

TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of September 5th, 2024

PRESENT:

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

ALSO PRESENT:

Dave MacCartney, Attorney
John Hager, Building

Chairman Wright: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of September 5th, 2024, to order. Please rise for the Pledge of Allegiance.

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

Chairman Wright called for the first item on the agenda.

Request of Christopher Reagan - 4 Hidden Hills Drive - App. #24-03 (Area Variance)

Installation of 6' privacy fence within a 50' setback of lot line (residential)

Section 215-24 Side and rear yard and setback exceptions.

Section (C) - A fence or wall no more than four feet in height is permitted along any lot line and no more than six feet in height along that part of any lot line behind the required front yard. A fence or wall over the six-foot height is permitted, provided that it is set back from the lot line a distance equal to 2/3 its height

Section: 19.02

Block: 2

Lot: 39

Zone: RR

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

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

Chris Reagan, owner and applicant of 4 Hidden Hills Drive, approaches the podium to address the Board. He goes on to explain that he is looking for a variance to build a privacy fence. He is in need of the fence to provide privacy and safety to his backyard, which butts up to a neighboring property's front yard. Mr. Anginoli asks if there are any questions about the site visit that was conducted prior to tonight's meeting. Mr. Reagan explains the legal dispute he is currently under litigation in a civil dispute with the neighboring property. There is a dispute over ownership of the piece of land that the applicant is looking to build his fence. Mr. Reagan explains the landscaping plans he has to ensure the Board this fence will not change the characteristics of the neighborhood.

Mr. MacCartney makes a suggestion to keep this hearing open for at least 30 days to allow the pending litigation to settle, and he would like to further review the law as well. Chairman Wright asked the Board if there are any objections, and no response was given. Mr. Lynch reminded the applicant, Mr. Reagan, to notify the ZBA of any settlements or progress at the next meeting.

Chairman Wright asked if there are any comments from the public. Kevin Conway addressed the Board. Mr. Conway explained he is representing Dwight Joyce, the attorney for George Harris who owns the neighboring property in litigation with Mr. Reagan. He goes on to address the complaint filed and gives the history of the property ownership dispute. Mr. Conway also explains he believes it is ill advice to proceed with the variance while this case is in litigation.

Jack Bosworth, 7 Hidden Hills Drive, addresses the Board to speak in favor if this application. He explains he has been a resident of Hidden Hills Drive for 29 years, and he does not see anything wrong with what they are asking. He expresses the Reagan's keep their property very well maintained and he knows they take great pride in their hard work to making the property a beautiful asset to the community.

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

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

Chairman Wright called for the next item on the agenda.

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

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

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

Chairman Wright addressed the representative of the applicant regarding the site visit. He explains there was nobody at the site when the Board was there. Vahid Rostami of Atzl, Nasher & Ziegler is representing the applicant, and he acknowledged the Board will need to revisit the property. He goes on to briefly explain the project and that there was a Neg Dec at the Planning Board level, and they will return before the Planning Board once the variance is granted. Mr. MacCartney asks for confirmation that the variance is only needed on (1) lot to the purposed plans and Mr. Rostami agrees. Mr. MacCartney also confirms access to each of the lots. John Hager discusses the width of the property being the issue in which they need a variance.

Chairman Wright asks if there is anyone from the public that would like to comment on this application. Colleen Rogers from 13 Richard C Brown Drive addressed the Board. She expressed her concerns about the vast difference in frontage and explained that she had not seen a site plan that indicated the width. Mrs. Rogers also addressed her worries regarding the widening of the road, asking if this would fall under the Planning Board or the ZBA. Chairman Wright replied that the applicant is only asking for what is already there, so it would be an interest of the Planning Board. Mrs. Rogers added that she is also inquiring about new plans for snow removal storage, which would significantly impact the already existing drainage issue on Richard C Brown Drive. She is concerned that they will put the snow next to her property and possibly add to her drainage issue. Chairman Wright validated that these issues should be addressed with the Planning Board, as they do not pertain to the variance request. John Hager also added that at the last Planning Board meeting, there was discussion to indicate on the site plans to which the snow removal will be relocated.

Arthur Henderson from 11 Richard C Brown Drive addressed the Board next. He asked if there will be or has been any studies done on the underground spring located near the property. Mr. Henderson added that it might be tied into the sewage system now. Chairman Wright confirmed that this issue would need to also be brought up at the Planning Board level, as it does not relate to the ZBA.

Jeff Spring from 6 Richard C Brown Drive came forward next. He also expressed his concerns with the drainage issues. This project could impact the homes on this road, especially near the cold-a-sac. Mr. Spring asked for more information on the 'future expansion' portion of the plans. John Hager confirmed that this is a requirement to indicate on the map to receive approval by the County.

Chairman Wright took a motion to keep this public hearing open for our next meeting on October 3rd.

Chairman Wright called for the next item on the agenda.

Request of Jennier 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 the 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

Chairman Wright called for the applicant or representative to please come up.

Jennifer & Robert Burke, applicants and owners of 25 Fairview Drive, addressed the Board. Mrs. Burke goes on to give an explanation of their application. She is looking to put a 12x20 shed on her property to store miscellaneous items such as tools, kayak, paddle board, etc. Mr. Streiter asked if the location of the shed could be moved or turned, and Mrs. Burke explains that their septic system location would not allow them to do that.

Chairman Wright called for a motion to accept the application.

*****MOTION: Mr. Streiter made a motion to accept the application; seconded by Ms. Davis. All in favor; the motion was carried.**

Chairman Wright called for a motion to adjourn the meeting of September 5, 2024.

*****MOTION: Mr. Anginoli made a motion to adjourn the meeting September 5, 2024; seconded by Mr. Keegan. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Flannigan

Secretary

Zoning Board of Appeals