Approved: May 16, 2016

TOWN OF KENT
ZONING BOARD OF APPEALS
April 18, 2016

The Zoning Board of Appeals of the Town of Kent held a Public Hearing at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, New York on **Monday, April 18, 2016.** The meeting was called to order with the salute to the flag at **7:30 P.M.** After due notice, the following members were present:

Present: Mr. Bob Rogers, Chairman
Mr. Richard Wetzel, Vice Chairman
Mr. Bob Bradley
Ms. Nina Gerosa
Mr. Bob Phillips
Mr. Bill Walters, Building Inspector

Absent:

HOLDOVERS:

1. **Robert Forrest, 522 Horsepound Road, Carmel, NY 10512; TM: 32.-1-52**
The property is located at 14 Little Fill Court, Kent, NY 10512

The applicant requested a 46.3' rear yard, 15.5' front yard and a 7' side yard variance for a 2nd story addition to his house. This application was heard at the March 2016 Zoning Board meeting, however, the applicant was not advised to notify New York City so this matter was held over until the April meeting so he could do so. Mr. Forrest advised the ZBA that he had notified both NY City and NYSDEP regarding his application for a variance and that there were no objections. He notified his other neighbors previously.

Mr. Bradley mentioned that there was no existing house on the property at the present time. He asked the applicant if the front yard on the side of the house would be on Little Fills Court and Mr. Forrest said that it would be. The back yard would need a 50' foot zero lot line variance because the deck off the house extends onto NY City property, according to the survey, and a variance could not be granted for the deck. Instead of needing a 46.3' rear yard variance the applicant needs a 50' variance, the side would be 7' on one side, the other side is alright, the front yard variance should be 15.5'. Mr. Bradley said as the lot turns the closest point for the house is 16.5', so if the house was going to be situated where it was previously the front yard variance would need to be changed to 23.5' rather than the original 46.3'. Mr. Wetzel asked about some sheds located on the other side of the road on NY City property. Mr. Forrest said that the property is a right-of-way and that there had not been any problem about that. Mr. Rogers asked for a motion to grant the 23.5' front yard variance, a 50' rear yard variance and a 7' side yard variance. The motion was made by Mr. Bradley and seconded by Mr. Wetzel. The roll call vote was as follows:

Mr. Bob Rogers, Chairman	-	Aye
Mr. Rick Wetzel, Vice Chaiman	-	Aye
Mr. Bob Bradley	-	Aye
Ms. Nina Gerosa	-	Aye
Mr. Bob Phillips	-	Aye

The motion carried.

NEW BUSINESS:

1. **Katherine Martinez, 27 Walden Road, Carmel, NY 10512; TM: 22.83-2-29**

The applicant requested a Special Use Permit for an accessory apartment. Tax Map # 22.83-2-29. Mr. William Shilling was at the meeting as were the owners of the property. This property was purchased in 2010 and there was an accessory apartment at that time in the residence. This matter was before the ZBA in September of 2014 and not approved. The property is 60' x 100'and compliant with all the requirements for "special use" except for the size, which requires 100' x 100'. Previously, the ZBA advised Mr. Shilling to go to the Board of Health and on December 1, 2015 the Board of Health approved the property, due to fact that the applicant changed some of the compartmentalization inside and kept the same number of bedrooms (3 bedrooms). Mr. Shilling asked that the ZBA approve the variance allowing an accessory apartment. Mr. Wetzel asked Mr. Shilling to explain the Board of Health's approval and when it would expire. Mr. Shilling said that he understood that, if the applicants did not move forward within two years, the approval would expire and would expire on December 1, 2017. Mr. Rogers asked Mr. Shilling if all the other requirements were in compliance and if there was sufficient parking. Mr. Shilling assured him that it was compliant and that there was a separate entrance and that there was sufficient parking areas. Mr. Shilling said that he met with the ZBA's counsel as to whether or not the ZBA had the authority to waive the lot size and it was his opinion that they could. Mr. Shilling also advised the ZBA that the applicants had converted a bedroom into a closet in order to keep the 3 bedrooms.

Mr. Bradley expressed concern regarding the size of the lot and granting the accessory apartment and whether or not the septic system would be adequate. Mr. Rogers asked for a motion to grant the variance. The motion was made by Ms. Gerosa and seconded by Mr. Wetzel. The roll call vote was as follows:

Mr. Bob Rogers, Chairman	-	Aye
Mr. Rick Wetzel, Vice Chaiman	-	Aye
Mr. Bob Bradley	-	Nay
Ms. Nina Gerosa	-	Aye
Mr. Bob Phillips	-	Aye

The motion carried.

2. **Michael Hutra, 21 Arbor Court, Holmes, NY 12531; TM: 12.-2-10**

The applicant requested a 20' variance for a rear deck. Tax Map #12.-2-10. Mr. Hutra attended the meeting and explained that he wanted to replace the handrails on his deck on the house he purchased in 2013 and had met with Mr. Walters, the Building Inspector, and was advised that there was no permit or variance on the deck. The deck was 30' from the property line and it should be 50' from the property line. Therefore, Mr. Hutra requested a 20' variance. Mr. Bradley commented that Mr. Hutra's house was the only house on the cul-de-sac that was not for sale. Mr. Wetzel asked why the title search done in 2013 did not notice this. Mr. Hutra said that the original survey did not show the deck, but a second one, done approximately 3 months before he purchased the house, did show the deck. Mr. Rogers asked for a motion to grant the 20' variance. The motion was made by Mr. Bradley and seconded by Mr. Wetzel. The roll call vote was as follows:

Mr. Bob Rogers, Chairman	-	Aye
Mr. Rick Wetzel, Vice Chairman	-	Aye
Mr. Bob Bradley	-	Aye
Ms. Nina Gerosa	-	Aye
Mr. Bob Phillips	-	Aye

The motion carried.

