

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of January 19, 2023**

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch
Mr. Strieter
Ms. Davis
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 January 19, 2023, to order. Please rise for the Pledge of Allegiance.

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

*****MOTION: Chairman Wright made a motion to accept the minutes of December 1, 2022; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright begins the meeting with the decision for the request of Robert Varano-10 Tyler Place – App. #22-09 (Area Variance)

Subdivision: Chapter 215 Article V Section 215-15A, attachment 15 Table of Bulk Requirements part 1A – use group ‘d.3’, column 8

Requires minimum 100’ street frontage.

Proposed street frontage = 35’

VARIANCE necessary = 65’

Section: 15.03

Block: 1

Lot: 21.2

Zone: RR

***The following resolution was read into record:**

On January 19, 2023, the following resolution was offered by Mr. Anginoli; seconded by Mr. Keegan and carried, based upon the evidence in the record:

BOARD OF APPEALS

TOWN OF STONY POINT, COUNTY OF ROCKLAND

In the Matter of Application #22-09 of Robert Varano for an area variance from the requirements of Chapter 215 Article V Section 215-15A, attachment 15 Table of Bulk Requirements part 1A – use group ‘d.3’, column 8, in connection with an application for approval of a three lot subdivision, providing less than the required street frontage on Proposed Lot 3, providing 35 feet of street frontage whereas 100 feet are required by Code, on premises located at 10 Tyler Place, Stony Point, New York, designated on the Tax Map as Section 15.03, Block 1, Lot 21.2 in the RR Zoning District.

WHEREAS, the applicant was represented by Atzl, Nasher & Zigler, P.C.; and

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 16, 2022; and

WHEREAS, the Planning Board has been declared Lead Agency pursuant to the New York State Environmental Quality Review Act on December 8, 2022; and

WHEREAS a public hearing was held on September 1, 2022; and

WHEREAS all the evidence and testimony were 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 10 Tyler Place consisting of 4.89 acres. The property is presently improved with a single-family home on the northwest corner of the property, fronting on Tyler Place and serviced by a macadam driveway. The applicant proposes a residential three lot subdivision. Proposed Lot 1 will

contain the existing dwelling and associated amenities and is proposed to remain as is. That lot has private sewer and water service. Proposed Lots 2 and 3 would each be improved with a new, single-family dwelling and driveway, with public water and sewer connections.

Lot 2 is proposed to front and have access on Tyler Place. However, Lot 3 is proposed to front and have access on John F. Kennedy (“JFK”) Drive, where the lot has 35 feet of frontage. The Code requires a minimum street frontage of 100 feet, so the proposed subdivision requires a street frontage variance for proposed Lot 3. The Town Planning Board referred the applicant to this Board in connection with same by a letter dated June 30, 2022.

The variance application was referred to the Rockland County Department of Planning pursuant to the New York State GML, and that entity issued a letter dated August 4, 2022, approving of the application. County Planning also issued three non-binding comments, and in a letter to this Board dated August 22, 2022, the applicant through his representatives responded demonstrating compliance with each comment.

Additionally, the Rockland County Health Department issued a review letter dated July 15, 2022, commenting (1) that a realty subdivision application must be made to that office, and (2) that if a stormwater management system is proposed, a review for compliance with the County Mosquito Code must be completed. In the above-mentioned August 22, 2022, letter from his representatives to this board, the applicant agreed on both items.

There were no objections to the relief sought.

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 lot is oversized and each of the three proposed lots otherwise fully complies with the bulk zoning requirements. JFK Drive in the location where the access is proposed is a cul-de-sac. The driveway is proposed in an otherwise natural and non-objectionable location on that cul-de-sac, and the proposed home is set back fully and properly from both the roadway and all property lines. No detriment to the neighborhood or nearby properties was identified.

(2) There was no evidence presented of any other feasible means to achieve the benefit sought without a variance. Any attempt to create three lots on the subject property without having Lot 3 accessed via the substandard street frontage on JFK Drive would result in an unnatural and undesirable subdivision layout requiring multiple other variances as well.

(3) The variance sought is substantial, but that factor is alone not determinative here under the unique circumstances present.

(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.

NOW, THEREFORE, BE IT RESOLVED, that the application for a variance sought herein is hereby approved on the following conditions:

CONDITIONS:

1. The applicant shall comply with all of his responses to the County Planning Department and County Health Department as set forth in the August 22, 2022, letter from his representatives, Atzl, Nasher, & Zigler, P.C. to this Board.
2. The variance granted is subject to and conditioned upon the continued review and approval of the subdivision by the Planning Board and is subject to any conditions imposed by that Board in connection therewith.

3. The applicant shall comply 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:

AYES: 6 (all)
NAYS: 0
ABSTAIN: 0

There being 6 votes in favor of the motion, 0 votes against the motion, and 0 abstentions thereto, the Chairman declared the motion carried and the resolution adopted. The Clerk was directed to file a copy of this decision in the Office of the Town Clerk of the Town of Stony Point and to notify the applicant accordingly.

Chairman Wright continues the meeting with the new application for the request of Colin Brown – 12 Ryder Ct – App. # 23-01 (Area Variance)

Residential Addition - Proposed one story 763 sq. ft. total addition to back of house for new great room and new master bedroom. Total bedroom count maintained at 3.

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'
Rear setback provided = 39'
Variance necessary = 11'

Section: 15.01 Block: 5 Lot: 30.5 Zone: RR

Chairman Wright asks if the applicant or representative is present to please come up and identify themselves.

Colin Brown, 12 Ryder Court, Stony Point, addressed the Board.

Chairman Wright advises Mr. Brown to explain his proposed plans on the application. Mr. Brown explains his plans to provide a little more room in his home being his daughter will soon be back home from college. He plans to convert one of the bedrooms that is currently an office into a bedroom for his daughter, and make his bedroom double in size and convert half of the bedroom into office space.

Mr. Lynch asks for clarification that only one variance is requested. Mr. Brown confirms that this request is for only one variance.

Chairman Wright asks Mr. Brown if this will be a one- or two-story addition. Mr. Brown confirms that the addition will only be one story.

Chairman Wright sets the site visit for January 28, 2023, at 9am. He explains to Mr. Brown what the procedure of site visits consist of, such as staking out the property to show the Board where the addition will be placed.

Chairman Wright asks if the Board has any questions.

Chairman Wright called for a motion to accept the application.

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

Chairman Wright called for a motion to adjourn the meeting of January 19, 2023.

*****MOTION: Chairman Wright made a motion to adjourn the meeting of January 19, 2023; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Pechin

Secretary
Zoning Board of Appeals