

Approved: April 17, 2023

**TOWN OF KENT
ZONING BOARD OF APPEALS
DRAFT MINUTES
MARCH 20, 2023**

The Zoning Board of Appeals of the Town of Kent held their March 20, 2023 meeting at the Kent Town Hall. Mr. Gordon Moccio called the meeting to order at 7:30 P.M. Mr. Moccio asked that the audience and ZBA join him in the Pledge of Allegiance. Mr. Moccio asked that applicants come forward to the podium, sign the sheet provided and submit the green postal cards to the ZBA when their names were called.

Present:

Mr. Gordon Moccio, Chairman
Mr. Ronald Hansen, Vice Chairman
Mr. Joseph Greico
Mr. Travis Hunt
Mr. Robert Ulich, Alternate ZBA Member
Mr. Bill Walters, Building Inspector
Mr. Andrew Wells, Alternate ZBA Member

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals reviewed the following applications at the March 20, 2023 ZBA Meeting:

1. Julia Vishnepolsky
69 Clubhouse Dr.
Carmel NY 10512

ZBA-23-004 - Use variance to reconstruct one family residence on a Non-complying lot. Tax Map 33.35-1-46

Mr. John Karell represented the applicant. Mr. Karell advised the ZBA that Ms. Vishnepolsky resides in New York City and purchased a piece of property in Kent, hoping to have a house constructed because she wants to move out of New York City and move to Kent. The applicant was seeking two variances. One variance was for a Use Variance for 10,000 square feet because the lot is 8,000 square feet. The second variance is for an Area Variance. The lot width is 80 and 100 square feet is required. The proposed house complies with the front, rear and side setbacks. The original house was destroyed by fire in 2019 and in October 2019, the Town notified the owner that the house must be taken down. An inspection was conducted in October of 2019 verifying that the house was demolished. Ms. Vishnepolsky purchased the property on June 17, 2022. The time period to rebuild the house without a variance had expired. Ms. Vishnepolsky was under the impression that the variance was just a formality. The Building Department suggested that the applicant should hire an engineer in order to get Health Department approval of the septic system and well. Miss Vishnepolsky was also informed that the proposed house could not be any larger than the existing house, which was a 20 x 30 foot 1 bedroom house. On September 23, 2022 the Health Department granted approvals for the well and septic system, and they were installed in October of 2022 in accordance with the Health Department plans. The Building Inspector, Bill Walters, allowed the applicant to place a shed on the property during construction so that she could work on it. A zoning consultant went over the situation and said that due to the foreclosure of the property the time clock to rebuild the house should start at the time the applicant purchased the property in June of 2022. The construction of the well and septic system was completed within the 18 months allowed to rebuild the house. Mr. Karell prepared a list of houses in the neighborhood, which are comparable to the proposed 20 x 30 foot one-bedroom house. Ms. Vishnepolsky's property is 8,000 square feet and there are four properties, which are 8,000 square feet; two properties are 4,000 square feet; one is 10,000 square feet and one is a 12,000 square foot parcel. Ms. Vishnepolsky is hopeful that she will be granted permission to build her dream house in Kent.

Mr. Moccio noted that this property was purchased in 2022 and the well and septic system plans have been revised and approved by the Health Department. Mr. Karell advised the Zoning Board members that the previous well was hand dug and not very functional and the well was old and very primitive. The Health Department approvals provided for a drilled well and code-compliant septic system, which was done. The applicant has been taking her time deciding on the plans for the house. Mr. Moccio said that he felt that having the well and septic system done was premature and asked for input from the other members of the ZBA. Mr. Hansen said that he was not comfortable setting a precedent by granting approvals for non-conforming properties and that he was surprised that the applicant went ahead with the installations of the well and septic system. Mr. Hansen said that he did not want to set a precedent by granting a variance to a sub-standard lot. Mr. Karell said that there was an existing house on this property and that the Health Department would not approve a sub-standard lot.

