

Approved: May 16, 2022

**TOWN OF KENT
ZONING BOARD OF APPEALS
FINAL MINUTES
APRIL 18, 2022**

The Zoning Board of Appeals of the Town of Kent held their April 18, 2022 meeting at the Kent Town Hall. Mr. Gordon Moccio called the meeting to order at 7:30 P.M.

Present:

Mr. Gordon Moccio, Chairman
Mr. Ronald Hansen, Vice Chairman
Mr. Joseph Greico
Mr. Brett Harrison
Mr. Bill Walters, Building Inspector

Absent:

Mr. Travis Hunt

Mr. Moccio opened the meeting by leading everyone in reciting the Pledge of Allegiance.

HOLDOVER:

1. Greg Almond and Todd Bania
887 Golf Ridge Road
Carmel, NY 10512

The applicant was seeking an interpretation from the Zoning Board pertaining to the legality of a pre-dated existing structure. Tax Map 31.-2-14.

Mr. William Shilling represented Messrs. Almond and Bania at the meeting. Mr. Joel Greenberg also attended the meeting. Mr. Nicholas Sandosal, a disabled Viet Nam veteran and has been a tenant on this property for many years. This property is six acres and has a 3-bedroom main house and a one-bedroom cottage. Each house has their own septic, but both houses share a well. Mr. Shilling said that the applicant was seeking an interpretation that this property is a pre-existing, non-conforming use and, if this is approved, the property will go on forever as such. Mr. Shilling addressed some questions discussed previously. The first question asked if the applicant acted in good faith and without any knowledge of any problems with the property when they purchased it. The second question was related to discrepancies with evidence the applicant submitted and the Kent Assessor's cards. Mr. Shilling submitted a closing statement from 2012, which showed adjustments were made for rent and security. A pre-date letter from Ms. Julie Butler, the previous Building Inspector, stating that the cottage pre-dated code at the time of purchase. Also submitted was an affidavit from the applicant's attorney at the time saying this was a legal pre-dated residence. A copy of a contract stated that there were no violations on the property. Mr. Shilling said that it was important that Mr. Harry Ward had also gave a legal pre-dated letter on this property and said that the date was 1956. Mr. Shilling said that whenever there is an ambiguity it must rule in favor of the landowner because there are ordinances that limit use of what a property owner can do with his property. Mr. Shilling said the benchmark (strongest piece of evidence) is a newspaper article that establishes the fact that the house was built in 1929 and there were three assessment cards, which said that the house was built in 1938, 1934 and 1940. The assessment cards are all wrong. Expert testimony from a licensed architect said that there is too much in common with the two houses for them to have been built at different times.

Mr. Greenberg showed some pictures showing that the unusual siding on both houses are identical which supports the notion that the houses were built at the same time.

Mr. Moccio said that the Zoning Board members appreciated the time and efforts put into this endeavor. A Board member requested documentation showing that this was a multi-dwelling. Mr. Shilling said that he had submitted a closing statement and the mortgage document and that he felt that material should have satisfied the request made by Mr. Hansen. Mr. Moccio said that the letter from Ms. Butler stated that the cottage was to be used for domestic help only. Mr. Shilling said that every owner used the cottage as a guesthouse and rental and never used it as a caretaker cottage. Mr. Moccio said that the issue was the rental of the cottage. Mr. Moccio said that he would like to hold this matter over because there were still some outstanding issues. Mr. Hansen said that the Board would like more time to discuss this before making a decision. Mr. Shilling asked what more information he could get for the Board in order to answer their questions. Mr. Moccio said that he needs information to establish that this was used as a rental property and if this was listed as a multiple family dwelling.

NEW BUSINESS:

1. Robert Schwartz
152 Lakeshore Dr. East
Carmel, NY 10512

ZBA-22-09_ The applicant requested property line variance for a (ATF) After the Fact Gazebo; 15’ variance from front lot line for Gazebo on property line, Tax Map # 33.5-1-56.

Mr. Robert Bradley represented Mr. Schwartz. Mr. Bradley advised the Zoning Board that Mr. Schwartz had three sheds and a carport on this property, which were pre-existing and had no permits or Certificates of Occupancy. There is also a garage, which does have a Certificate of Occupancy. Mr. Bradley said that the benefits of the owner could not be achieved any other way because he needs the sheds for storage. There would be no adverse effect to the neighborhood because there is a large fence around the property and he said that every house in Lake Carmel probably has a shed on the property. The request for a variance is not substantial because the sheds are not very large. There will not be any environmental hazards. The problem was self-created but Mr. Schwartz wants to get the variance so that he can go to the Building Department in order to get CO’s. A survey showing where everything is located was submitted.

