

**Zoning Board of Appeals
4th Agenda
February 20th, 2025**

DECISION

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

NEW APPLICATION

Request of Galo Barros – 10 Major Andre Dr – App. #25-02 (Area Variance)

**New 1-Family dwelling and appurtenances (replacing former 1-Family)
(former noncomplying house demolished, except foundation)**

Town of Stony Point Zoning Code Article III Districts, Map

Section 215-9 Compliance Required:

F. "No building permit or certificate of occupancy or certificate of use shall be granted for any use unless the Building Inspector shall find that the use shall conform to the standards set forth in this chapter."

Town of Stony Point Zoning Code Article XIV Noncomplying Uses and Noncomplying Bulk
Section 215-95 Additional requirements:

E. "Damage and destruction. A building or structure... noncomplying as to bulk, damaged by fire or other causes to the extent of 75% of last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land thereof, shall not be repaired or rebuilt except in conformity with the requirements of this chapter. Any building, structure or any part thereof... noncomplying as to bulk which is damaged to an extent less than 75% of last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land, may be repaired, provided that a building permit is obtained within one year after such damage; otherwise, such building, structure or part thereof shall thereafter... comply with the bulk requirements of this chapter."

CONTINUED PUBLIC HEARING

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 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

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

OTHER MATTERS

Approve minutes from the following meetings:

January 2, 2025 & February 6, 2025