

**Town of Ghent  
Zoning Board of Appeals  
Minutes  
September 13, 2017**

Meeting called to order at 7 pm by Chairman Lewis Streeter. Present: Jim Andrews, Koethi Zan, Attorney Mitch Khosrova, Zoning Enforcement Officer Walt Simonsmeier, Councilman Mallory Mort, Applicant Representatives Kate Fitzpatrick and Jeffrey Seward and 3 members of the public. Absent Keith Kanaga.

**92.-2-7.200 (Cheffo Farms, LLC)**

**Applicant: Collective Hotels and Retreats**

An area variance is sought because platforms 3 and 4 are less than the allowable 10 feet setback. The structures consist of permanent platforms with removable tents and teepees on them. There was a question about platform 5, but Mr. Simonsmeier advised the board he only cited platforms 3 and 4.

Ms. Fitzpatrick informed the board they are very much aware that it is their error in the placement of the platforms and they are willing to work with the neighbors to see if a compromise can be reached.

Allen Berninger (neighbor) spoke to the board regarding his concerns, which are not only the placement of platforms 3, 4 and 5, but that guests are trespassing on his property, walking dogs and riding horses. He did say he is willing to discuss this issue with Collective Retreats to see if a compromise can be reached.

Councilman Mort asked if money is the only concern regarding correcting the issues.

Ms. Fitzpatrick advised the board that the guests are requested to stay on the property and not cross the low wall and told the board that the plumbing and electricity is installed and that would be the issue with moving the platforms.

A letter from Brian Berninger was read by Chair Streeter and he requested it be made an attachment to these minutes.

Chairman Streeter explained the five criteria that the Board must evaluate in considering an area variance and advised the applicants that based on this evaluation the area variance would likely be denied. He asked Zan and Andrews their opinion and they agreed.

The Board agreed that there were two ways to settle this matter. One was for additional property to be purchased and the lot line to be moved to meet the setback requirements or to move the platforms to meet the setback requirements. If one of these two options were undertaken then the application could be withdrawn. There was some discussion on using an easement to settle this matter but that option was ruled out since setbacks are measured from property lines not easement lines.

Motion made by Zan and seconded by Andrews to keep the public hearing open until the October 11, 2017 meeting to provide the applicant and the neighbors some time to reach a compromise. All in favor.

Motion made by Chair Streeter and seconded by Jim Andrews to adjourn the public hearing until October 11<sup>th</sup>. All in favor.

No new business.

Motion made by Jim Andrews, seconded by Koethi Zan to adjourn the meeting.  
All in Favor

Respectfully submitted,

Judith Burke,  
Recording Secretary

Attachment: Brian Berninger Letter