2. Robert Schwartz
152 Lakeshore Dr. East
Carmel, NY 10512

ZBA-22-10_ The applicant requested a property line variance for an (ATF) After the Fact for multiple sheds (3) and carport:

- (1 Shed) 4’ft.-36” Side yard,
- (2 Shed) 2’ft.-39” Side Yard, & 15ft’.63” Rear yard,
- (3 Shed) 15’ ft. Rear yard,
- (4 Carport) 6’ft. Rear yard

Tax Map # 33.5-1-56

Mr. Bradley said that there is a small fishpond in the front yard, and before Mr. Schwartz put the pond in he checked with the Building Department and was told that he could do so without a permit. Mr. Schwartz noticed that the birds were polluting the pond so he put a cover over it. Mr. Bradley said that Mr. Schwartz needs a 0 Lot Line variance in order to keep the cover over the pond.

Mr. Moccio said that a site visit was conducted and that he had no issues, but asked for comments from the other Board members and there were none. Mr. Moccio asked for a motion to grant the variance. The motion was made by Mr. Harrison and seconded by Mr. Hansen. Following were the roll call votes:

Gordon Moccio, Chairman	-	<u>Aye</u>
Mr. Ronald Hansen, Sr., Vice Chairman	-	<u>Aye</u>
Mr. Joseph Greico	-	<u>Aye</u>
Mr. Brett Harrison	-	<u>Aye</u>
Mr. Travis Hunt	-	<u>Absent</u>

The motion carried.

3. Braulio Aponte
63 Kentview Dr.
Carmel, NY 10512

ZBA-22-11_ The applicant requested a 3’ side yard variance for a proposed 20’ x 20’ Deck and Pool.
Tax Map # 10.20-1-5.

The applicant requested a 3’ side yard for a proposed deck and pool. Mr. Moccio asked for comments. Mr. Hansen said that only 3’ is needed because the stairs are there and the deck is far enough away so there is no issue. The applicant did not send out the notices to the neighbors, so this matter was held over until the May meeting. Mr. Hansen mentioned that signed letters from neighbors stating that they had no objections to the proposed project was sufficient and Mr. Moccio advised Mr. Aponte of that fact.

4. Lloyd Oliver
44 Longfellow Dr.
Carmel, NY 10512

ZBA-22-12_ The applicant requested a 17' ft. 4" inch' Rear property line variance for an (ATF) After the Fact shed.
Tax Map # 22.66-2-56.

Mr. Oliver advised the Zoning Board of Appeals that he needed a 17'4" rear property line variance for an "After the Fact" shed on the rear section of his property. Mr. Oliver submitted his green cards.

Mr. Moccio asked for comments from the ZBA members and there were none. Mr. Moccio asked for a motion to grant the variance. The motion was made by Mr. Greico and seconded by Mr. Hansen. Following were the roll call votes:

Gordon Moccio, Chairman	-	<u>Aye</u>
Mr. Ronald Hansen, Sr., Vice Chairman	-	<u>Aye</u>
Mr. Joseph Greico	-	<u>Aye</u>
Mr. Brett Harrison	-	<u>Aye</u>
Mr. Travis Hunt	-	<u>Absent</u>

The motion carried.

5. Patricia Arndt
212 Towners Rd.
Carmel NY 10512

ZBA-22-13_ The applicant requested a 9'ft. 8" inch - Front yard variance and a 3'ft. 8" inch - Side yard variance for a Front Porch. Tax Map # 21.18-1-32.

Ms. Arndt requested a variance for construction of a front porch on her house. Ms. Arndt also brought her contractor to the meeting.

Mr. Moccio asked for comments from the Board members or the public and there were none. Mr. Moccio asked for a motion to grant the variance. The motion was made by Mr. Hansen and seconded by Mr. Greico. Following were the roll call votes:

Gordon Moccio, Chairman	-	<u>Aye</u>
Mr. Ronald Hansen, Sr., Vice Chairman	-	<u>Aye</u>
Mr. Joseph Greico	-	<u>Aye</u>
Mr. Brett Harrison	-	<u>Aye</u>
Mr. Travis Hunt	-	<u>Absent</u>

The motion carried.

