



ENVIRONMENTAL, LAND USE AND REAL ESTATE LAW

May 5, 2020

Via Email to: gfrench@townofghent.org; ckeefe@townofghent.org; mitch@mknlylaw.com

Mr. Geoffrey French, Chairman, and Members of the Town of Ghent Planning Board
Town of Ghent Town Hall
2306 State Route 66
Ghent, NY 12075

Re: *Art Omi : Special Use Permit Application*

Subj: 1. Supplement to May 1, 2020 Letter; and
2. Prospective Request for Extensions

Dear Chairman French and Members of the Board:

1. Supplement to Grant & Lyons May 1st Letter : Removal of Weddings.

On May 1, 2020, our firm submitted a letter to your Board providing projected prospective maximum use levels for certain Art Omi program events and other rental events. These numbers were provided in two additional tables (Tables 9 and 10). After some discussion and consideration, Art Omi has chosen to remove "weddings" from Table 10 as a possible prospective use. Thus, if the special use permit (SUP) modification is granted, weddings will not take place on the Art Omi site pursuant to that SUP or site plan approval.

This supplement does not change the remainder of the table. Outdoor rentals are still anticipated. However, any outdoor rentals that take place will do so in conjunction with a nexus to Art Omi's "Artists Cultural Center or Retreat" use.

2. Request for Extensions (in the event approvals are granted).

If the SUP modification is granted and the site plan is approved, the Zoning Law will require Art Omi to commence substantial construction within 180 days from the issuance of those approvals. The circumstances of Governor Cuomo's pandemic PAUSE affects Art Omi's ability to comply with that deadline in two ways. Right now, while the property is open, Art Omi's operations are closed, causing a substantial loss of revenue. Also, the PAUSE prohibits construction work from commencing until a time uncertain. Hence, it is very unlikely that Art Omi will be able to commence substantial construction by that deadline. Hence, pursuant to Zoning Law §§190-17(R) and 190-24(H)(3), Art Omi respectfully requests an extension of one (1) year from the issuance of the SUP and site plan approval in which to substantially commence its construction.

We appreciate your time and consideration.

Very truly yours,

Grant & Lyons, LLP

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