

**TOWN OF KENT  
ZONING BOARD OF APPEALS  
June 22, 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, June 22, 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 Wetzal, Vice Chairman  
Mr. Bob Bradley  
Ms. Nina Gerosa  
Mr. Bob Phillips  
Mr. Bill Walters, Building Inspector

**Agenda:**

HOLDOVERS:

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

Requesting 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, represented Mr. Bene regarding this project. He expressed his disappointment that he did not receive a memo from Ms. Mangarillo prior to the meeting. Mr. Rogers advised Mr. Lansky that he had spoken to Ms. Mangarillo regarding her memo of June 18, 2015 (attached) and would discuss them in detail with Mr. Lansky at the meeting. Ms. Mangarillo said that there were four issues of concern. They were:

- The driveway, which seemed to have been resolved because the angle had been shifted slightly in order to conform;
- The runoff from the surface, which would jeopardize the neighbor's driveway, needed to be diverted to a culvert under the road to drain into Lake Tibet. In order to finalize that she suggested a meeting with Mr. Bene's Engineer and the Kent Highway Superintendent at the site to ensure that there would be a viable system that would work;
- Ms. Mangarillo requested specific details from Mr. Bene's engineer as to how the force main would be put in place to minimize the runoff and potential erosion;
- The issue of access through the neighbor's property for the septic expansion system.

Mr. Lansky said Mr. Bene is anxious to finalize the variance. Mr. Lansky said that everyone is aware that there are erosion control guidelines. Regarding the easement on the neighbor's property Mr. Bene said that he is willing to follow Ms. Mangarillo's recommendations. Mr. Lansky asked for a separate meeting with the Kent Superintendent and Ms. Mangarillo without Mr. Bene's engineer in order to save money. Mr. Rogers said that if Mr. Lansky wanted to meet alone with Ms. Mangarillo and Mr. Othmer that was fine. However, Ms. Mangarillo needed to be satisfied with the information she got at the meeting. The force main stormwater – Mr. Lansky said that the Board of Health had already approved the septic and asked if Ms. Mangarillo was suggesting that he go back to them. Mr. Rogers advised Mr. Lansky that the question was regarding the easement that provided access to Mr. Bene's septic, as it passes over a neighbor's septic expansion area. This matter needed to be clarified with the DOH and their approval of the arrangement needed to be established. Mr. Rogers indicated that a letter from the DOH saying they approved of it was sufficient if Mr. Lansky could obtain one. This matter was held over until the July meeting.

2. Nancy Nolan, 6 Tilly Foster Ct, Lake Carmel, NY 10512; Tax Map No.: 33.40-1-46

Requested a variance for a carport. Ms. Nolan thanked the ZBA for approving the variance for her carport, 2 cars – 21 feet. She requested a new variance for 3 cars – 27 feet at the June meeting. Mr. Rogers said that the original variance was for one car, then a second car and it was approved. The process was that if she wanted to re-open and revise the variance new information needed to be submitted and a public hearing would have to be convened a second time. The Board would have to unanimously agree to re-open the hearing. Mr. Rogers asked the other members if they would agree to re-open the hearing. Mr. Rogers asked for a motion to re-open the public hearing for a 27' variance for a 3 car carport. The motion was made by Ms. Gerosa and seconded by Mr. Phillips. The vote was as follows:

Mr. Bob Rogers, Chairman	-	<u>Aye</u>
Mr. Richard Wetzel	-	<u>Nay</u>
Mr. Bob Bradley	-	<u>Nay</u>
Ms. Nina Gerosa	-	<u>Aye</u>
Mr. Bob Phillips	-	<u>Aye</u>

The motion did not carry because it was not unanimous.

3. Allison Palais, 924 White Pond Colony, Carmel, NY 10512; TM: 11.13-1-38

Requested a 11.5 ft. side property line variance for proposed side deck. Tax Map No.: 11.13-1-38. Mr. Rogers said that this project was to be held over until the July meeting.

4. Mr. Bradley asked the Board to discuss some of the outstanding variances. Following were some of the properties discussed:

- Valentin, 42 Barrett Hill/TM: 33.24-1-44 – a note was sent giving him 30 days to advise if he wished to proceed. Mr. Walters advised the ZBA that Mr. Valentin had stopped by and advised him that he had removed the building and was withdrawing the request for the variance.
- Tara Noga, 161 Putnam Drive/TM: 22.50-1-27 – Mr. Walters told the ZBA that this property was still in court. Mr. Rogers said that this variance request would be suspended until the court ruled on the matter.

5. Approve Zoning Board Minutes

The Zoning Board was asked to approve the minutes from March, April and May at the meeting. Mr. Bradley noted that there was an error in the meeting minutes in April. Mr. Rogers asked for a motion to approve the minutes with the change to April's meeting.

The motion to approve March's minutes was made by Mr. Wetzel and seconded by Ms. Gerosa. The vote was as follows:

Mr. Bob Rogers, Chairman	-	<u>Aye</u>
Mr. Richard Wetzel	-	<u>Aye</u>
Mr. Bob Bradley	-	<u>Aye</u>
Ms. Nina Gerosa	-	<u>Aye</u>
Mr. Bob Phillips	-	<u>Aye</u>

The motion carried.

The motion to approve April's minutes, with a change, was made by Mr. Bradley and seconded by Ms. Gerosa. The vote was as follows:

Mr. Bob Rogers, Chairman	-	<u>Aye</u>
Mr. Richard Wetzel	-	<u>Aye</u>
Mr. Bob Bradley	-	<u>Aye</u>
Ms. Nina Gerosa	-	<u>Aye</u>
Mr. Bob Phillips	-	<u>Aye</u>

The motion carried.

The motion to approve May's minutes was made by Ms. Gerosa and seconded by Mr. Wetzel

The vote was as follows:

Mr. Bob Rogers, Chairman	-	<u>Aye</u>
Mr. Richard Wetzel	-	<u>Aye</u>
Mr. Bob Bradley	-	<u>Aye</u>
Ms. Nina Gerosa	-	<u>Aye</u>
Mr. Bob Phillips	-	<u>Aye</u>

The motion carried.

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

Mr. Bob Rogers, Chairman	-	<u>Aye</u>
Mr. Richard Wetzel	-	<u>Aye</u>
Mr. Bob Bradley	-	<u>Aye</u>
Ms. Nina Gerosa	-	<u>Aye</u>
Mr. Bob Phillips	-	<u>Aye</u>

The motion carried.

Cordially Submitted,



Vera Patterson

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

## 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, June 22, 2015** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications:

### HOLDOVERS:

1. Bene, Joseph  
10 Mount Hope Road  
Mahopac, New York 10541

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

2. Nancy Nolan  
6 Tilly Foster Ct  
Lake Carmel, NY 10512  
Tax Map No.: 33.40-1-46

Requesting variance for carport.

3. Allison Palais  
924 White Pond Colony  
Carmel, NY 10512

Requests a 11.5 ft. side property line variance for proposed side deck. Tax Map No.: 11.13-1-38

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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