

USE FOR AUG 21, 2017 MINS
TOWN OF KENT
ZONING BOARD OF APPEALS
August 21, 2017

FINAL MINUTES

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, August 21, 2017**. The meeting was called to order at **7:30 P.M** by Mr. Rogers, the ZBA Chairman. After due notice, the following members were present:

Present: Mr. Bob Rogers, Chairman
Mr. Bob Bradley, Vice Chairman
Dan Clayton
Ms. Nina Gerosa
Mr. Bill Walters, Building Inspector
Ms. Veronica McMillan, Counsel from Lewis & Greer

Absent: Mr. Bob Philipps

1. **John Arucci, 6 Chief Nimhan Drive, Carmel, NY; TM: 21.13-1-13**

Modification of approved variance to request a 12' side and 40' rear variance for a new 8' x 12' shed. Tax Map #21.13-1-13.

Mr. Walters said that he had sent Mr. Arucci home because he thought Mr. Arucci just needed to sign the revised variance application. Mr. Rogers asked Mr. Walters to contact Mr. Arucci and ask him to return to the meeting.

Mr. Arucci returned and stated that he had filed a variance previously and it needed to be revised to be 8' from the side property line and 40' from the rear property line. The motion was made by Mr. Bradley and seconded by Ms. Gerosa. The . The roll call votes were as follows:

Mr. Bob Rogers, Chairman	-	<u>Aye</u>
Mr. Bob Bradley, Vice Chairman	-	<u>Aye</u>
Mr. Dan Clayton	-	<u>Aye</u>
Ms. Nina Gerosa	-	<u>Aye</u>
Mr. Bob Philipps	-	<u>Absent</u>

The motion carried.

2. **Kent Investors, P. O. Box 177, Somers, NY;**
Property located at 301 Rte. 52, Carmel, NY; TM: 44.6-1-7

Mr. Rogers advised the audience that the ZBA received a Resolution dated August 1, 2017 from the Kent Town Board requesting that the ZBA re-open and re-hear the appeal of Kent Investors regarding the Kent Building Inspector's Determination. Since that request was made two Article 78 procedures have been filed with the Supreme Court. Mr. Rogers requested an opinion from the ZBA's counsel and was advised that, based on a case heard in 1970 at 200 West 291st Street company vs. Galvan the ZBA no longer has jurisdiction once an Article 78 has been filed with the Supreme Court. Therefore, the Kent ZBA has no jurisdiction and may not continue the review of this matter. A number of comments were received from the public and have been placed in the Kent Investors file.

Ms. Shauna Tarshis Denkensohn asked to be heard and said that she understood that it was not uncommon for the court to remand this type of case back to the ZBA and asked if this did happen when the ZBA could reschedule another hearing. Also, Kent Investors has been conducting work on the site and Ms. Denkensohn asked if the ZBA could issue an injunction to stop them while this matter is before the Supreme Court. Mr. Rogers said that it was premature to answer the question about how quickly a new hearing could be scheduled before the Supreme Court made their decision. Mr. Rogers said that the Supreme Court would have to issue an injunction to stop work on the site and Ms. McMillan confirmed that.

Mr. Rogers advised the audience that the meeting was not a Public Hearing and asked the audience and community to respect the process and move forward as best we can.

Ms. Tagliafiero, the Town of Kent Attorney, asked Mr. Rogers if the ZBA could open the 1948 Public Hearing since they could not reopen the one before the Supreme Court. Mr. Rogers said that it was a possibility, but it was not the time to do so right now. He said he would discuss the matter with the ZBA counsel.

Town of Kent Zoning Board of Appeals Minutes
August 21, 2017

3. Approve ZBA Minutes for May, June and July

The May and June minutes will be approved in August along with the July Minutes.

Mr. Rogers asked for a motion to close the meeting at 9:00 PM. The motion was made by Ms. Gerosa and seconded by Mr. Phillips. The roll call votes were as follows:

Mr. Bob Rogers, Chairman	-	<u>Aye</u>
Mr. Bob Bradley, Vice Chairman	-	<u>Aye</u>
Mr. Dan Clayton	-	<u>Aye</u>
Ms. Nina Gerosa	-	<u>Aye</u>
Mr. Bob Phillips	-	<u>Absent</u>

The motion carried.

Cordially Submitted,
Vera Patterson



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

**Town of Kent Zoning Board of Appeals Minutes
August 21, 2017**

ZONING BOARD OF APPEALS

**25 Sybil's Crossing
Kent Lakes, NY 10512
AGENDA**

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Kent will hold a Public Hearing on **Monday, August 21, 2017** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications:

John Arrucci
6 Chief Nimham Drive
Carmel, NY 10512

Modification of approved variance to request a 12' side and 40' rear variance for a new 8' x 12' shed. Tax Map #21.13-1-13

Kent Investors – TM: 44.6-1-7
301 Route 52
Kent, NY 10512
TM: 22-2-48

The ZBA will consider the Town Board Resolution of 8/1 at this meeting regarding:

Approve ZBA Minutes for May, June and July 2017

SITE INSPECTIONS ARE THE SECOND SUNDAY OF THE MONTH

CC: Town Clerk
Building Inspector
Zoning Board

Town Board
Planning Board
Rich Harris

**Town of Kent Zoning Board of Appeals Minutes
August 21, 2017**