

Town of Kent Zoning Board of Appeals
April 20, 2015
Approved: June 22, 2015

TOWN OF KENT
ZONING BOARD OF APPEALS
April 20, 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, April 20, 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
Ms. Nina Gerosa
Mr. Bob Phillips
Mr. Bill Walters, Building Inspector

Agenda:

1. **Patrick O'Mara, 73 Fairfield Drive, Patterson, NY 12563 for property located on Nimham Road, TM: 10.20-1-3**

Mr. William Schilling represented the applicant, Mr. O'Mara, who also attended the meeting. Mr. O'Mara requested a 63,447 square foot area variance, 55 foot lot width variance, 10 foot front setback variance and a 30 foot rear setback variance to build a one story, single family, 2 bedroom dwelling on a vacant lot on Nimham Road (Tax Map 10.20-1-3).

Mr. Schilling advised the Zoning Board that the property was located on Woodland Terrace and is approximately 16,500 square feet (a little under ½ acre). He noted that this property is consistent and typical to other lots within the subdivision (2 acre zoning/80,000 square feet). Mr. O'Mara purchased the property in 2004 and has Board of Health Approval to construct a two bedroom house on it. The characteristics of the neighborhood will not be changed because many of the houses already constructed are similar in size to the one proposed by Mr. O'Mara. The second condition to be considered is the environmental impact. There will be no environmental impact to the neighborhood. BOH approved the plans for this house in 2009 and confirmed that there will be no environmental damage. The third criteria is whether or not the variances requested are substantial. There are no impacts and therefore they are not substantial. The fourth criteria, is that there is no way to obviate the need for the variances in this matter. The fifth criteria, the problems with this property were not self-created. Mr. Rogers advised the applicant that, for the record, the BOH approval expires in 2016. The subdivision was created in 1957.

Mr. Anthony Corona, of 9 Woodland Terrace, asked to be heard. He said he opposed this project when it was before the ZBA in 2009 and he still objects to its moving forward. He felt that the property value of his property and his neighbor would also be affected if the proposed house were built. Mr. Corona said that by granting the variances would also be setting a precedent to future development of other lots in the area. He said that the proposed septic system is very close to his well and it may contaminate his well. The driveway would also be very close to his deck and his back yard. The location of this residence will be on the corner of Nimham and Woodland, where a school bus stop is located and there is a lot of traffic there picking up and dropping off children.

Mr. Errol Bassit, of 473 Nimham Road, asked to be heard. He also said he opposed this project in 2009. He said that his privacy would be invaded as would the property value of his property be affected by granting the variances to the applicant authorizing him to build the proposed house. He said he also felt that his well would be impacted.

Ms. Adrian Menta, of 4 Woodland Drive, asked to be heard. Ms. Menta informed the Zoning Board that the majority of houses in the area are built on at least two acres.

Mr. Schilling informed the Zoning Board that he disagreed with the neighbors who spoke at the meeting.

Mr. Bradley asked the neighbors if their houses were part of the subdivision and they said that they were.

Mr. Rogers addressed the audience and advised them that the Zoning Board is charged with balancing the needs between the community and the property owners. He said that the 5 points being considered when granting a variance limits the ZBA's decision making process.

Mr. Bradley made a motion to close the Public Hearing and it was 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.

2. **Julie Richardson, 8 Old Orchard Court, Carmel, NY 10512; TM: 21.18-1-7**

Mr. Richard Morini represented Ms. Richardson and requested an 18 foot rear setback variance to add on to an existing rear deck. Mr. Bradley made the motion to grant the variance and it was 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.

3. **Approve Zoning Board Minutes from March , 2015**

The March minutes will be approved at the April

Mr. Rogers asked for a motion to close the meeting at 8:15 PM. The motion was made by Mr. Wetzel and it was 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.

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, April 20th, 2015** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications:

1. Jason O'Neil
292 Townner Road
Carmel, NY 10512

Allow 10' x 10' shed in Lot 2325 at above listed address. Applicant is requesting 1.5' side and 12.2' rear variance.

Holdovers from April 20th Meeting:

2. Patrick O'Mara
73 Fairfield Dr
Patterson, NY 12563

Applicant requests 63,447 square foot area variance, 55 ft. lot width variance, 10 ft. front setback variance, 30 ft. rear setback variance to build a one story, single family, 2 bedroom dwelling at vacant lot on Nimham Rd (Tax Map 10.20-1-3)

3. Julie Richardson
8 Old Orchard Ct
Carmel, NY 10512
Tax Map No.: 21.18-1-7

Applicant requests 18 ft. rear setback variance to add on to an existing rear deck.

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