

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of February 6th, 2025**

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch
Mr. Strieter
Ms. Davis
Mr. Veras
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 February 6, 2025, to order. Please rise for the Pledge of Allegiance.

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

Chairman Wright called for a motion to approve the minutes for meetings October 17, 2024; November 7, 2024; December 5, 2024; December 19, 2024; and January 16, 2025.

*****MOTION: Mr. Keegan made a motion to approve the minutes for meetings October 17, 2024; November 7, 2024; December 5, 2024; December 19, 2024; and January 16, 2025; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright called for the first item on the agenda.

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

In response to your letter on 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

*****SEE ATTACHED RECORD FOR MINUTES FOR THIS APPLICATION*****

Chairman Wright called for a motion to keep the public hearing open for the February 20th meeting.

*****MOTION: Mr. Keegan made a motion to keep the public hearing open for the February 20th meeting; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright called for the next item on the agenda.

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

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

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

Chairman Wright asked for the applicant or representative please come forward. Justin Steinberg, representative of the applicant, addressed the Board. Chairman Wright asked for an update of the proposed application. Mr. Steinberg explained that they are still working on the items listed in the county letter to satisfy the recommendations. He also added that they are working on getting the drainage permits to help things run smoothly.

Chairman Wright asked if there was anyone from the public that would like to comment on this application to come forward. No response was given.

Chairman Wright called for a motion to keep the public hearing open for the meeting of February 20th.

*****MOTION: Mr. Lynch made a motion to keep the public hearing open for the meeting of February 20th; seconded by Ms. Davis. All in favor; the motion was carried.**

Chairman Wright called for the next item on the agenda.

Request of Mountainside Manors LLC – 89 Lowland Hill Rd – App. # 25-01 (Area Variance)

Town of Stony Point Zoning Code section 215-94 (D) Noncomplying Lots

(1) "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 front setback = 6'

Front setback variance necessary = 24'

215-94 (D) Noncomplying Lots

(1) "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 = 10'

Rear setback variance necessary = 20'

215-94 (D) Noncomplying Lots

(1) "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 = 27.3'

Height variance necessary = 2.3'

Section: 20.07 Block: 3 Lot: 3 Zone: R1

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

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

Chairman Wright asked if they applicant or representative is present to please address the Board. Bill Sheehan, applicant, addressed the Board. Chairman Wright asked Mr. Sheehan for an overview of the application to remind the Board what the variance request is for. Mr. Sheehan explained that on the site visit, one of the Board members asked if the house could be 'tweaked' to get it off Lowland Hill Rd. He continued by advising the Board that they had 'flipped the house' and provided the Board with the updated plans. Mr. Sheehan goes over the measurements again with the Board shown on the updated plans. He also adds that he will comply with all the county comments, not needing any overrides.

Chairman Wright asked if there were any members of the public that has questions about the application to please come forward. Frank Dickinson, resident of 53 Jackson Drive, addressed the Board. He asks the applicant to confirm what is being built on the property. Mr. Sheehan confirms it is going to be a single-family dwelling. Mr. Dickinson continues to express his concerns about the size of the house, saying it seems to be quite large for the lot, adding that this is a big variance request. Mr. Dickinson asked to see the plans for the house. Mr. Sheehan explains what he is showing Mr. Dickinson on the plans.

Chairman Wright called for a motion to continue the public hearing to the meeting of February 20th.

*****MOTION: Mr. Anginoli made a motion to continue the public hearing to the meeting of February 20th; seconded by Mr. Strieter. All in favor; the motion was carried.**

Chairman Wright called for the next item on the agenda.

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 the flood hazard zone which requires building to be elevated.

Section: 15.20

Block: 1

Lot: 11.1

Zone: R1

****Chairman Wright recused himself from this application due to conflict of interest. Mr. Anginoli is now Acting Chairman for the remainder of the meeting. ****

Stephen Pettipas, owner and applicant, addressed the Board. Acting Chairman Anginoli asked Mr. Pettipas if he had confirmed with his surveyor whether the measurements were correct or not on his survey. Mr. Pettipas advised that his surveyor did in fact confirm that everything was correct.

Acting Chairman Anginoli called for a motion to close the public hearing.

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

Acting Chairman Anginoli called for a motion to close the meeting of February 6, 2025.

*****MOTION: Mr. Lynch made a motion to close the meeting of February 6, 2025; seconded by Mr. Strieter. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Flannigan

Secretary

Zoning Board of Appeals