3. **William Walters, 31 Byram Road, Carmel, NY 10512; TM: 22.81-1-46**

The applicant requested a 10' rear & 7' side variance to build 10' x 15' shed and a 7' variance in order to construct an awning over the side door. Tax Map #22.81-1-46. Mr. Walters said that he can meet the side, but not the rear requirements. He wants to replace an existing shed with a new one. Mr. Rogers stated that the ZBA members had inspected the site and that the shed was on a rise and far from other properties and that the awning would provide protection from the elements over the door and that there would still be 1' between the awning and the property line.

Mr. Rogers asked for a motion to grant the variances requested. The motion was made by Mr. Wetzel and seconded by Ms. Gerosa. The roll call vote was as follows:

Mr. Bob Rogers, Chairman	-	Aye
Mr. Rick Wetzel, Vice Chairman	-	Aye
Mr. Bob Bradley	-	Aye
Ms. Nina Gerosa	-	Aye
Mr. Bob Phillips	-	Aye

The motion carried.

4. **Erica Intrieri, 2771 Old Route 301, Carmel, NY 10512; TM: 31.15-1-7**

The applicant requested permission to build a deck, extending a non-conforming building. The dwelling is in commercial zone, but remains an original single-family dwelling. Tax Map #31.15-1-7. Mr. Rogers explained that, because the house was built prior to the zoning change making the area where this property is situated a commercial zone no, changes were allowed without the approval of the ZBA. Mr. Rogers confirmed that the ZBA members had inspected the property and acknowledged that everything was in order. Mr. Bradley mentioned that all the houses on Route 301 is zoned commercial and that they are all residential and that perhaps the Town Board should look into changing the zone from commercial to residential. Mr. Rogers said he would advise the Town of Kent Supervisor that the code needed to be looked at. Mr. Rogers asked for a motion to grant the variance. The motion was made by Mr. Wetzel and seconded by Mr. Bradley. The roll call vote was as follows:

Mr. Bob Rogers, Chairman	-	Aye
Mr. Rick Wetzel, Vice Chairman	-	Aye
Mr. Bob Bradley	-	Aye
Ms. Nina Gerosa	-	Aye
Mr. Bob Phillips	-	Aye

The motion carried.

2. **Approve Minutes from the March 2016 ZBA Meeting**

Mr. Rogers asked for a motion to approve the minutes from the Zoning Board meeting held in March. Mr. Bradley said that he abstained for the vote on Item #3, Mr. Ferretti and that the minutes stated that he had voted "Aye" and that needed to be corrected. The motion was made by Mr. Wetzel and seconded by Mr. Bradley that the minutes be accepted with the change noted above. The roll call vote was as follows:

Mr. Bob Rogers, Chairman	-	Aye
Mr. Rick Wetzel, Vice Chairman	-	Aye
Mr. Bob Bradley	-	Aye
Ms. Nina Gerosa	-	Aye
Mr. Bob Phillips	-	Aye

The motion carried.

Mr. Rogers asked for a motion to close the meeting at 8:00 PM. The motion was made by Mr. Rogers and seconded by Ms. Gerosa. The roll call vote was as follows:

Mr. Bob Rogers, Chairman	-	Aye
Mr. Rick Wetzel, Vice Chairman	-	Aye
Mr. Bob Bradley	-	Aye
Ms. Nina Gerosa	-	Aye
Mr. Bob Phillips	-	Aye

The motion carried.

Cordially Submitted,

Vera Patterson

Vera Patterson

cc: Zoning Board of Appeals Board Members
Building Inspector
Town Clerk
Planning Board Secretary

ZONING BOARD OF APPEALS
25 Sybil's Crossing
Kent Lakes, NY 10512
AGENDA

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Kent will hold a Public Hearing on **Monday, April 18, 2016** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications

1. Martinez, Katherine
   27 Walden Rd
   Carmel, NY 10512

Applicant requests a Special Use Permit for an accessory apartment. Tax Map # 22.83-2-29

2. Hutra, Michael
   21 Arbor Ct
   Holmes, NY 12531

Requesting a 20' variance for a rear deck. Tax Map #12.-2-10

3. Walters, William
   31 Byram Rd
   Carmel, NY 10512

Requesting 10' rear & 7' side variance to build 10' x 15' shed. Construct awning over side door to 7' variance needed. Tax Map #22.81-1-46

4. Intrieri, Erica
   2771 Old Route 301
   Carmel, NY 10512

Request to build deck, extending a non-conforming building; dwelling is in commercial zone, but remains original single-family dwelling. Tax Map #31.15-1-7

HOLDOVERS:

1. Forrest, Robert
   522 Horsepound Rd
   Carmel, NY 10512

Requests variance for 2nd story addition. Variance needed 46.3' rear, 15.5' front, 7' side.
Property address: 14 Little Fill Ct., Camel, NY 10512; Tax Map #32.—1-52

SITE INSPECTIONS ARE THE SECOND SUNDAY OF THE MONTH.

CC: Town Clerk
Planning Board
Town Board
Zoning Board
William Walters, Building Inspector
Doug Holly