

MINUTES
TOWN OF GHENT
ZONING BOARD OF APPEALS
June 10, 2020

Chairman Streeter opened the virtual meeting at 7:04 pm. Present: Fern Fleckman, Jack Fenn, James Andrews and Beth Lenahan. Attorney Mitch Khosrova and Code Enforcement Officer Chris Keefe. Applicant Stephanie Hanaman.

Minutes of the March meeting were approved as amended on a motion by Fern Fleckman, seconded by Lew Streeter. All in favor. James Andrews abstained.

New Business:

93.-1-94 Stephanie Hanaman requests an appeal of the decision of Code Enforcement of a race track, specifically an appeal of the Cease and Desist Order dated May 22, 2020. Mr. Keefe states he received a few complaints from the same neighbor and made numerous visits and observed 4-6 ATV's going around the track, although minutes from 2015 showed that this was determined to not be a racetrack. Mr. Keefe asks for the Board to come up with a determination as to what this use is. He states that, according to the Use Table in the Town Code it wouldn't be an accessory use due to the fact it is two times the size of the house and a racetrack is not a permitted use in any district.

Ms. Fleckman states that the minutes from 2015 look as though it was never resolved, Mr. Andrews states it was approved with conditions in 2015. Mr. Khosrova states the ZBA voted 4 to 1 that it is not a racetrack and the cease and desist was vacated. Further, the minutes state it would only be used 1 or 2 times per week, it would not be used late and if it is more than 1,000ft it needs Site Plan review.

Chairman Streeter states the Board is basically being asked to determine if this is an accessory use. Mr. Khosrova adds that the code for a Racetrack was changed in November 2019. Mr. Fenn suggests a private recreation area, not-for-profit per the code, Mr. Khosrova states it is not applicable for private use and the intent of the Comprehensive Plan is to keep Residential accessory uses Residential not a Subordinate Use.

Mr. Keefe states he received a lot of complaints from the same complainant. Mr. Khosrova adds the issue with this property is the construction of a track and whether that is considered an "accessory use" under the town definition and the issue is NOT whether to prohibit people from using 4-wheelers on their property. Chairman Streeter adds that if this is an accessory use it needs to be a subordinate use. Mr. Khosrova states they need to know the details of the track and the Board should do a site visit, last time trees had been removed, ramps built and rocks moved, which is different than just wearing down grass from use.

Mr. Fenn asks if the same would apply if someone had horses, built jumps, etc.. Mr. Keefe states that is correct but it depends due to agricultural use. Mr. Andrews states it is the same except the noise and, Mr. Khosrova adds the Board needs to look at the size and structure of it since 2015. Mr. Keefe states it is larger than it was in 2015. Mr. Khosrova adds there is probably a more intense use since 2015 then as well and how many times per day and duration of use. Chairman Streeter states Stephanie should have a chance to talk and adds that a letter was also received from her. Ms. Hanaman states the track was

built by riding in the same area over and over and the dirt pit was created in 2017 and they have taken out the jumps, but they are using it more now due to the COVID-19 as well as friends and only use it for about 20-30 minutes at a time over about a three hour time period. Chairman Streeter asks if it is used any days more than others, Ms. Hanaman states with the kids being home it is being used more and she has put a decibel reader on her phone and they are around 50 decibels, no louder than a mower.

Chairman Streeter asks how this would be different than someone riding on their property over and over, Mr. Keefe states it would not be a complaint. Chairman Streeter states each board member should reach out to the applicant and set up a site visit.

Motion to determine the application as complete and schedule the Public Hearing for July 8th, 2020 is made by Jack Fenn, seconded by James Andrews, all in favor, motion carried.

Old Business:

92.-2-49 Liberty Farms requests an Area Variance for a 1,200 ft variance for a wedding event venue. Mr. Khosrova states the Public Hearing is set for July 1st with the Planning Board and the notice will be sent for the joint meeting and the Board should also do a site visit for this application.

Motion to determine the application as complete and schedule the Joint Public Hearing for July 1st, 2020 at 7:30 pm is made by Chairman Streeter, seconded by James Andrews, all in favor, motion carried.

Meeting adjourned at 8:23 pm.

Respectfully submitted

Erin Reis
Recording Secretary