Mr. Mike Sobers, of 75 Clubhouse Road and is the next-door neighbor, asked to be heard. Mr. Sobers confirmed that several trees fell on the house and ripped open the back of the house and animals were living in it. Mr. Sobers was concerned about the animals attacking his dog and coming onto his property so he called the Town to remedy the situation. The owner of this property had been placed in a nursing home and passed away before the trees fell onto the house. Mr. Sobers said that his interactions with Ms. Vishnepolsky had not been very neighborly. For example, Mr. Sobers removed a diseased tree on his own property because it was a safety hazard and the applicant told Mr. Sobers he needed to grind the stumps up because she

Town of Kent Zoning Board of Appeals
March 20, 2023

did not want to get termites in her house. Ms. Vishnepolsky has done a lot of work on the property at inappropriate times with no consideration for the neighbors. When Mr. Sobers complained, he was told that the applicants could work any time they wanted as long as they did not disturb more than 5,000 square feet without a permit. Mr. Sobers stated that the entire lot had been leveled. In November, Ms. Vishnepolsky had a tree company remove some brush from his property along with his property. There was a row of trees on Mr. Sobers' property, which were damaged, and, when he approached her to discuss this matter, Ms. Vishnepolsky became very argumentative. Mr. Sobers said that he and his family were not in favor of allowing this project to move forward and objected to the noise of construction, especially during the summer.

Mr. Walters advised the Planning Board that several trees fell on the house and damaged it and that a fire did not destroy it.

Mr. Moccio asked if anyone else wished to be heard and, when no one asked to be heard, Mr. Moccio asked for a motion to grant the requested variance and no one responded. Mr. Moccio then asked if anyone wanted to deny the variance. Mr. Hansen made the motion to deny the variance and Mr. Hunt seconded it. Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

3. Julia Vishnepolsky
69 Clubhouse Dr.
Carmel NY 10512

ZBA-23-005 Area Variance for 20 ft. road frontage, for a one-family dwelling Tax Map 33.35-1-46

3. Edward Coyle
36 Woodland Dr.
Carmel NY 10512

ZBA-23-006 Area Variance for a 14' x 30' in-ground pool for 5 ft rear and 5 ft. side from 15 ft. requirement. Tax Map# 33.34-2-23

Mr. Coyle introduced himself to the ZBA members and audience.

Mr. Moccio said that the Board had visited the property and had no concerns regarding granting the variance, as requested by the applicant and asked the Board members if they wanted to be heard and they did not wish to be heard. Mr. Moccio asked for a motion to grant the 5-foot rear and 5-foot side Area Variance.

The motion was made by Mr. Hansen and seconded by Mr. Hunt. Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

4. Will Knapp
4 Nichols Pl.
Carmel NY 10512

ZBA-23-007 - Requesting 15 ft. rear area variance for an existing shed. - Tax Map 33.18-1-24

Mr. Knapp advised the ZBA that he needed a 15-foot rear Area Variance for an existing shed.

Mr. Moccio noted that a site visit had been conducted and that everything on his application and the site visit was in order.

Mr. Moccio asked if any of the Board members had any objection to granting this variance.

The motion was made by Mr. Hansen and seconded by Mr. Hunt. . Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

5. Mario Guaillazaca
10 Pleasant Dr.
Carmel NY 10512

ZBA-23-008 - Requesting a 3 ft. side area variance for a deck. -Tax Map 33.18-1-24

Mr. Guaillazaca advised the ZBA that he was asking for a 3-foot side Area Variance for construction of a deck on the front of his house.

Mr. Moccio said that, after reviewing Mr. Guaillazaca's submittal, he had no issues regarding this request for a variance and asked for the other ZBA members for their opinion and they felt that there were no issues regarding this project, which would preclude them from granting this variance.

Mr. Moccio asked for a motion to grant the 3-foot side Area Variance.

