

Approved May 17, 2021

**TOWN OF KENT
ZONING BOARD OF APPEALS
April 26, 2021**

FINAL ADOPTED MINUTES

The Zoning Board of Appeals of the Town of Kent held a Virtual Zoom/Public Hearing from their homes in Kent, New York on **Monday, April 26, 2021**. The meeting was called to order at **7:30 P.M** by Mr. Gordon Moccio, the Zoning Board of Appeals Chairman. After due notice, the following members participated:

Present:

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

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

NEW BUSINESS:

AGENDA

1. Ivanka Sarac
42 Drew Road
Holmes, NY 12563

Requested a 33' rear variance for a pre-existing 19' x 14' shed. Tax Map #2.-1-39.

Mr. & Mrs. Sarac participated in the meeting. The applicant requested the above mentioned variance.

Mr. Moccio asked the Board and audience if anyone wished to be heard and no one responded.

Mr. Moccio asked for a motion to grant the 33' rear variance for a pre-existing shed. The motion was made by Mr. Greico and seconded by Mr. Hansen. Following were the roll call votes.

Mr. 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>Aye</u>

The motion carried.

2. Matthew Sagerstrand
172 Longfellow Drive
Carmel, NY 10512

Requested a 13' side variance & a 2' variance from structure to install an above ground pool.
Tax Map #22.42-1-26.

Mr. Sagerstrand participated in the meeting and requested a 13' side variance and a 2' variance from the structure to install an above ground pool.

Mr. Moccio asked the Board for comments and Mr. Hansen jokingly advised the applicant not to jump off the deck. Mr. Moccio asked for a motion to grant this variance. The motion was made by Mr. Greico and seconded by Mr. Hunt. Following were the roll call votes.

Mr. 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>Aye</u>

The motion carried.

3. Kevin Carbon
173 Putnam Drive
Carmel, NY 10512

Requested a 4' side & 16' rear variance for a proposed 12' x 116' shed.
Tax Map #22.50-1-30.

Mr. Carbon participated on the call and requested a 4' side and 16' rear variance for a proposed 12' x 114' shed.

Mr. Moccio asked the Board if anyone had any concerns or comments and there were none.

Mr. Moccio asked for a motion to grant requested a 4' side and 16' rear variance for a proposed 12' x 114' shed. The motion was made by Mr. Harrison and seconded by Mr. Hansen. Following were the roll call votes.

Mr. 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>Aye</u>

The motion carried.

4. Tracy Gallagher
16 Darien Road
Carmel, NY 10512

Requested a 0' rear & 0' side variance for a pre-existing pool & pool deck.
Tax Map #33.43-1-17

Ms. Marissa Geyer is an attorney and she and her husband are neighbors of the Gallaghers and have concerns about this variance being granted to the applicant. Ms. Geyer said that the pool deck abuts her fence and she is concerned that it could be used as a ladder to gain access to the pool deck. Ms. Geyer advised the Board that she had checked the past two years of ZBA decisions and found that no variance of this sort had been granted. She noted that many pool and decks variances with less circumstances had been denied. And that 0' variances were "unheard of". Mr. Moccio asked Mr. Walters for his input and he said that he had denied this application and allowed the applicant to file an appeal with the Zoning Board of Appeals. Mr. Moccio confirmed with Mr. Walters that this matter was pre-existing and non-conforming. Mr. Geyer advised the Board that this structure was less than a year old and was constructed on temporary footings, which are 36" off of the ground. Mr. Geyer said that the platform is waist high to his fence. Mrs. Geyer said that the fence is 7.5" high and in violation of the code.

Ms. Gallagher asked to be heard. She said the pool was put in 15 years ago and she spoke to Ms. Julie Butler, who was the Building Inspector at that time, and was advised that as long as there was no more than 5,000 gallons of water in the pool no permits were required. Since that time the Code has changed. The pool and deck were constructed at that time and the deck was re-done last year because of issues with a retaining wall. There are poured footings which are 3-4' deep. The deck was shortened so that it would not affect the Geyer's fence. Ms. Gallagher said she does not know what caused the deck to shift. Ms. Gallagher said that she has family members with health issues who need the pool for therapy. Ms. Gallagher said she did not install the fence in question and that her children had never climbed it. Ms. Geyer said that the fence is not violating the code and that the deck is.

