

Town of Ghent Zoning Board of Appeals Meeting Minutes

February 9, 2022

Meeting called to order by Chairman Streeter at 7:07 pm and second by Beth Lenahan. All were in favor 5, opposed 0, motion carried.

Present were ZBA members Beth Lenahan, Jack Fenn, Jim Andrews and Lyle Trued. Matthew Cabral, Town Attorney, and Chris Keefe, Code Enforcement Officer was also present.

Members of the public in attendance include Fern Fleckman, Stephanie Lazar, Keely Goody, Paul Colarusso, Shirley Perry and Russell Miller.

Review of Minutes

Motion made to accept the January 12, 2022, minutes by Chairman Streeter and seconded by Jack Fenn.

All were in favor 4, opposed 0, motion carried. Jim Andrews abstained as he was not reappointed by the Town for a new term yet.

Public Hearings:

Expansion of a non-conforming use variance, 1925 State Route 203, MacHaydn Theater, Paul Colarusso

Matthew Cabral, Town Attorney, stated MacHaydn received a use variance from the Town of Ghent ZBA in 1977 and the theater operated pursuant to that use variance ever since. The Ghent Town Code provides that a use authorized by a variance granted by the Board of Appeals shall be deemed a nonconforming use. With the proposed construction of the new building, to house the set building operations, the theater is now seeking to expand its nonconforming use, and this requires approval from the ZBA. Section 190-58 provides that the ZBA is authorized to issue specific types of variances including, with respect to nonconforming uses to grant a permit for enlargement or extension of a nonconforming use or building on the lot or land occupied by such use or building provided that such enlargement or extension shall not exceed 50% of the existing capacity. This is a matter that is subject to Columbia County Planning Board Referral and has been referred and placed on their agenda to be considered on February 15th, 2022. Due to this, the ZBA can not take its final action on this matter until the County's action is complete. ZBA's final action will need to be deferred until next month.

Mr. Colarusso explained they are looking to build a 30'x60' structure to house their technical set workshop. The theater currently performs the same activity in this space where the structure is being proposed, therefore the building will reduce any noise and visual previously seen. There will be no plumbing present, only electricity. The proposed structure would be a seasonal building, operating from June 1st through October 1st.

Motion made to open the public hearing by Chairman Streeter and seconded by Beth Lenahan.

All were in favor 5, opposed 0, motion carried.

Mr. Colarusso stated they received a letter that was in support of the application by the neighbors, Edgewood Acres from President Richard Freedman, Garden Homes Management.

Shirley Perry asked what lighting is planned on the proposed structure. Mr. Colarusso explained there will be no alterations to the lighting from the road. The telephone pole on the road is not operated by the theater. They intend to remove an existing flood light, currently existing by the theater. They anticipate proposing more focused lighting on the structure to better light the walkways leading to the theater. Chairman Streeter suggested that Shirley attend the Planning Board meeting as that board will address the proposed lighting. Matt Cabral stated the Planning Board has requested that MacHaydn provide a lighting plan.

Motion made to close the public hearing by Jack Fenn and seconded by Chairman Streeter.

All were in favor 5, opposed 0, motion carried.

Motion made to classify the application as an unlisted action for the purposes of SEQR by Jack Fenn and seconded by Chairman Streeter.

All were in favor 5, opposed 0, motion carried.

Motion made to declare a negative declaration on the Environmental Assessment by Chairman Streeter and seconded by Jim Andrews.

All were in favor 5, opposed 0, motion carried.

The Board decided to wait to discuss the findings of fact until the meeting in March.

New Business:

Area Variance, 1820 Harlemlville Rd., Keely Goody

Keely Goody explained they are looking for a front and side yard variance to build an attached garage off the existing house. They would also like to include a carport, mudroom, bathroom and spare room within this area. The shape of the lot is fairly unique and therefore it doesn't allow many places to build the garage.

Chairman Streeter confirmed the applicant would need a 20'-7" variance from the side yard and 1'-2.5" from the front yard.

Jack Fenn asked when the house was built and if they knew when the parcel became this shape. Keely Goody believes it is built in the 70s but is unsure on the exact year.

Lyle Trued asked if the adjacent property had anything near the property line. Keely Goody indicated there are solar panels on the neighboring property, but not relatively close.

Beth Lenahan asked if there was any screening along the property line. Keely Goody indicated there are a few trees on the other side of the driveway.

Jim Andrews mentioned the unwritten rule 50% from the required setback. He asked is the carport could be 20', opposed to 20'-7" to then meet the 50% rule. Keely Goody stated they can look into reducing the size. Chairman Streeter asked the applicants to bring an answer to the next meeting.

Motion made to accept the application as complete and set a public hearing for March 9th at 7pm by Chairman Streeter and seconded by Jim Andrews.

All were in favor 5, opposed 0, motion carried.

Other Business:

Jim Andrews has officially been reappointed as a ZBA member.

Motion to adjourn by Jack Fenn, Second by Chairman Streeter, All in favor – 5 @7:44pm

Respectfully submitted
Katie Walker