**TOWN OF STONY POINT**

**ZONING BOARD OF APPEALS**

**Minutes of October 1, 2020**

**PRESENT: ALSO PRESENT:**

Mr. Keegan Dave MacCartney, Attorney

Mr. Anginoli Thomas Larkin, Deputy Building Inspector

Mr. Lynch

Mr. Strieter

Mr. Gazzola

Ms. Davis

Chairman Wright

**Chairman Wright**: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of October 1, 2020, to order. Please rise for the Pledge of Allegiance.

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

**Chairman Wright**: Without objection, I would just like to change the agenda a little bit. We will start out with the minutes from last month, then we will do the new request and then we will do the Hendricks, then Radeljic, the Piab Realty and then we will wind up with the Madonna. If there is no objections to that, then we will go ahead and proceed that way.

**(no objection from the Board)**

**Chairman Wright**: I will make a motion to accept the minutes of September 3, 2020/

**\*\*\*MOTION: Mr. Anginoli made a motion to accept the minutes of September 3, 2020; seconded by Mr. Keegan. All in favor; the motion was carried.**

**Chairman Wright**: The next item we have on the ag3enda is a new request of Peter Anastos and Eileen Sackman.

**Request of Peter Anastos and Eileen Sackman - App. #20-05**

An appeal from the Building Inspector’s denial of a proposed kiln per Chapter 215, Article IV, Section 12-A-E – Proposed kiln not an accessory use located at 55 Lowland Hill Road, Stony Point, New York.

**Section: 15.04 Block: 3 Lot: 7.3 Zone:**

**Chairman Wright**: If you could just come forward Mr. Anastos and just identify yourselves:

**Eileen Sackman**

**55 Lowland Hill Road**

**Stony Point, New York**

**and**

**Peter Anastos**

**55 Lowland Hill Road**

**Stony Point, New York**

**Chairman Wright**: If you could just tell us what you are doing…this isn’t part of the hearing. We just want to make sure that all of the stuff you have here is sufficient so that we can get to the Public Hearing in our next meeting.

If you could just give us a general idea of what you are looking to do?

**Ms. Sackman**: We are looking to build a pottery kiln on our property.

**Chairman Wright**: Is there an issue with the Building Inspector – what is the nature of that?

**Mr. Anastos**: Yes, he rejected the application.

**Chairman Wright**: Any questions from anyone?

**Mr. Keegan**: Would this be a use variance then? What is this?

**Ms. Kivlehan**: It is an appeal.

**Mr. Anastos**: We believe it’s as of right that we should be able to build it…that it meets Zoning requirements…

**Ms. Sackman**: As an accessory.

**Mr. Anastos**: As an accessory to the house. If it is ultimately determined that we don’t have that ability, we would apply for a use variance.

**Chairman Wright**: We will go ahead and…if there is no objections, I will take a motion to go ahead and put it in for November 5, 2020, meeting and we will have a site visit on October 25, 2020.

**\*\*\*MOTION: Mr. Lynch made a motion to place Application #05-20 on the agenda for a Public Hearing; seconded by Mr. Anginoli. All in favor; the motion was carried.**

**Chairman Wright**: So on October 25, between 8:30 and 10:00 one or more of us may just come down and take a look at what you have there. If you could have it staked-out, that would be fine. By 10:00 if nobody is there, feel free to do what you want. But, if you could stake it out that would be good. Then we will come back on November 5 and have the Public Hearing.

**Ms. Sackman**: Thank you very much.

**Chairman Wright**: The next item on the agenda is the Public Hearing for the request of Lawrence and Marcia Hendricks.

**Request of Lawrence and Marcia Hendricks - App. #01-20**

A variance from the requirements of Chapter 215, Article V, Section 15A d.3-5 – Less than Required side setback; required 25 feet, provided 12.5 feet for a deck – gangway to connect decks, located at 1 Johnson Drive, Stony Point, New York.

**Section: 14.04 Block: 3 Lot: 39 Zone: RR D3**

**Chairman Wright**: If you could just identify yourselves and your address:

**Marcia Hendricks**

**1 Johnson Drive**

**Stony Point, New York**

**and**

**Lawrence Hendricks**

**1 Johnson Drive**

**Stony Point, New York**

**Chairman Wright**: I will take 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.**

**Chairman Wright**: If you could just let us know, what you are planning on doing.

**Mr. Hendricks**: We have two decks already existing; one is attached to the house and another that is surrounding, or halfway surrounding our pool. What we want to do is build a gang-way that attaches both decks. That gang-way is about 5 x 6 and at that point I understand that it will make the pool and everything all part of the house. The deck at that point is about 16’10” from the property line and that is why I am here for the area variance.