The motion was made by Mr. Ulich and seconded by Mr. Greico. Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

6. Emma Mogrovejo & Luis Alvarado
121 Cottage Rd.
Carmel NY 10512

ZBA-23-009 - Requesting a 6 ft. side Area Variance for a 12 x 16 shed -Tax Map 33.18-1-24

Mr. Alvarado advised the Board that when he purchased his house in 2016 and 8 x 8 foot shed was on the property and a storm destroyed it. Mr. Alvarado's wife insisted that the shed be replaced. Mr. Alvarado would like to put a 12x12 foot shed on his property.

Mr. Moccio said that everything submitted to the ZBA by the applicant was in order and that there were no issues concerning the project and asked for comments.

Mr. Hansen suggested that the shed be moved slightly and the applicant said that he would do that.

Mr. Moccio asked for a motion to grant the variance. The motion was made by Mr. Ulich and seconded by Mr. Hunt.

Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

7. Rosemary Rudowich
35 Homestead Dr.
Carmel NY 10512

ZBA-23-010 - Request for a 10 Ft. Front yard Area Variance for a shed.- Tax Map 22.57-2-5

Ms. Rudowich appeared before the ZBA in order to have a 10-foot Front Yard Area Variance for construction of a shed.

Ms. Rudowich said that her property is very steep and the location she selected for the construction of the shed is the most level site on her property. This location will also allow space for parking cars on the driveway..

Mr. Moccio said that he had no problem granting this 10-foot Front Yard Area Variance and asked if any of the members had any issues pertaining to this project and no one did.

Mr. Moccio asked for a motion to grant the variance. The motion was made by Mr. Hansen and seconded by Mr. Ulich. Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

Mr. Moccio asked for a motion to adopt the February 9, 2023 Minutes. The motion was made by Mr. Ulich and seconded by Mr. Hansen. Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

Mr. Moccio asked for a motion to adjourn the meeting at 8:30 PM. The motion was made by Mr. Greico and seconded by Mr. Ulich. Following were the roll call votes:

Gordon Moccio, Chairman	<u>Aye</u>
Ronald Hansen, Vice Chairman	<u>Aye</u>
Joseph Greico	<u>Aye</u>
Travis Hunt	<u>Aye</u>
Robert Ulich, Alternate Member	<u>Aye</u>
Andrew Wells, Alternate Member	<u>Aye</u>

The motion carried.

Cordially Submitted,

Vera Patterson

Vera Patterson

CC: Town Clerk
Town Board
Zoning Board o Appeals Members
Planning Board Clerk
Wm Walters, Building Inspecto

ZONING BOARD OF APPEALS

25 Sybil's Crossing
Kent Lakes, NY 10512

Agenda
March 20th, 2023

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Kent will hold a Public Hearing on **Monday March 20th, 2023** at the Kent Town Hall, 25 Sybil's Crossing, Kent Lakes, NY at 7:30 p.m. to review the following applications

1. Julia Vishnepolsky
69 Clubhouse Dr.
Carmel NY 10512

ZBA-23-004 – Use variance to reconstruct one family on Non- complying lot. Tax Map 33.35-1-46

2. Julia Vishnepolsky
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ZBA-23-005 Area Variance for 20 ft. road frontage, for one family dwelling Tax Map 33.35-1-46

3. Edward Coyle
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ZBA-23-006 Area Variance for 14 x 30 in-ground pool for 5 ft rear and 5 ft. side from 15 ft. requirement.
Tax Map# 33.34-2-23

4. Will Knapp
4 Nichols Pl.
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ZBA-23-007 - Requesting 15 ft. rear area variance for and existing shed. - Tax Map 33.18-1-24

5. Mario Guailazaca
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7. Rosemary Rudowich
35 Homestead Dr.
Carmel NY 10512

ZBA-23-010 - Request for a 10 Ft. Front yard area variance for a shed.- Tax Map 22.57-2-5

The Zoning Board of Appeals will entertain any other business, which is properly presented to the Board.

SITE INSPECTIONS ARE THE 2nd, SUNDAY OF THE MONTH. Between 9am & 10:00am

CC: Town Clerk
Town Board
Zoning Board of Appeals Members
Planning Board Clerk
Wm. Walters, Building Inspector

