

**Town of Kent Zoning Board of Appeals Minutes
March 20, 2017**

Approved: May 15, 2017

**TOWN OF KENT
ZONING BOARD OF APPEALS
March 20, 2017**

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 20, 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. Bob Philipps
Mr. Bill Walters, Building Inspector

1. **Kent Investors, P. O. Box 177, Somers, NY 10589 for Property located at 301 Rte. 52, Kent, NY 10512; TM: 44.6-1-7**

Requested a reversal of Town of Kent Building Inspector's determination of November 10, 2016, received November 14, 2016. Property is located at 301 Route 52, Kent Lakes, NY. Tax Map #44.6-1-7.

Mr. Walters stated that the owners of this property have withdrawn their request for an appeal regarding the Building Inspector's denial of a building permit pending an Engineer's report and the town attorney's interpretation of the industrial use. The Engineer's opinion was that the building may be repaired. The building permit has been issued allowing the applicant's to move forward with their plans to repair the rear of the building and second floor. The decision pertaining to the denial of the industrial use in the rear of the building still stands and Mr. Walters said he expects an appeal regarding that decision.

2. **Allison Palais, 924 White Pond Colony Road, Kent, NY 10512; TM: 11.13-1-38**

Requested a variance for a 30' x 8' deck. Needs 13' front, 8.7" side & 19% lot coverage variance. Tax Map #11.13-1-38.

Mr. William Schilling represented the applicant. This application was denied in 2016 and a new application has been filed. This is a 5,000 square foot lot in a two acre R-80 zone. The requested variance is for a deck, side yard, lot coverage and a front yard. The deck was originally 375 square feet and has been reduced to 240 square feet and again to 108 square feet. The client submitted an affidavit, memorandum and a new survey from David O'Dell. This was a culmination of a meeting and two workshops held in the past two years. The property was purchased in 2003 and was the primary residence until last year and is now rented out. Ms. Palais has made improvements for which she obtained CO's. The property has been well maintained and the applicant plans on keeping the property in her family. The variance for a 375 square foot deck was denied in 2015 by the Zoning Board because it was too large. Subsequently workshops were conducted and the size was reduced in 2016 and again this year. Now the proposed deck is to be 108 square feet and the side entrance is 4' x 9' and protrudes 9' x 8' which totals 108 square feet and is L-shaped. Mr. Schilling said that he feels that the character of the neighborhood will not be affected, there will be no environmental issues and the septic system is not obstructed nor will the well be obstructed. The problems with the property are not self-created. Mr. Schilling said that due to the size of the lot it would be difficult to comply with any lot coverage requirements.

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Mr. Eicher, a neighbor of the applicant who resides at 49 White Pond Colony behind the applicant, asked to be heard. Mr. Eicher said he had requested copies of the plans and surveys and this is the first time he has been notified of changes to the property. Mr. Eicher also said that there are discrepancies between his survey and Ms. Palais' survey. He said that his survey shows the Palais house is 6" from the property line the survey done by Mr. O'Dell has the house moved back. Mr. Rogers suggested that Mr. Eicher reconcile this matter with Mr. Shilling and Ms. Palais. Mr. Bradley and Mr. Clayton showed Mr. Eicher the dimensions of the house on the plans submitted and verified that there is a discrepancy as to where the property line is.

Messrs. Rogers and Walters asked for an updated application and survey.

Mr. Rogers said that he was comfortable with the new plans. He asked for a motion to grant the variances. 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>Aye</u>

The motion carried.

3. **Frank Kaposzynyak, 83 Kentview Drive, Carmel, NY 10512; TM: 10.20-1-47**

Requested a 7' side yard variance for an existing 10' x 10.7' shed. Tax Map #10.20-1-47.

The shed is 13' off of the property line. Mr. Bradley asked the applicant about a building covered with a tarp on the left side of the house. Mr. Kaposzynyak said that the building in question is a metal gazebo which is 6' x 4'. Mr. Walters said that, as long as the gazebo did not exceed 80 square feet, it could stay. The next question Mr. Bradley had was about plans the Town Assessor had which shows an in-ground pool. The applicant said that it is an above-ground pool and that they are in the process of legalizing that as well. The applicants said that they want to put a second story on part of their house in the future. Mr. Bradley asked if there was an application with the Building Department for the deck and Mr. Kaposzynyak said that he was doing that along with the pool application.

Mr. Rogers asked for a motion to grant the 7' side yard variance. The motion was made by Mr. Clayton 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>Aye</u>

The motion carried.

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4. Approval of the February Zoning Board Minutes

Mr. Rogers asked for a motion to approve the February Zoning Board minutes. The motion was made by Mr. Bradley and seconded by Ms. Gerosa. 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>Aye</u>

The motion carried.

Mr. Rogers asked for a motion to close the meeting at 8:00 PM. The motion was made by Mr. Bradley and seconded by Ms. Gerosa. 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>Aye</u>

The motion carried.

Cordially Submitted,



Vera Patterson

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

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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, March 20, 2017 at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications:

1. Allison Palais, 924 White Pond Colony Road, Carmel, NY 10512; TM: 11.13-1-38
Requests a variance for a 30' x 8' deck. Needs 13' front, 8.7" side & 19% lot coverage variance. Tax Map #11.13-1-38.
2. Kent Investors/Putnam Stone, P. O. Box 177, Somers, NY 10589; TM: 44.6-1-7
Requests reversal of Town of Kent Building Inspector's determination of November 10, 2016, received November 14, 2016. Property is located at 301 Route 52, Kent Lakes, NY. Tax Map #44.6-1-7.
3. Frank Kaposzynyak, 83 Kentview Drive, Carmel, NY 10512; TM: 10.20-1-47
Requests 7' side yard variance for an existing 10' x 10.7' shed. Tax Map #10.20-1-47.

SITE INSPECTIONS ARE THE SECOND SUNDAY OF THE MONTH.

CC: Town Clerk
Planning Board
Town Board

Zoning Board
William Walters, Building Inspector
Doug Holly