

**Zoning Board of Appeals
21st Agenda
December 5th, 2024**

NEW APPLICATION

Request of Alex Goldberger – 117 W. Main St – App. #24-07 (Interpretation/Appeal)

In response to your August 19, 2024 letter, related to applicability of previously granted zoning variances and applicability of recently adopted zoning code changes to section 215-92.2, the following interpretations have been determined by the Building Inspector:

1. According to zoning code section 215-25 F, "Any relief granted by the Board of Appeals shall expire 18 months after the Board of Appeals actually votes to grant such relief, irrespective of the date such approval has been reduced to writing, unless a building permit, certificate of occupancy or certificate of use relating to such relief has been issued"
2. A review of the subject parcel's Building Department files produced no evidence of a Building Permit having been issued for a project related to the variances granted in March of 1992.
3. Since no Building Permit was issued, the variances granted in March of 1992 expired in August of 1993. Variances would only "run with the land" if the proposal at the time (a medical arts center) had been made permanent through issuance of a Building Permit and completion of the project.
4. Zoning Code section 215-92.2 regarding Residential Mixed-Use Developments in the BU Zoning District was amended by Local Law #3 of 2024 which was adopted/enacted March 12, 2024.
5. The language of the adopted amendments to 215-92.2 mentions no provisions to allow the previous version of the code to apply to new applications or to applications pending before one of the Town's review boards.
6. There was no Conditional Use or other permit approved or issued, for the currently proposed concept, prior to the enactment of the 2024 code amendment. The 2024 code amendments apply, not the prior version of the code.

Section: 15.19

Block: 1

Lot: 48

Zone: BU

Request of Stephen Pettipas – 74 Beach Road – App. #24-10 (Area Variance)

1 FAMILY DETACHED DWELLING - construct new 2 story house & appurtenances

215-94 (D) Noncomplying Lots

"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(c) The minimum front and rear setbacks shall be 30 feet."

Proposed rear setback = 24'

Variance necessary = 6'

215-94 (D) Noncomplying Lots

"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(e) The maximum building height shall be 25 feet."

Proposed building height = 32.6' *

Variance necessary = 7.6'

* Note: parcel located in flood hazard zone which requires building to be elevated.

Section: 15.20

Block: 1

Lot: 11.1

Zone: R1

Request of Richard Steinberg – 7 Highview Avenue – App. #24-11 (Area Variance)

1 FAMILY DETACHED DWELLING - construct new 2 story house & appurtenances

215-94 (D) Noncomplying Lots

"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(d) The minimum lot width and lot frontage shall be 75 feet."

Existing lot width = 50'

Proposed lot width = 50'

Variance necessary = 25' (width)

Existing lot frontage = 50'

Proposed lot frontage = 50'

Variance necessary = 25' (frontage)

Section: 20.07

Block: 3

Lot: 72

Zone: R1

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NEW PUBLIC HEARINGS

Request of Angelo Rubino - 31 Walter Drive - App. #24-08 (Area Variance)

Residential Addition - add to living room/add garage, add roofed overhang at existing front stoop and add unroofed front porch

VARIANCE 1

Town Zoning Code chapter 215-15 A Bulk Table, attachment 15 part IA
Use group h.1, column 5, Required side setback / total side setback:
Minimum side yard setback required = 15' / 40'
Existing side yard setback = 27.7' / 60.6'
Proposed side yard setback = 12.9' / 40.6'
Side yard setback variance required = 2.1' / none

VARIANCE 2

Town Zoning Code chapter 215-15 A Bulk Table, attachment 15 part IA
Use group h.1, column 4, Required front setback:
Minimum front yard setback required = 35'
Existing front yard setback = 25.5'
Proposed front yard setback = 21'
Front yard setback variance required = 14'

Section: 15.03

Block: 3

Lot: 40

Zone: R1

Request of Christina Zolezi - 9 Bender Ct - App. #24-09 (Area Variance)

PORCH - remove side entrance stair & porch - replace with new wider stair & porch

Town Zoning Code chapter 215-15 A Bulk Table, attachment 15 part IA
Use group d.3, column 5, Required side setback / total side setback:
Minimum side yard setback required = 25' / 55'
Existing side yard setback = 19' / 46.9'
Proposed side yard setback = 11' / 38.9'
Side yard setback variance required = 14' / 16.1'

Section: 15.03

Block: 6

Lot: 12

Zone: RR

CONTINUED PUBLIC HEARING

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 a 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

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DECISION

Request of Victor Zugibe, Jr. – 240 Bultontown 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

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

OTHER MATTERS