

**TOWN OF KENT
ZONING BOARD OF APPEALS
March 16, 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, March 16, 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. **Tracy Chalifoux, 25 Kent Lake Avenue, Kent Lakes, NY; TM: 11.11-1-26**

Mr. Chalifoux requested a 15 foot side property line variance for an existing 10' x 16' shed. The shed is 5' from the property line and built in 2000 by the previous owner and Mr. Chalifoux wants to legitimize it. Mr. Wetzel said that a deck on the rear of the house is not shown on the drawings. Mr. Bradley said the deck was put on the house when it was built in 1996. Mr. Rogers asked for a motion to grant the variance. The motion was made by Mr. Phillips 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.

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

Mr. Hunt, the applicant, requested a renewal of Special Use Permit for an accessory apartment. Mr. Hunt advised the Zoning Board that the apartment was created by the prior owners and he purchased the house in 2000. Mr. Rogers mentioned that the Special Use Permit needs to be renewed every five years and asked if Mr. Hunt had renewed the permit in 2005 and he said he didn't realize that it needed to be renewed every five years. Mr. Bradley noted that it had been renewed in 2005 and questioned why the applicant had done it in 2005 and not in 2010. Mrs. Hunt said that they had forgotten to do so. Mr. Bradley advised the applicant they had two choices:

- Make the permit retroactive to 2010 and the applicant could reapply in November of 2015; or
- Make an application for a new permit since the one they have has expired.

The applicant agreed with the Zoning Board that they should make the permit retroactive to 2010 and reapply in November of this year. However, they would have to pay the permit fee now for the 2010 permit and again in November 2015. They will have to appear before the Zoning Board again in November to request the reapproval of the permit. Mr. Bradley made the motion to renew the Special Permit from September 2010 to September of 2015 and Ms. Gerosa seconded it.

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.

Messrs. Praino and Angelo Zarro, neighbors were confused and thought the applicant was applying for a permit for a second apartment and was advised that that was not the case. Therefore, they did not have any concerns or objections to approving the request for a Special Use Permit for the apartment.

Mrs. Hunt said it would be helpful if letters were sent when the permits were due to expire. Mr. Walters said that the Building Department is working on a database to generate a letter each five years automatically to be sent to the applicant.

3. **Chris Automotive, 339-349 Route 52, Kent Lakes, NY; TM: 33.18-1-12**

Robert Cameron, of Putnam Engineering, represented the applicant. The applicant requested the following variances:

- A 25 foot front yard;
- A 20 foot side yard; and
- A 10 foot rear property line variance for a parking lot.

Mr. Cameron presented a site plan, previously approved by the Planning Board in 1996 and again in 2000, for the parking within the setback on the property. The Planning Board advised him to go to the Zoning Board for a variance. Since that time the Town Code has changed, which is why he was advised to go to the ZBA. The site plan has had some changes, but the parking plan has not changed. Mr. Rogers said that the opinion of the ZBA is unanimous in their feeling that a variance is not necessary unless there is a change in ownership or the business changes its use. Mr. Rogers said that the Zoning Board could issue a statement that the applicant may have parking in the front per the approved site plan with the condition that the variance would be null and void if the business and/or ownership changes. There are six parking spaces in the front involved. Ms. Gerosa said that she didn't feel that a variance was necessary and that granting a variance in this case would set a precedent. Mr. Rogers asked for a motion that the ZBA considers the 1996 and subsequent site plan from 2000 are effectively in force and that front, side and rear parking are allowed. This would be conditioned on the site plan presented in 2015 and that if any future changes are made to the property this matter would have to be revisited and a new site plan would be necessary and approved by the ZBA and Planning Boards. Mr. Bradley made the motion and it was seconded by Mr. Wetzel. Ms. Gerosa abstained.

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>Abstained</u>
Mr. Bob Phillips	-	<u>Aye</u>

The motion carried.

4. Approve Zoning Board Minutes from February , 2015

Mr. Rogers asked for a motion to approve the February 23, 2015 minutes. The motion 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>

5. Mr. Israel Valentin, 42 Barrett Hill Road, Carmel, NY; TM: 33.24-1-44

Mr. Rogers noted for the record that Mr. Valentin had asked for a 13 foot rear property line variance for a pre-existing 20' x 25' shed in January of 2014 and was present for the February Zoning Board meeting. The Zoning Board had concerns at that time because there is a 35% coverage requirement on a piece of property and that this property has 50-60% coverage at the present time. There was also an enclosed room on an existing deck which had no CO or building permit. The ZBA made some recommendations to the applicant as to how to rectify the situation. Mr. Valentin has not been in touch with the Building Department since that time, so Mr. Rogers asked the clerk to send a registered/certified letter to him asking for a letter advising the ZBA whether or not he wishes to proceed with the requested variance within 30 days and/or that he appear at the April 20, 2015 meeting. If neither is done the ZBA will consider the application to be abandoned and it will terminate all review.

Mr. Rogers asked for a motion to close the meeting at 8:30 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, March 16th, 2015** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications:

1. Tracy Chalifoux
25 Kent Lake Ave
Kent Lakes, NY 10512
Tax Map No.: 11.11-1-26

Applicant requests 15 ft. side property line variance for existing 10 x 16 shed.

2. Chris Automotive
339-349 Route 52
Kent Lakes, NY 10512
Tax Map No.: 33.18-1-12

Applicant requests 25 ft. front, 20 ft. side, and 10 ft. rear property line variances for parking lot.

3. Joseph Hunt
16 Marion Way
Carmel, NY 10512
Tax Map No.: 44.5-1-40

Applicant requests renewal of Special Use Permit for accessory apartment.

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