# TOWN OF KENT
# ZONING BOARD OF APPEALS
# SEPTEMBER 21, 2015

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, September 21, 2015.** 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
Mr. Bob Phillips
Mr. Bill Walters, Building Inspector

**Absent:** Ms. Nina Gerosa

**Agenda:**

HOLDOVERS:

1. **Joseph Bene, 10 Mount Hope Road, Mahopac, New York 10541; Tibet Drive, Kent; TM: 30.-20-1-16**

Requested width and front setbacks, width need 168' front need 189', off **TIBET DRIVE**, Town of Kent. Tax Map #30.-20-1-16.

Mr. Bart Lansky, attorney at law, represented the applicant. He appeared in July when he was advised that there were three outstanding items. He received a letter from Van DeWater and Van DeWater. He advised the ZBA that the three items had been narrowed down o one issue.

Mr. Rogers reminded Mr. Lansky that at the meeting in July he had advised the Zoning Board that Mr. Bene did not want to pay for a meeting between the ZBA engineer and his, as requested by the ZBA. Mr. Lansky said the first issue was the erosion and that he had met with Mr. Othmer, Kent Highway Superintendent, and he was advised that there was no issue using the existing culvert pipe. Therefore, he felt it was not necessary to have the meeting. Mr. Rogers told Mr. Lansky that there were issues with the construction on the site and the force main which needed to be addressed and that was why the ZBA engineer felt the meeting would be beneficial. Mr. Lansky said his client is willing to install the force main exactly as shown on the plan. The three open items are:

- The force main;
- The erosion; and
- Access to the septic field

Mr. Lansky referred to a memo from Van DeWater and Van DeWater pertaining to the access easement and plans for the septic use and he concluded that the Health Department was not aware of the easement and approved the plans anyway. Mr. Lansky said that he hoped the ZBA would allow him to have the client's engineer finalize the plans and submit it to their engineer. Mr. Rogers said he could not speak for the ZBA engineer, and said he still felt that the client's engineer should meet with their's as previously requested.

Mr. Bradley advised Mr. Lansky that he had met with the Board of Health Department and was told that if the easement had been shown on the plans they would never have approved the septic system. The Board of Health told Mr. Bradley that they would have required that the easement be moved or the expansion field on the upper house would have to have been moved.

Mr. Rogers said that the ZBA is trying to do their due diligence and want a letter from the Board of Health give them a letter stating they have no objection to the plans as shown. Mr. Rogers said that this matter should be held over until the November meeting.

2. **Christopher Suroviz, 1 Ridgeway Road, Carmel, NY 10512; TM: 33.-2-37**

Requested permission to keep boat & trailer in approved driveway. Boat & trailer registered every 12 months. Tax Map #33.-2-37.

Mr. Suroviz attended the meeting. He said that Mr. Looney suggested he apply for a variance and that he read the Town of Kent code paragraph 77-44 sub-section c and was not sure he needed a variance. He interpreted the code to read that one boat over 22' feet could be stored on his property and more than one under 22'. Mr. Rogers requested a copy of a survey for his property. The boat was over 22' and there was some confusion about the way the code was written. It also spoke about a side yard and the boat is in the driveway. Mr. Suroviz advised the ZBA that the boat was in storage for six months out of the year, registered and insured 12 months and that he has had the boat since 1997. The Zoning Board agreed that the code needed further clarification.

Ms. Glynn, a neighbor to the applicant, asked to be heard. She asked that the variance be denied. She said there are two trailers, a large boat, two jet skis, four vehicles on his property. She said there were violations of Town Code 77-44 a and b. Ms. Glynn said these boats are close to her house and the motors are revved for an extended period of time and the fumes go into her bedroom window and the noise level is very high. Ms. Glynn said she had met with Mr. Looney on numerous occasions. Mr. Looney advised Mr. Suroviz last year to remove the boats and he did so, but brought them back this year. She reiterated that the boats should be in the rear of his property, but he was unable to do so because his well is back there as well as his deck.

Mr. Bradley said the only issue before the Zoning Board was storage of one boat in the applicant's driveway. Mr. Rogers told Ms. Glynn the ZBA could only address the request for the variance and whether or not one was necessary.

Mr. Rogers suggested that this matter be held over until October 19, 2015 and asked for a survey of the property by October 5, 2015.

3. **Joseph Hunt, 16 Marion Way, Carmel, NY 10512; TM: 44.5-1-40**

Requested renewal of special permit for accessory apartment. Tax Map #44.5-1-40.

Mr. Hunt advised the ZBA that the Building Inspector had been to his property recently. However, Mr. Walters had not submitted his findings to the ZBA and was not present at the meeting. Mr. Rogers proposed that this matter be held over until the October meeting and the ZBA could approve the renewal of the special permit pending authorization from the Building Inspector. Mr. Hunt does not need to attend the October meeting. Mr. Rogers asked that the Building Inspector put a note in this applicant's file as to his findings.

