

**TOWN OF STONY POINT  
ZONING BOARD OF APPEALS  
Minutes of August 1<sup>st</sup>, 2024**

**PRESENT:**

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

**ALSO PRESENT:**

Dave MacCartney, Attorney

**Chairman Wright:** Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of August 1<sup>st</sup>, 2024, to order. Please rise for the Pledge of Allegiance.

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

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

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

Chairman Wright asked Nicole Flannigan to read the letters that were submitted in favor of the project into record.

Chairman Wright asked if there were any other members of the public that would like to speak on the application. Kathy Kivlehan addressed the Board, and she expressed her knowledge of the situation the O'Brien's face and the urgent need for this variance.

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. Strieter. All in favor; the motion was carried.**

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**Chairman Wright called for a motion to read the following decision for 52 Gilmore Drive, Mr. Anginoli then moved as follows:**

In the Matter of Application #24-02 of John and Mary O'Brien for an area variance from the requirements of Town Code Chapter 215, Article V Bulk Requirements, Section 215-A Bulk Table, attachment 16, part II, Use Group d.1, column 5, for a one-story addition to a single family home providing a side yard setback of 9.7 feet where 15 feet are required, and a total side yard setback of 28.4 feet where 40 feet are required on premises located at 52 Gilmore Drive, Stony Point, New York, designated on the Tax Map as Section 15.01, Block 2, Lot 26 in the R1 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 July 20th, 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 August 1, 2024; and

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

The applicants are the owners of the subject parcel located on Gilmore Drive. The property is presently improved with a modest and appropriately sized two-story single-family home. The property is serviced by a driveway which enters off Gilmore Drive on the right side of the property and extends up to the right of the existing home.

The owners and occupants of the property, Mr. and Mrs. O'Brien, have owned the property since 1988 and raised their children there through adulthood. Mr. and Mrs. O'Brien have encountered a significant hardship in that Mr. O'Brien recently suffered a significant, permanent disability, as a result of which he is confined to a wheelchair. He requires a ground floor bedroom and an ADA-compliant and accessible bathroom, but the existing premises contain neither. Consequently, they are now traveling to a local hotel to fulfill Mr. O'Brien's bathing needs.

They propose to add a modest single-story extension off the right, rear of the house, measuring approximately 20' x 22' 4 1/2", which is the minimum required to house both a bedroom and an appropriate ADA compliant and accessible bathroom for Mr. O'Brien. The addition is proposed to be placed partially on top of the existing driveway so would add at best minimally to the lot coverage. Although the addition would encroach into the required minimum side setback (providing 10 feet where 15 feet are required) and total side setback (providing total side yard setback of 28.6 feet where 40 are required), there is no other feasible location on the property to construct the modest improvement required given the significant need and hardship. The variances requested are the minimum necessary to achieve the benefit sought.

There were no objections to the relief requested.

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 variances would produce any undesirable change in the character of the neighborhood or a detriment to any nearby properties. The extension is modest and is just a single story, which minimizes the potential impact on the neighborhood and the adjacent property, and the variances are the minimum necessary to achieve the benefit sought.

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

(3) The variances are 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 this one-story, ground floor addition on this particular parcel and neighborhood.

(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 technically self-created in the legal sense, but certainly not in the practical sense given the difficult circumstances that have involuntarily befallen this family.

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 latest plans submitted to this Board, including limitations that the addition shall be a single story addition.
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 - absent; Anginoli - yes; Chairman Wright - yes; Lynch - absent; Davis - yes; Streiter - yes; Veras - absent**

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Chairman Wright called for a motion to adjourn the meeting of August 1<sup>st</sup>, 2024.

**\*\*\*MOTION: Mr. Anginoli made a motion to adjourn the meeting August 1<sup>st</sup>, 2024; seconded by Mr. Streiter. All in favor; the motion was carried.**

Respectfully submitted,

*Nicole Flannigan*

Secretary  
Zoning Board of Appeals