

TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of October 3rd, 2024

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch
Mr. Strieter
Ms. Davis
Mr. Veras (active duty)
Chairman Wright

ALSO PRESENT:

Dave MacCartney, Attorney
John Hager, Building Inspector

Chairman Wright: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of October 3, 2024, to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited, and roll call taken.

Chairman Wright called for the first item on the agenda.

Request of Liz Llempen-Urrutia - 85 Cedar Flats Road - App. #24-06 (Area Variance)

Residential Alteration - Accessory Garage expansion

Town of Stony Point Zoning Code, Chapter 215, Article VII Supplementary Building Requirements, 215-30 C. - "For any accessory building having a height in excess of 15 feet, the additional footage in excess of 15 feet shall be added to the rear and side yard requirements."

Proposed Building height = 16'-4" (measured to mean height between eave and ridge)

Minimum side & rear yard depth required = 11'-4"

Side yard depth proposed = 4'

Variance necessary = 7'-4"

Section: 14.02

Block: 1

Lot: 15.1

Zone: RR

Chairman Wright asked for the applicant to please come up.

Liz Llempen-Urrutia, applicant and owner of 85 Cedar Flats Road, addressed the Board. Chairman Wright asked for a summary of the application and stated the site visit will be on October 26th. Mrs. Llempen-Urrutia advised her husband to explain the scope of the work. Carlos goes on to explain he made repairs and renovations to the garage, and raised the roof a bit, prompting the variance. Chairman Wright asked the building inspector if there is anything we need to know. John Hager added that the footprint is the same, but the loft space is over the threshold of the 15ft stated in the code. Mr. Lynch asked what the height is now, and Carlos replied "16.4ft".

Chairman Wright called for a motion to accept the application.

*****MOTION: Mr. Streiter made a motion to accept the application; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright called for a motion to set a public hearing date of November 7th, 2024.

*****MOTION: Mr. Streiter made a motion to set a public hearing date of November 7th, 2024; seconded by Ms. Davis. All in favor; the motion was carried.**

Chairman Wright called for the next item on the agenda.

Request of Christopher Reagan - 4 Hidden Hills Drive - App. #24-03 (Area Variance)

Installation of 6' privacy fence within a 50' setback of lot line (residential)

Section 215-24 Side and rear yard and setback exceptions.

Section (C) - A fence or wall no more than four feet in height is permitted along any lot line and no more than six feet in height along that part of any lot line behind the required front yard. A fence or wall over the six-foot height is permitted, provided that it is set back from the lot line a distance equal to 2/3 its height

Section: 19.02

Block: 2

Lot: 39

Zone: RR

Chris Reagan, applicant and owner of 4 Hidden Hills Drive, addressed the Board. He explained there was a settlement agreement presented to his neighbor in their litigation case. Mr. Reagan goes on to explain the settlement agreement purposed would allow use of the right-of-way area of the land for as long as he lives and will not transfer with the property. Mr. MacCartney gives his advice on the Rockland County Planning letter.

Chairman Wright called for a motion to close the public hearing.

*****MOTION: Mr. Anginoli made a motion to close the public hearing; seconded by Mr. Keegan. All in favor; the motion was carried.**

Chairman Wright called for the next item on the agenda.

Request of Victor Zugibe, Jr. – 240 Bulsontown Road – App. #24-04 (Area Variance)

1 FAMILY - subdivide to build a new single-family house Lot#1 - 3 lot major realty subdivision
Town of Stony Point Zoning Code, Chapter 215, Article V Bulk Requirements, 215-15 Bulk Table, paragraph A requires: "...Each of the uses within each group is regulated by the bulk regulations for the indicated use group."

Chapter 215, Article V Bulk Requirements, 215-15 A,
215 Attachment 15, Table of Bulk Requirements IA, column 3 requires:
Minimum lot width required = 175'
Lot width proposed = 80.4'
Variance necessary = 94.6'

Chapter 215, Article V Bulk Requirements, 215-15 A,
215 Attachment 15, Table of Bulk Requirements IA, column 8 requires:
Minimum street frontage required = 100'
Street frontage proposed = 80.4'
Variance necessary = 19.6'

Section: 15.01 Block: 5 Lot: 13 Zone: RR

Vahid Rostami, representative of the applicant from Atzl, Nasher & Zigler, addressed the Board. Chairman Wright goes on to advise that there was nobody present for both scheduled site visits. Mr. Rostami explained he was at the site from 9am-11am on September 28th. Mr. Anginoli expressed his frustration with the site visits, and Chairman Wright asked the Board if they would like to go back again. Mr. Lynch suggested they go back to the site on October 26th and if nobody is present, they will not reschedule again. Chairman Wright goes on to determine to keep the public hearing open until the site visit is conducted properly and completely.

Chairman Wright called for a motion to keep the public hearing open until November 7th.

*****MOTION: Mr. Lynch made a motion to keep the public hearing open; seconded by Mr. Keegan. All in favor; the motion was carried.**

Chairman Wright called for the next item on the agenda.

Request of Jennifer Burke – 25 Fairview Drive – App. #24-05 (Area Variance)

Town Zoning Code chapter 215-A Bulk Table, attachment 15-part IA
Use group d.1, column 7, Required side and rear yard depth:
Minimum rear yard depth required = 10'
Proposed rear yard depth = 3.0'
Variance required = 7.0'

Minimum side yard depth required = 10'
Proposed side yard depth = 7.6'* (*dimension to encroaching neighboring building)
Variance required = 2.4'

Town Zoning Code chapter 215, Art VII, Supplementary Building Requirements
Chapter 215-30 Spacing, B. The distance between the principal building and an accessory building shall not be less than 15 feet.

Proposed spacing = 10.6'
Variance required = 4.4'

Section: 10.01

Block: 1

Lot: 48

Zone: RR

Chairman Wright called for a motion to open the public hearing.

*****MOTION: Mr. Anginoli made a motion to open the public hearing; seconded by Mr. Lynch. All in favor; the motion was carried.**

Jennifer Burke, applicant and owner of 25 Fairview Drive, addressed the Board at the podium. She explains the need for a 12x20 shed in her back yard. Ms. Burke addressed the issue with the neighboring property, explaining that the property line runs through her house, with an encroachment easement. Chairman Wright confirmed with John Hager that the variance is not for the side yard. Mr. Hager confirmed that he indicated the measurements from the house so there is no dispute if there is a lot line change in the future. Mr. Hager suggested that the building wall be equal to the property line, which should be the same separation between both houses/primary structures. Mr. Keegan voiced his concerns about fire and emergency services and the impact the shed could have in case of an emergency. Ms. Burke added that the former building inspector, Bill Sheehan, advised her that he had no issue with the 10 feet from the house and was not worried about the neighboring house.

Chairman Wright asked Ms. Burke if the position or location of the shed be relocated to request a lesser variance. Ms. Burke replied that she would consider it. John Hager asked if she moves the position, will she maintain both sides. Ms. Burke replied that switching positions could possibly work. Mr. Hager also advised vehicle storage cannot be permitted with wood floors, also known as combustible flooring.

Chairman Wright advised Ms. Burke that the public hearing will continue to the next meeting.

Chairman Wright called for a motion to continue the public hearing.

*****MOTION: Mr. Keegan made a motion to continue the public hearing; seconded by Ms. Davis. All in favor; the motion was carried.**

Chairman Wright called for a motion to close the meeting.

*****MOTION: Mr. Anginoli made a motion to close the meeting; seconded by Mr. Keegan. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Flannigan

Secretary
Zoning Board of Appeals