

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of July 7, 2016**

PRESENT:

Mr. Anginoli
Mr. Keegan
Mr. Casscles
Mr. Vasti (Acting Chairman)
Mr. Porath (absent)
Mr. Lynch

ALSO PRESENT:

Dave MacCartney, Attorney

Chairman Wright (absent)

Acting-Chairman Vasti: Good evening, welcome to the Stony Point Zoning Board of Appeals. I call this meeting of June 16, 2016, to order. Please rise for the Pledge of Allegiance.

Tonight I will be the Acting-Chairman. On our agenda we have the request of Friedel Shtop.

Request of Friedel Shtop

A variance from the requirements of Chapter 215, Article V, Section 15A d.2-5 – Less Than Required Side Setback (required 25'; provided 12.4') and Chapter 215, Article V, Section 15A d.2-5 – Less than Required Total Side Setback (required 75'; provided 61.8') at 11 Hidden Hills Drive, Stony Point, New York

Section: 19.02 Block: 2 Lot: 46 Zone: RR

Acting-Chairman Vasti: Is there anyone here this evening representing the applicant?

John Perkins – Architect

Mr. Perkins: I am representing Mrs. Shtop and her son, Errol. Mrs. Shtop is the owner of the property. Her son resides with her and his name is Errol. Unfortunately, he was unable to attend. He has work. He was unable to get off of work so I will be representing him on his behalf.

Acting-Chairman Vasti: I believe last time you were here you gave us a little bit of a description about the property and what you wanted to do. I will now open this to the Board. Do any Board members have any questions?

*****MOTION:** Mr. Keegan made a motion to open the Public Hearing; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

Mr. MacCartney: My recommendation would be...because the Public Hearing has just been opened, to ask the applicant to give a brief overview...because this will be the record.

Acting-Chairman Vasti: Mr. Perkins, could you give us a brief overview of this project so we can have it on record.

Mr. Perkins: The project is a proposed addition to the existing single-family residence at the left side. An addition of 15 feet from the left hand side of the existing dwelling for purposes of extending the existing garage. Presently it is a single story garage with about an 8 foot plate height. We are proposing to extend the garage 15 feet further so that it accommodates two (2) vehicles within the interior and raises the plate height so that it can be used for purposes of mechanical repair of boats and whatever.

Acting-Chairman Vasti: Any members of the Board have a question?

Mr. Casscles: I was going to refer it to the Building Inspector, but he is not here, so I guess I will refer it to our Attorney – Dave.

Mr. MacCartney: I will do the best I can.

Mr. Casscles: According to the map he has, there is a frame shed that is right next to where the expansion is going to be. When we did our site visit, there is like 2½ feet between that shed and where the proposed garage is going to be.

Mr. MacCartney: The record should reflect that the applicant is here with a plan titled, “Proposed Extension to an Existing Garage” for the Shtop application and it is dated May 17, 2016. It wasn’t part of the packet that I received so I wasn’t sure if it was part of the formal record. So it should be made part of the record.

Mr. Perkins: So your question is in regard to the...

Mr. Casscles: The shed.

(Mr. MacCartney and Mr. Perkins looking at plans.)

Mr. MacCartney: The frame shed – okay.

Mr. Casscles: According to our Zoning Law, any accessory building is supposed to be 15 feet from the existing building for firefighting purposes. You can just about get through there.

My question is if we grant this proposal that you have here, is that going to be creating another violation with that shed?

Mr. MacCartney: I don’t know what the distance is and I don’t have the Code in front of me...

Mr. Perkins: It’s approximately 3 feet. It’s actually about 3 feet, but the owner is kind of aware of that. It’s kind of dual purpose – part of it is for the purposes of storing the vehicles as well as the contents of the shed; which is mechanical equipment and tools and that kind of thing so he kind of expects, and I have explained to him the further we go back the closer we come to the shed and we need a distance of 15 foot for fire separation. So the owner is willing to create that separation once...if it is approved.