6. Patrick Marrinan
75 Peckslip Rd.
Carmel NY 10512

ZBA-22-14_ The applicant requested a 10'ft. Rear Yard variance for a 24'x 24' Garage. Tax Map 1.-1-13

Mr. Marrinan said that he proposes to build a 24' x 24' garage next to his existing garage, which he will be removing. Mr. Marrinan said he would use the existing pad for a carport, which will be attached to the new garage.

Mr. Moccio noted that a site visit had been conducted and that he saw no issues and asked for comments. There were no comments so Mr. Moccio asked for a motion to grant the requested variance. The motion was made by Mr. Hansen and seconded by Mr. Greico. Following were the roll call votes:

Gordon Moccio, Chairman	-	<u>Aye</u>
Mr. Ronald Hansen, Sr., Vice Chairman	-	<u>Aye</u>
Mr. Joseph Greico	-	<u>Aye</u>
Mr. Brett Harrison	-	<u>Aye</u>
Mr. Travis Hunt	-	<u>Absent</u>

The motion carried.

Town of Kent Zoning Board of Appeals
April 18, 2022

Mr. Moccio asked the Board members if they had reviewed the Zoning Board Minutes from the March 2022 meetings. The Board members responded that they had. Mr. Moccio asked for a motion to approve the March 2022 Zoning Board Minutes. The motion was made by Mr. Hansen and seconded by Mr. Greico. Following were the roll call votes:

Gordon Moccio, Chairman	-	Aye
Mr. Ronald Hansen, Sr., Vice Chairman	-	Aye
Mr. Joseph Greico	-	Aye
Mr. Brett Harrison	-	Aye
Mr. Travis Hunt	-	Absent

The motion carried.

Mr. Moccio asked for a motion to adjourn the meeting at 08:30 PM. The motion was made by Mr. Hansen and seconded by Mr. Greico. Following were the roll call votes:

Gordon Moccio, Chairman	-	Aye
Mr. Ronald Hansen, Sr., Vice Chairman	-	Aye
Mr. Joseph Greico	-	Aye
Mr. Brett Harrison	-	Aye
Mr. Travis Hunt	-	Absent

The motion carried.

Cordially Submitted,



Vera Patterson

CC: Town Clerk
Town Board
Planning Board
Zoning Board
Building Dept. Clerk
William Walters, Building Inspector

ZONING BOARD OF APPEALS

25 Sybil's Crossing
Kent Lakes, NY 10512
Agenda April 2022

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Kent will hold a Public Hearing on **Monday, April 18th, 2022** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications

HOLDOVER FROM MARCH 2022:

1. Greg Almond
887 Golf Ridge Rd.
Carmel NY 10512

ZBA-22-08_Requests an interpretation from the Zoning Board of Appeals that the Accessory Structure is legally pre-dated. Tax Map# 31.-2-14

NEW BUSINESS:

1. Robert Schwartz
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Carmel, NY 10512

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(4 Carport) 6'ft. Rear yard

3. Braulio Aponte
63 Kentview Dr.
Carmel, NY 10512

ZBA-22-11_Requests 3'ft side yard variance for a proposed 20 x 20 Deck and Pool.
Tax Map # 10.20-1-51

4. Lloyd Oliver
44 Longfellow Dr.
Carmel, NY 10512

ZBA-22-12_Requests 17' ft. 4" inch' Rear property line variance for a (ATF) After the Fact shed.
Tax Map # 22.66-2-56

5. Patricia Arndt
212 Towners Rd.
Carmel NY 10512

ZBA-22-13_Requests 9'ft. 8" inch - Front yard. & 3'ft. 8" inch - Side yard for Front Porch
Map # 21.18-1-32

6. Patrick Marrinan
75 Peckslip Rd.
Carmel NY 10512

ZBA-22-14_Requesting 10'ft. Rear Yard for a 24'x 24' Garage. Tax Map 1.-1-13

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

SITE INSPECTIONS ARE THE SECOND SUNDAY OF THE MONTH.

CC: Town Clerk
Town Board
Zoning Board of Appeals Members
William Walters, Building Inspector
Sheila Finneran, Building Dept. Clerk
Planning Board Clerk