

Meeting Minutes
Town of Ghent
Zoning Board of Appeals
September 8, 2021

Chairman Streeter opened the meeting at 7:00 pm. Present: Board members Fern Fleckman, Jack Fenn, James Andrews, and Beth Lenahan, ZEO Chris Keefe, and Town attorney Matt Cabral. Also present: Martin Ping representing the Applicant Hawthorne Valley. Mitch Khosrova representing the applicant Kenneth Roberts, and applicant John Hartnett. Several members of the public were in attendance.

Minutes of the July 14, 2021 meeting were approved on a motion by James Andrews, seconded by Beth Lenahan, all voted in favor.

Public Hearing:

104.-1-8.200 Hawthorne Valley Association requests an area variance from the size requirements for a sign. Martin Ping explained that the sign was already made as they didn't realize a permit was required and that the Town had limits on the sizes of signs. He also explained that he had discussed the site use with the Building Inspector, and this would not be a sign for an agricultural use. The sign will be in a residential area for a non-agricultural use and therefore the Town allows a sign with an area of 8.28 square feet, after applying the allowed increases. The sign is 20.20 square feet, which leads to a request for a variance of 11.92 square feet.

Jack asked the applicant why the application didn't reflect that the property use clearly supported a larger agricultural use and benefit which would therefore allow a larger sign. Martin stated that they probably could have but the type of use would ultimately be decided by the Town.

Matt Cabral and Chris Keefe added that they had discussed this use and according to the definitions in the code, the property use was most accurately described as educational and/or research.

Additional discussion took place regarding reworking/remaking the sign so it would be closer to the size allowed, however it was recognized that because the sign had already been completed it would need to be entirely redone. Removal of the "hanging" portions of the sign would reduce the size however the sign would no longer serve its purpose.

Attorney Cabral reminded the Board that in considering this application, 190-58 E should be applied in its entirety, specifically referencing 190-E (1), and stating that the five criteria following that paragraph are relevant but not individually determinative for the final decision.

There were no comments from the public and the public hearing was closed at 7:40 pm. The Board reviewed the SEQRA short form submitted as part of the application, completed Part 2, Impact Assessment and determined the proposed action will not result in any significant adverse environmental impacts. A motion was made by Chairman Streeter that a negative declaration resulted from the review, it was seconded by Jim Andrews and all voted in favor.

Chairman Streeter started with his findings of facts. He did not believe that granting the variance would create any undesirable change in the area; he stated that the applicant could have a second sign made at additional expense; he thought the variance was substantial in that it is a 144% increase in the allowed size; he did not think any adverse effect or impact would be created on the physical or environmental conditions in the area; and that the need for a variance was self-created.

All other members agreed with these findings.

Jack Fenn made a motion to approve an area variance for a 20.20 square foot increase in the size of the sign specifically stating that granting this area variance takes into consideration the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood or community, specifically citing 190-58 E (1). The motion was seconded by Fern Fleckman. 3 members voted to approve the motion and James Andrews abstained; the motion carried.

New Business:

92.-2-31 Kenneth Roberts requests a 2-foot variance from a 75-foot front yard setback requirement (75 feet from the centerline of Soller Heights Rd.) for an inground pool and its appurtenances. Mr. Roberts is represented by Mitch Khosrova. Mr. Khosrova provided an additional exhibit to the application, Exhibit 3 and explained why a variance was needed. He also provided a summary of the applicant's findings relative to the five criteria in 190-58 E. ZBA members had no follow up questions. A motion was made by Jim Andrews to accept the application as complete, and it was seconded by Beth Lenahan. All voted in favor and a public hearing was scheduled for October 13, 2021 at 7:00 pm.

Chairman Streeter stated it was still to be determined if the next meeting would be virtual or at the Town Hall.

93.-1-63 John Hartnett requests an area variance for lot size in RRA 2. After further research by Chris Keefe and Matt Cabral it was determined that Mr. Hartnett's property meet the provisions of Section 190-3 C (4) (b) and therefore an area variance is not required. Mr. Hartnett will withdraw his application.

Old Business:

None

Meeting was adjourned at 8:20 pm.

Respectfully submitted
Lewis Streeter, Chairman