Mr. Casscles: If we grant this, without bringing that up, nobody is going to make him move the shed and he is going to have a violation and he will be coming back here again. So I think somebody has got to come up with a new plan showing that that shed is going to be moved the 15 feet before we proceed any further.

Mr. Keegan: And that has to be done before...right, even before we grant the variance?

Mr. MacCartney: It can be done – that can be made a condition of the grant to the variance. If the Board were inclined to grant the variance as is, it can express the condition in the grant on the movement of the shed; either a demolition of the shed or movement of the shed to some

other spot that is in compliance with Code and if the applicant doesn't move the shed then he will not be able to get the building permit to do the work because he will not have complied with the condition if the Board is so inclined to go on.

Mr. Casscles: I think it should be on his plan though – where it is going to be moved to. And you should check with Bill to make sure he has it in the right spot.

Mr. MacCartney: It's an issue for both – the Board could specify where it wants it and it could leave it to the Building Inspector to say look all we know is has to get moved because it is in violation of the Code in its current spot so the condition of the grant is that it be moved to a spot that is in compliance with the Code and if it's not moved to a spot that is within compliance with Code then he won't get his Building Permit from the Building Department because he won't be in compliance with the condition that this Board would set.

Again, assuming that the Board were inclined to grant the variance with such a condition.

Mr. Casscles: So he will be able to do it before he starts construction?

Mr. MacCartney: He would have to as long as you made that a condition.

Acting-Chairman Vasti: What is in that shed at the present time?

Mr. Perkins: Tools, lawn equipment – that kind of stuff.

Acting-Chairman Vasti: Is it electrified?

Mr. Perkins: That I am unaware of. I don't think it is.

Acting-Chairman Vasti: Are there utilities in there – is there water in there?

Mr. Perkins: No, I don't think there is plumbing. It is very modest; it is pretty small.

Acting-Chairman Vasti: Any other members of the Board...

Mr. Keegan: Did you say this is currently a one-car garage?

Mr. Perkins: No, no - the extension purpose is a two-car.

Mr. Keegan: No, no – what is it currently?

Mr. Perkins: Currently it is a one-car.

Mr. Keegan: It is a one-car garage and now we are moving to what a three-car garage?

Mr. Perkins: A two – extending by one (1) car. So presently there is one (1) overhead door; we are adding 15 feet to the side to create another door.

Mr. Keegan: Oh I see – okay.

Acting-Chairman Vasti: Any other members of the Board have any questions?

(no response)

Acting-Chairman Vasti: Okay at this time I will open it up to the Public. Is there anyone in the public that has any questions with this application? Sir, would you kindly come up and state your name and your address.

**Daniel Fox
14 Hidden Hills Drive
Stony Point, New York**

Mr. Fox: I live right across the street from them. I have no problem with it. It's all good.

Acting-Chairman Vasti: Any other questions?

*****MOTION:** Mr. Keegan made a motion to close the Public Hearing; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

Acting-Chairman Vasti: Dave, are we going to be making a decision tonight or are we going to do that at the next meeting?

Mr. MacCartney: Probably at the next meeting. You can discuss the application and then we can, as typical procedure, I can provide a proposed resolution at the next meeting.

Acting-Chairman Vasti: I think we should. If it is alright to speak, add that stipulation in about the clearance, the purposes of Fire Codes and egress in and around the newly proposed structure and existing utility shed so that it's on record and it there will be no issue with the Building Department once the variance; if its granted.

At this time, if there are no further questions from Counsel, I would like to proceed with the agenda. We have the minutes of June 16, 2016.

*****MOTION:** Mr. Casscles made a motion to accept the minutes of June 16, 2016; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

*****MOTION:** Acting-Chairman Vasti made a motion to adjourn the meeting of July 7, 2016; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan
Secretary
Zoning Board of Appeals