

**TOWN OF KENT
ZONING BOARD OF APPEALS**

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757

JULY 14, 2015 REGULAR MEETING MINUTES

The Town of Kent Zoning Board of Appeals held a regular meeting on July 14, 2015 at 7:00 p.m. in the Kent Town Hall.

1) Call to Order and Roll Call

Mr. DiPentima called the meeting to order at 7:00 p.m.

Board Members Present: Anthony DiPentima, Chairman; Nick Downes, Edward Hoffman,
Daniel Murray, John Noneman, Michael Van Valkenburg

Staff Present: Donna M. Hayes, ZBA Clerk

2) Appointment of Alternates(s) to Voting Status.

Mr. DiPentima elevated Mr. Noneman to voting status.

3) Acceptance or Revision of Agenda

Mr. VanValkenburg moved to accept the agenda as presented. Mr. Hoffman seconded and the motion carried unanimously.

4) Reading and Approval of Regular Meeting Minutes of April 14, 2015

Mr. Downes moved to approve the Regular Meeting Minutes of April 14, 2015, as written. Mr. Hoffman seconded and the motion carried unanimously.

5) Recess Meeting. Convene Hearing:

Mr. DiPentima recessed the meeting and convened the hearing at 7:02 p.m.

5.1. Application #02-15, Ben and Barbara Cohen, relief from Section 14.4.1., non-conforming structure, 201 Treasure Hill Road, Map 18 Block 32 Lot 6.

Mr. Rod Pleasants of McIver Morgan Interior Design & Architecture was present representing the homeowners. He explained that the corner of the current house sits ~8' 4" to the front property line making it pre-existing, non-conforming. The proposal is to convert the existing kitchen into an eat-in kitchen by adding a ~130 square foot addition over the existing 1 story portion of the building which houses the basement. This addition will not increase the footprint of the house or be higher than the existing structure. The design of the addition will be in line with the current architecture ensuring that

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once complete you would never know that it was a new addition. Mr. Pleasants added that the house is screened from the roadway by trees during the summer, but is open to view in the winter.

Mr. Hoffman confirmed that there will be no increase or change to the setbacks, but there will be an increase in the square footage in the non-conforming structure. Mr. DiPentima asked if the addition would be visible to the abutting landowners or the road. Mr. Pleasants replied that it would not be visible to the abutting landowners but would be visible from the road. Mr. VanValkenburg commented that when this house was first constructed, it was common to leave the back of the property open, placing the main structures as close to the road as possible.

Mr. DiPentima asked Ms. Hayes if she had received any objections to the application. She replied that she had not and also informed the members that she had received the certified receipt cards from all recipients and that she had notified the Town Clerk for the Town of New Milford since this property was within 500 of the Town line.

Mr. Downes asked Mr. Pleasant when the house was originally built. Mr. Pleasant said that he did know of the exact date, but assumed it was constructed in the last century.

Mr. DiPentima asked Mr. Pleasant what the hardship was. Mr. Pleasant replied that the family is growing, there are now grandchildren and the homeowners felt the need to increase the size of the kitchen to accommodate the increase.

Mr. Hoffman stated that this addition will not change the setback. The size of the addition, which is roughly 130 square feet is nominal and the architecture proposed is in keeping with the existing building. He continued that once the addition is completed, no one will know that it was an addition. It was his feeling that nothing was being negatively affected. Mr. Hoffman also believes placing the addition elsewhere would serve no purpose. Mr. Hoffman said that the hardship is not having any other option. Mr. Downes agreed and Mr. Murray said that the addition would maintain the integrity of the main structure.

6) Close Hearing. Brief Recess

Having no further comments, Mr. DiPentima closed the hearing at 7:10 p.m. There was no brief recess.

7) Reconvene Meeting. Action on Appeal(s) Heard

The meeting was reconvened at 7:11 p.m.

Mr. Hoffman moved to approve Application #02-15, Ben and Barbara Cohen, relief from Section 14.4.1., non-conforming structure, 201 Treasure Hill Road, Map 18 Block 32 Lot 6 for the addition of an extension to the kitchen as proposed in drawings dated July 14, 2015.

Mr. DiPentima moved to add that, as Mr. Hoffman had noted earlier, the addition was minimal at 130 square feet and that the completed addition would not produce any notable change to the structure.

Mr. Murray moved to add that the addition would be in general harmony with the existing structure.

Mr. DiPentima moved to add that the addition would not be an expansion of the existing footprint.

Mr. VanValkenburg moved to second the motion as amended by Messrs. DiPentima and Murray and the motion carried unanimously.

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8) Old Business

No action taken.

9) New Business

No action taken.

10) Communications

10.1. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Spring 2015

No action taken.

11) Executive Session. Pending Litigation: Mauri v Town of Kent, Docket No. LLI-CV-14-6009906-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.

Mr. Downes moved to go into Executive Session: Pending Litigation: Mauri v Town of Kent, Docket No. LLI-CV-14-6009906-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel at 7:15 p.m. Mr. Murray seconded and the motion carried unanimously.

12) Open session involving discussion and possible action concerning strategy and negotiations with legal counsel.

The Board came out of Executive Session at 7:50 p.m.


Mr. Hoffman commented that it was noted during Executive Session that the owner of 52 Kent Cornwall Road continues to ignore the Cease and Desist Order.

Mr. DiPentima questioned the accuracy of the wording of agenda item #12 and told the Board that he would discuss this with Town Attorney DiBella. Mr. Hoffman suggested that the wording might only apply to non-legal cases.

13) Adjourn

Mr. VanValkenburg moved to adjourn at 7:56 p.m. Mr. Murray seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes
ZBA Secretary/Clerk

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TOWN CLERK

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