

MINUTES
TOWN OF GHENT
ZONING BOARD OF APPEALS
September 9, 2020



Chairman Streeter opened the virtual meeting at 7:00 pm. Present: Fern Fleckman, Jack Fenn, James Andrews and Beth Lenahan. Attorney Mitch Khosrova and Code Enforcement Officer Chris Keefe. Applicant Ron Frering, Kirk Kneller, Jane Marie Law, Bill Wallace, and Carl Matuzek.

Minutes of the July 8 meeting were approved as amended on a motion by James Andrews, seconded by Beth Lenahan. All in favor.

Minutes of the August 12 meeting were approved as amended on a motion by James Andrews, seconded by Jack Fenn. All in favor.

New Business:

Mitch Khosrova recuses himself from the application.

75.4-1-72 Ron Frering requests an interpretation for a residential use in the Hamlet Business District. Mr. Keefe states they are looking to do two apartments in the building however residential dwellings are prohibited in this district. He also added that the previous owner was granted a use permit in 2003 for the building to house up to six unrelated people; Permit No. R-36-03, dated April 2, 2003. Ms. Fleckman asks if there are one or two apartments, Mr. Keefe states one apartment. Chairman Streeter states Section 190-57 of the Town Code states an applicant has the ability to appeal the Building Inspectors decision that two units would be allowed. Mr. Keefe adds they need to get the Department of Health approval on the septic, it was approved in 1995 for a single-family and the use table has single-family and two-family listed separately in the Town Code. Mr. Frering agrees the appeal is the way to go instead of the use permit, he is proposing two two-bedroom apartments. Chairman Streeter states they need to know if there is still a residential use on this parcel and need to reach out to Matt Cabrial the Town Attorney on this. Ms. Fleckman adds to find out when it was last used as residential, Mr. Frering states up until last year it was used as living space and storage. Mr. Keefe states if it was used less than a year ago it could continue. Chairman Streeter states the application is complete and the Public Hearing will be October 14, 2020.

Mitch Khosrova returns to the meeting.

64.-1-18 Jane Marie Law requests an area variance for an addition. Ms. Law explains the addition while Clara Gallagher shares pictures of the house as it is currently. Ms. Law adds the reasoning for the expansion is to make the kitchen handicap accessible as well as improve the look of the house. Chairman Streeter states the Board needs as part of the application the proposed changes and what the set-backs will be, Mr. Andrews adds that the set-backs need to be shown from the center of the road and the assumed property line. Chairman Streeter explains the process for the Board to review and approve or deny an application and what is needed on the maps, Mr. Khosrova adds that the applicant should appreciate the last minute add to the agenda and that the Board is deeming the application complete and to get the requested information in to Code Enforcement so that they can move forward.

New Business: Chairman Streeter discusses with the Board the possibility of meeting in person if everyone is comfortable. Mr. Khosrova states Town policy is to meet in-person and there are options for larger rooms, Mr. Andrews states he is fine with meeting in-person, Ms. Lenahan states she is leaning towards staying virtual as we get into the winter months, Mr. Fenn states he is willing to try in-person except it's hard to determine the number of people at the meetings. No resolution was reached, and Chairman Streeter will have additional discussions with the Town Supervisor on this topic.

82.-1-68 Pin Oak LLC requests an Area Variance for a 45ft variance to the south, a 120ft variance to the west and a 3 acre variance in property size. Chairman Streeter states the Board asked to have Ray Jurkowski review the sound study which he did. The Board agrees they have enough information for a complete application. Mr. Kneller states they will have a person on-site during events to enforce the contract is enforced. Ms. Fleckman states the trees should remain as a condition of the approval, Mr. Khosrova states the Board can put conditions on the variance. Mr. Kneller states 299 is the maximum number of guests they can have in the building without having to get a tent. Mr. Khosrova adds they need to confirm what SEQRA will be based on and the applicant did confirm the 299 maximum number.

Motion to accept the application as complete and set a Public Hearing for October 14 is made by Chairman Streeter, seconded by Jack Fenn, all in favor, motion carried.

Other Business:

Chairman Streeter asks the Board about sending something to the Town Board regarding the racetrack definition. Mr. Fenn states they need to differentiate between recreational noise producing and other rural/agricultural noise in residential and RRA areas. Chairman Streeter states that the only issue of a racetrack that has come to the Zoning Board in the past few years has been for the same property. Ms. Fleckman states a noise ordinance would be helpful along with clarification on what the Town considers a racetrack. Mr. Khosrova states that if you read the town definition, the Town does not have a firm definition; Mr. Andrews agrees the definition needs to be refined. Chairman Streeter asks if the Board wants to put something in writing to the Town Board for a better definition and include intensity of use, Ms. Lanahan adds include something about a practice track as well. Chairman Streeter asks the Board to continue to think about this.

Meeting adjourned at 8:53 pm.

Respectfully submitted

Erin Reis
Recording Secretary