown on plans.

Member Machiz asked why the power line wasn't moved so the approved plan could be followed.

Builder Carmen Martino answered that NYSEG and an independent electrician recommended working around the wire, not moving it.

Member Groom asked if construction has been started already.

Mr. Franck answered yes.

Member Ocean asked how the 100' move was determined.

Mr. Franck answered that spot was chosen because of the current campus layout.

Motion made by Rosenstreich, seconded by Machiz to open public hearing. All approved.

Steve Himmel – lives at 53 Letter S Road. Showed photo he had taken of the construction as it appears today. Read from a letter he submitted to the planning board, which will be added to the file. The new dorm has a negative affect on his view shed and real estate values of his property. His property would no longer be considered "private" because of where this new dorm is located. He is more than happy to work with Art Omi to mitigate damage to his view. Would like compensation for his property value loss.

Ruth Adams, Art Omi – would like to plant large, mature trees to help with view from the Himmel property.

Mr. Himmel did not know that the new dorm was improperly sited. Stated he has always had a good relationship with Art Omi. Does not recall receiving notice about this new building. The originally approved location for the dorm would not have damaged his view shed.

Mr. Martino – stated that ZEO Simonsmeier issued a cease & desist order after two stories of the building were complete.

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

Member Groom asked Mr. Khosrova for a sequence of events that have led to this point.

Mr. Khosrova stated that ZEO Simonsmeier didn't originally know when building started, but thought it was being done in the original approved location. Issued a cease & desist order when he found out otherwise. The applicant asked to put a roof on to help prevent any damage from the elements – that was approved. Mr. Himmel contacted him last week about this building.

Member Groom stated that he does not think he would have approved this application if the new dorm was proposed in this alternate location. Mr. French agreed.

Member French asked how much higher the new location is as compared to the original proposed location.

Mr. Franck answered that the prior location was ten feet higher.

Member French understands how changes like this happen. Troubles him that Art Omi didn't know it's own site – pine lines, etc. Would hope that this is not an issue in the future. Would like to see applicant and neighbors try to work something out, and the Town stay out of it.

Member Machiz stated that Art Omi has been a good citizen. Suggested having a special meeting to give the neighbors and the applicant a chance to work things out, to help avoid any future delays.

Chair Walters stated that the applicant showed poor judgment going forward without new plans. Would be good for neighbors and applicant to work this out.

Motion made and seconded to adjourn. All approved.

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