

**TOWN OF STONY POINT  
ZONING BOARD OF APPEALS  
Minutes of March 17, 2016**

**PRESENT:**

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

**ALSO PRESENT:**

Dave MacCartney, Attorney

Chairman Wright

**Chairman Wright:** Good evening. I see by the clock it is 7:00 PM. I will call this meeting of the Zoning Board of Appeals of the Town of Stony Point to order; please rise for the Pledge of Allegiance.

We have a fairly limited agenda tonight. The first item on the agenda is the continued Public Hearing for Douglas & Annalisa Badstein.

**REQUEST OF DOUGLAS & ANNALISA BADSTEIN**

A variance from the requirements of Chapter 215, Article VII, Section 30 B, to permit the construction of a shed with less than required minimum spacing between principal and accessory building: Required 15 feet Provided 3 feet at 225 Route 210, Stony Point, NY.

**Section 15.03      Block 1      Lot 64.1      Zone RR**

If there is anybody that wishes to speak on the continuous of the Public Hearing, if not I'll take a motion to close the Public Hearing.

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

**\*\*\*MOTION: Mr. Anginoli offered the following resolution; seconded by Mr. Lynch.**

In the Matter of Application #16-01 of Douglas and Annalisa Badstein for variances from the requirements of Chapter 215, Article VII, Sections 30B of the Stony Point Zoning Code to permit the construction, maintenance and use of a shed with less than required minimum spacing between principal and accessory building, providing 3 feet, whereas 15 feet are required on premises located at 225 Route 210, Town of Stony Point, designated on the Tax Map as Section 15.03, Block 1, Lot 64.1 in the RR Zoning District.

The applicants represented themselves and the following documents were placed into the record and duly considered:

Application; Building Inspector's denial letter dated 1/8/16; Maps and Surveys; March 2, 2016 letter from County of Rockland Department of Planning.

Additionally, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on or about February 28, 2016.

WHEREAS, the proposed action is a Type II action under the regulations promulgated pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, a public hearing was held on March 3 and 17, 2016, and the testimony of the following persons was duly considered: Annalisa Badstein.

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

The applicants are the owners of the subject parcel which is currently improved with a single family home. The property is unique in its configuration and is significantly sloped, hilly, rocky, and uneven. The property contained an existing, dilapidated metal shed used for storage. A shed is required for storage because the property basement routinely floods and there is no attic. The applicants wish to replace the shed with a newly constructed shed which is located within 3 feet of the primary residence. There are no alternative locations where the shed can viably be placed, given the topography and location of the septic tank. The shed is adequately screened and hidden from view by the house and vegetation on the site. The shed is not visible from the neighbors' properties.

The County Planning Department reviewed the matter and by letter dated March 2, 2016 recommended a review by the County Highway Department and County Drainage Agency and that all necessary permits must be obtained. No comments to the application have been received to date from either entity.

No objections have been received to the request from the adjacent property owners.

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 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) "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance":

There is 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 shed would not be visible to other properties.

(2) "whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance":

There is no evidence presented to this Board that the benefits sought could be achieved through any other means. There is no other viable location for the shed.

(3) "whether the requested area variance is substantial":

The variance sought is substantial, but this factor is not determinative in this particular case given the absence of any other viable alternatives and in light of the unique specific dimensions and conditions of this lot.

(4) "whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district":

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) “whether the alleged difficulty was self-created”:

The alleged difficulty was self-created insofar as the applicant seeks to voluntarily place a shed on the property and code does not permit it, but it is largely because of the unique configuration of the lot and the drainage difficulties requiring an alternative storage solution.

NOW, THEREFORE, BE IT RESOLVED, that the application for variances as set forth above is hereby approved, on the condition that the applicant shall be required to obtain any and all required permits from County Highway Department and County Drainage Agency, **and on the condition that the shed dimensions be limited to approximately 12 x 12** and the matter is remanded to the Building Inspector for further consideration in compliance with all other applicable laws, rules and regulations.

**Upon roll call, the vote was as follows: Mr. Anginoli, yes; Mr. Keegan, yes; Mr. Casscles, absent; Mr. Vasti, absent; Mr. Porath, absent; Mr. Lynch, yes; and Chairman Wright, yes.**

**Chairman Wright:** The next item on the agenda is the minutes of March 3, 2016.

**\*\*\*MOTION:** Mr. Anginoli made a motion to accept the minutes of March 3, 2016; seconded by Mr. Lynch. Hearing all in favor; the motion was carried.

**\*\*\*MOTION:** Mr. Anginoli made a motion to adjourn the meeting of March 17, 2016; seconded by Mr. Lynch. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan  
Secretary  
Zoning Board of Appeals