

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of March 21st, 2024**

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch
Mr. Strieter (absent)
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 March 21, 2024, 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 from the meeting of March 7th, 2024.

*****MOTION: Mr. Strieter made a motion to approve the minutes from the meeting of February 15th, 2024; seconded by Mr. Keegan. All in favor; the motion was carried.**

Request of Richard Cutler - 12 Cortlandt Ln - App. # 24-01 (Area Variance)

Residential Alteration- addition in rear for kitchen
Chapter 215, Article V Bulk Requirements, Section 215-15 A Bulk Table part IA (215 attachment 15),
column 6 Required Rear Setback
Minimum rear setback required = 50'
Existing rear setback = 25.3'
Rear setback provided = 15'
Variance necessary = 32'

Section: 10.01

Block: 2

Lot: 32

Zone: RR

Acting Chairman Anginoli called for a motion to read the following decision for 12 Cortlandt Lane, Ms. Davis then moved as follows:

In the Matter of Application #24-01 of Richard Cutler for an area variance from the requirements of Town Code Chapter 215, Article V Bulk Requirements, Section 215-15 A Bulk Table part IA (215attachment 15), column 6 Required Rear Setback for a residential one story addition providing a rear yard setback of 15 feet, where the pre-existing, nonconforming condition provides 25.3 feet, and whereas 50 feet minimum is required, on premises located at 12 Cortlandt Lane, Tomkins Cove, Stony Point, New York, designated on the Tax Map as Section 10.01, Block 2, Lot 32 in the RR Zoning District.

WHEREAS, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on or about January 27, 2024; and

WHEREAS, this is a Type II Action pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, a public hearing was held on February 1, February 15, and March 7, 2024; and

WHEREAS, all the evidence and testimony was carefully considered and the Zoning Board of Appeals has made the following findings of fact and conclusions:

The applicant is the owner of the subject parcel located at 12 Cortlandt Lane in Tomkins Cove, which is presently improved with a single-family dwelling. Mr. and Mrs. Cutler have owned the subject property for approximately 44 years. The existing house contains no internal stairway to the basement, and so to do their laundry, Mr. and Mrs. Cutler have to exit the home and enter the basement through the exterior basement door. Additionally, the kitchen in the existing home is very small with no room for a pantry, so the pantry is also located in the basement. This presents a hardship, as among other things, Mr. Cutler has slipped and fallen on ice on his way to the basement amenities.

Consequently, the Cutlers propose a small 9' x 10' extension on the rear of the house, so the washer, dryer, and pantry can be placed in the interior living space. The only place to feasibly locate the proposed addition is off the rear of the house in the location depicted on the plans submitted dated last revised January 22, 2024.

The existing home sits on the lot at a slight angle so the right rear corner of the house is closest to the rear property line, providing 25.3 feet. This is a pre-existing, nonconforming condition given that 50 feet are required by the current Code. The addition is proposed to be located toward the left rear of the house (the side currently farther away from the rear property line), but the right rear corner of that addition would be 17.4 feet from the rear property line. As a result, the Cutlers are requesting an area variance for rear yard setback allowing 17.4 feet for that addition.

There were no objections to the relief requested.

The application was referred to Rockland County Planning for a GML review, but no response was received from County Planning and more than 30 days have elapsed since the referral.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant's request for a variance, and, pursuant to the requirements of section 267-b.3 of the Town Law, hereby finds that on the

conditions stated herein, the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, and has made the following findings and conclusions in that regard:

(1) There was no evidence presented that the proposed variance would produce any undesirable change in the character of the neighborhood or a detriment to any nearby properties. The extension is modest and is the minimum necessary to achieve the benefit sought. Additionally, the existing condition of 25.3 feet has existed for nearly a half century, with no complaints or perceivable negative impact. A modest reduction of less than 8 feet from that existing condition is not substantial and will not result in a negative impact under all the circumstances, including the limited size of the addition.

(2) There was no evidence presented of any other feasible means to achieve the benefit sought without the variance requested.

(3) The variance is not substantial enough under all the circumstances for this factor to warrant a denial of the relief sought, given the configuration of the property and the nature and size of the addition on this particular parcel and neighborhood, as set forth above.

(4) There is no evidence before this Board of any adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(5) The alleged difficulty was self-created, but the Board does not find that factor to be determinative here.

NOW, THEREFORE, BE IT RESOLVED, that the application for area variances is hereby approved on the conditions set forth below:

CONDITIONS:

- 1. Compliance with the plan dated last revised January 20, 2024.
- 2. Compliance with all other applicable laws, rules, codes, and regulations.

The matter is remanded to the Building Inspector for further consideration in compliance with the terms and conditions hereof.

Upon roll call, a vote to pass the foregoing resolution was as follows:

Keegan – yes; Anginoli – yes; Chairman Wright – yes; Lynch – yes; Davis – yes; Strieter – absent; Veras – absent

Chairman Wright called for a motion to adjourn the meeting of March 21, 2024.

*****MOTION: Mr. Anginoli made a motion to adjourn the meeting March 21, 2024; seconded by Mr. Keegan. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Flannigan

Secretary
Zoning Board of Appeals