

MINUTES
TOWN OF GHENT
ZONING BOARD OF APPEALS
March 11, 2020

Chairman Streeter opened the meeting at 7:03 pm. Present: Fern Fleckman, Jack Fenn and Beth Lenahan. Attorney Mitch Khosrova. Applicants Liberty Farms represented by Pat Prendergast, Mark Cheffo, Bev Cheffo and Bill Wallace.

Minutes of the January meeting were approved as amended on a motion by Lew Streeter, seconded by Beth Lenahan. All in favor.

New Business:

92.-2-49 Liberty Farms Mark Cheffo on behalf of Liberty Farms, requests an Area Variance for a 1,200ft variance for a wedding event venue. Chairman Streeter explains the Application process to the applicants and this falls under Section 190-19CC of the new Town Law which requires the Venue to be 1,500ft from the property lines and it is 300ft from the property line on one side. Mr. Prendergast states he has included a printed copy of the narrative. Mr. Cheffo gives the Board the history of the venue and that they have never had a complaint, they typically do 27 events per year, they have sound proofing curtains, this is a working certified organic farm and the property is heavily wooded between the venue and the property line. Mr. Prendergast explains there are only 4 houses within the 1,000ft set-back and 6 houses within the 1,500ft set-back. After discussion it was agreed that there are 10 neighbors within the 1,500ft setbacks. Chairman Streeter explains the 5 criteria in Section 190-58E of the Town Code that they should review, Mr. Khosrova suggests submitting responses to the 5 criteria prior to the next meeting. Chairman Streeter adds this is a significant variance, the Board usually looks at 50% as a rule of thumb and this is much larger and to possibly consider less events per year to lower the set-back requirement. Mr. Cheffo states that 12 events would put them out of business and 22 events make it challenging to keep up their donations. Chairman Streeter suggests looking at moving the barn to another location on the property, Mr. Prendergast states it may be possible but it would then be closer to the road. Mr. Wallace adds that this was an existing structure and wasn't built for this venue. Chairman Streeter states the Board will need to do a site visit and Mr. Cheffo is fine conducting a visit. Mr. Khosrova asks if the Board could have a copy of the noise contract they do with each client and possibly have the neighbors within the set-back write a letter of support, Chairman Streeter states the Town will send the notice to the abutters. Mr. Cheffo agreed to submit the noise contract in support of their application. Mr. Khosrova states the Planning Board officially asked to be lead agency for SEQRA review and would suggest a joint public hearing with them.

Motion to grant the Planning Board as lead agency for SEQRA Act is made by Chairman Streeter, seconded by Fern Fleckman, all in favor, motion carried.

Mr. Khosrova states the Planning Board has not determined the application as complete, the Public Hearing would have to be in May. Chairman Streeter proposes that a joint meeting be held with the Planning Board at their May meeting during which the Planning Board would review the SEQRA application and once that review was complete the ZBA would review and make a determination on Liberty Farm's Area Variance Application. ZBA members are available to meet on May 6.

Motion to determine the application as complete and schedule the Public Hearing for May 6th, 2020 is made by Chairman Streeter, seconded by Beth Lenahan, all in favor, motion carried.

Meeting adjourned at 8:00 pm.

Respectfully submitted

Erin Reis
Recording Secretary