Mr. Moccio said that at the time the pool was installed the owner did check local laws before it was installed. There were other factors involved and he is not familiar with the construction of the fence.

Mr. Hansen said that he had concerns about setback issues. The pool did not look safe according to Mr. Hansen and that the deck was two sections which appeared to be separating. Although a permit was not necessary there were still setback issues and he will not vote to grant this variance. Mr. Moccio asked if anyone would make amotion to grant approval of this variance. And there was none made. Therefore, the variance was denied.

Ms. Gallagher asked who she could speak to regarding the non-variance and the building permit because the fence is over 6' in many locations.

Mrs. Geyer advised Ms. Gallagher that her next call would be to the Health Department regarding 8 people residing in her two-bedroom house. Mr. Walters advised Mrs. Geyer to contact the Kent Code Enforcer, Mr. Looney.

Mr. Walters told Ms. Gallagher to contact him the next day to discuss what needs to be done to rectify the situation discussed.

5. Carmel Central School
1091 Route 52
Carmel, NY 10512

Requested authorization to replace the existing front sign with a 4' x 8' digital sign. This variance request pertained to Town of Kent Zoning Code Chapter 77-36A(2). Tax Map #12.17-1-1.

Ms. Meagan Catania, PTO President, represented the school and explained that there would be two identical signs – one for Kent Elementary and one for Kent Primary School. And was working with John Wiese and Eric Stark in this endeavor. The brightness can be adjusted and can be set on dimmers so that the traffic won't be impacted.

Mr. Moccio asked if anyone in the audience wished to be heard and there was no response. Mr. Moccio asked for a motion to grant the requested variance. Mr. Moccio asked for a motion to approve. The motion was made by Mr. Harrison and seconded by Mr. Hansen. Mr. Walters asked Moccia to indicate on the application that both schools were approved. Following were the roll call votes.

Mr. 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>Aye</u>

The motion carried.

The Minutes for February, March and April would be reviewed and, if appropriate, approved at the May 2021 ZBA meeting.

Mr. Moccio asked for a motion to adjourn the meeting at 8:45 PM. The motion was made by Mr. Hansen and seconded by Mr. Greico. Following were the roll call votes:

Mr. 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>Aye</u>

The motion carried.

Cordially Submitted,



Vera Patterson

CC:

Town Clerk
Town Board
Planning Board
Zoning Board
Emily Cole, Building Dept. Clerk
William Walters, Building Inspector

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 Public Hearing which was to be held on Monday April 19, 2021 has been changed to **MONDAY, APRIL 26, 2021**.

THIS MEETING WILL BE CONDUCTED VIRTUALLY The Town of Kent will be holding its regularly scheduled Zoning Board meeting on Monday April 26th, at 7:30 p.m. via ZOOM. The meeting will be televised live on the Town of Kent cable channel as well as live-streamed on YouTube. The public can participate via ZOOM. Please identify yourself when participating just as you would if you came to the microphone during a regular meeting. Thank you for your cooperation.

Topic: Town of Kent, N.Y. ZBA Meeting Monday April 26th, 2021

Time: Monday April 26th, 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5877083251>

Meeting ID: 587 708 3251

One tap mobile

+19292056099,,5877083251# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 587 708 3251

Find your local number: <https://us02web.zoom.us/j/5877083251>

To view the video live on YouTube click the link below. To make a public comment, please sign in to a Gmail account on YouTube. <https://www.youtube.com/watch?v=L2mrLNH3I2Q&feature=youtu.be>

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SITE INSPECTIONS ARE CONDUCTED ON THE SECOND SUNDAY OF THE MONTH

CC: Town Clerk
Planning Board
Town Board
William Walters, Building Inspector