Mr. Rogers asked for a motion to approve the renewal of a special permit for an accessory apartment with the condition the Building Inspector agrees. The motion was made by Mr. Wetzel and seconded by Mr. Bradley. The vote was as follows:

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|---|---|---|
| Mr. Bob Rogers, Chairman | - | Aye |
| Mr. Richard Wetzel | - | Aye |
| Mr. Bob Bradley | - | Aye |
| Mr. Bob Phillips | - | Aye |

The motion carried.

4. **Cynthia Radovich, 196 E. Lakeshore Drive, Carmel, NY 10512; TM: 3.42-1-34**

Requesed permission to install a pre-built 10' x 16' shed on vacant lot currently being used as a garden. The vacant lot is across the street from the residence. Tax Map #33.42-1-34.

Ms. Radovich was at the meeting and said that the proposed shed she wants to construct will be on a vacant 100' x 100' lot, which she owns, and is across from the residence. The town code prohibits putting a structure on a vacant lot.

Mr. Rogers said that in the past the ZBA has allowed this and since this is a garden shed it was allowable at this time. He advised Ms. Radovich that if she ever decided to sell the property where the shed was constructed she would have to remove the shed.

Mr. Bradley made the motion that this variance be granted with the condition that if the vacant lot was sold in the future the shed must be removed. The motion was seconded by Mr. Wetzel. The vote was as follows:

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|---|---|---|
| Mr. Bob Rogers, Chairman | - | Aye |
| Mr. Richard Wetzel | - | Aye |
| Mr. Bob Bradley | - | Aye |
| Mr. Bob Phillips | - | Aye |

The motion carried.

5. **William Heineman, 108 Longfellow Road, Carmel, NY 10512; TM: 22.58-2-59**

Requesting 6' side and 5' front variance for 6' x 10' shed. Tax Map #22.58-2-59.

Mr. Heineman said previously there was an 8' x 8' shed where he stored his wood pellets that did not have a building permit. He said that he does not require a building permit for the 6' x 10' because of the size, but he does need a variance for the location. There are two other sheds on the property. Mr. Bradley said that, according to the tax records, there is only one shed on the property. Mr. Heineman confirmed that he did not have building permits for the two sheds. Mr. Heineman said that there will be a wood frame foundation sitting on 6' x 6' ties. Mr. Bradley said that historically the ZBA has not granted variances for sheds in the front yard. Mr. Bradley asked if the shed could be moved back on his property. Mr. Heineman said that there is a wall that goes back another 4' which would make it 14' and he still would need another foot. Mr. Wetzel said he could get a smaller shed. Mr. Bradley advised Mr. Heineman if he could rotate the shed and keep the shed back 15' a variance would not be necessary. Mr. Bradley made a motion to grant a 6' side yard variance to the applicant. It was seconded by Mr. Wetzel. The vote was as follows:

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|---|---|---|
| Mr. Bob Rogers, Chairman | - | Aye |
| Mr. Richard Wetzel | - | Aye |
| Mr. Bob Bradley | - | Aye |
| Mr. Bob Phillips | - | Aye |

The motion carried.

6. **Approve Minutes for the June, July and August Zoning Board Meeting**

Mr. Bradley made a motion to approve the minutes from the Zoning Board meetings held in June, July and August. The motion was seconded by Mr. Phillips. The vote was as follows:

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|---|---|---|
| Mr. Bob Rogers, Chairman | - | Aye |
| Mr. Richard Wetzel | - | Aye |
| Mr. Bob Bradley | - | Aye |
| Mr. Bob Phillips | - | Aye |

The motion carried.

Mr. Rogers asked for a motion to close the meeting at 9:00 PM. The motion was made by Mr. Bradley and seconded by Mr. Wetzel. The vote was as follows:

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|---|---|---|
| Mr. Bob Rogers, Chairman | - | Aye |
| Mr. Richard Wetzel | - | Aye |
| Mr. Bob Bradley | - | 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

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Kent will hold a Public Hearing on **Monday, September 21, 2015** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications:

4. Christopher Suroviz
   1 Ridgeway Road
   Carmel, NY 10512

Requesting permission to keep boat & trailer in approved driveway. Boat & trailer registered every 12 months. Tax Map #33.-2-37.

5. Joseph Hunt
   16 Marion Way
   Carmel, NY 10512

Requesting renewal of special permit for accessory apartment. Tax Map #44.5-1-40.

6. Cynthia Radovich
   196 E. Lakeshore Dr.
   Carmel, NY 10512

Requesting installation of pre-built 10' x 16' shed on vacant lot currently being used as a garden. Vacant lot is across the street from the residence. Tax Map #33.42-1-34.

7. William Heineman
   108 Longfellow Road
   Carmel, NY 10512

Requesting 6' side and 5' front variance for 6' x 10' shed. Tax Map #22.58-2-59.

Holdovers from August Meeting:

1. Joseph Bene
   10 Mount Hope Road
   Mahopac, NY 10541

Requesting width and front setbacks, width need 168' front, needs 189' off TIBET DRIVE, Town of Kent. Tax Map #30.-20-1-16.

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SITE INSPECTIONS ARE THE SECOND SUNDAY OF THE MONTH.

The Zoning Board of Appeals will entertain any other business, which is properly presented to the Board.

cc: Town Clerk
Planning Board
Town Board
Zoning Board
William Walters, Building Inspector