**Chairman Wright**: We got over there on Sunday to look at it. It’s really just a 5 x 6 thing. Thank you for laying it out and making it easier to understand what the scope of the request was.

With that, are there any questions…

**Mr. Keegan**: The deck surrounding the pool, did that require a variance?

**Mr. Hendricks**: No.

**Chairman Wright**: That is all existing stuff.

**Mr. MacCartney**: It’s just the addition of this gangway that connects the house to the pool and now it renders the whole thing now counting towards the set-back requirements. Before it wouldn’t count because the pool was its own structure, but now that it is connected onto the house now it counts so they need a variance for that.

**Chairman Wright**: Any other questions for the applicant?

**(no response)**

**Chairman Wright**: Thank you. Anybody from the public have any questions on the application?

**(no response)**

**Chairman Wright**: At that point, I will take a motion to close the Public Hearing.

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

**Chairman Wright**: We are going to skip one; and go to the request of Adolf and Donna Radeljic.

**Request of Adolf and Donna Radeljic – App. #03-20**

A variance from the requirements of Chapter 215, Article V, Section 15 A d.1-9 – Maximum allowable height 35 foot; proposed height 50 foot, for a flagpole at 4 Tomlins View, Tomkins Cove, New York.

**Section: 10.04 Block: 1 Lot: 65.9 Zone: RR**

**Chairman Wright**: I will take a motion to open the Public Hearing.

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

**Chairman Wright**: If you could just identify yourselves and your address and just briefly explain to us what you are planning on doing:

**Donna Radeljic**

**4 Tomlins View**

**Tomkins View, New York**

**and**

**Adolf Radeljic**

**4 Tomlins View**

**Tomkins View, New York**

**Ms. Radeljic**: So basically we just need a variance for the flag that we need. Normally, it is 35 feet, but we need a 50 as we explained last time we were here. We are putting it in our backyard; not the front and there is almost a 20 foot drop where we want to put it so if we don’t have it at 50 feet it will be flying in our faces on our deck.

**Chairman Wright**: Any questions?

**Mr. Lynch**: How big of a flag are you going to fly?

**Ms. Radeljic**: Whichever one goes on a 50 foot pole.

**Mr. Radeljic**: It’s 10 x 15.

**Ms. Radeljic**: Is that the one that goes on there?

**Mr. Radeljic**: Yes. It is a little bit bigger. I can do the 8 x 12, but it’s for that one. But, I can oversize it up to 10 x 15.

**Mr. Lynch**: And the neighbors are okay with it?

**Ms. Radeljic**: Yes.

**Mr. Radeljic**: We posted it, we sent out all of the mail requests.

**Ms. Radeljic**: I spoke to some neighbors today and it was funny. None of them cared and they were like – oh, where are you putting it. And we are like in the back. They were like in the back; who cares. We have to do what we have to do.

**Chairman Wright**: There is a lot of spacing up there.

**Ms. Radeljic**: So that is it.

**Chairman Wright**: And the height as you determined is probably it is the least amount of height you can get that kind of aesthetics.

**Mr. Radeljic**: The gentlemen from the flag company was trying to talk us into a 40 foot maybe…a 35 or 40, but as soon as he walked in he said I can absolutely see it.

**Ms. Radeljic**; When he measured, and he saw the drop…

**Chairman Wright**: What is the diameter of the flagpole?

**Mr. Radeljic**: The diameter is 10 inches around and it is a 60 inch base that’s going in 6 feet with a foot of gravel underneath it and a foot of gravel on each side of it and get a 14 inch tube in the middle and the flag sits inside of the tube, the 14 inch tube, with 2 inches of sand around it that lets it sway naturally with the wind and that’s what keeps it on center. We are doing fiberglass flag so that a lightening rod is not necessary, however, I like the lightening rod there because it actually keeps it centered more and the engineer that I was talking to agreed with me and he said really on the outside it’s there leave it, fine, we are going to do this work we mine as well do it we are just waiting for the approval.

**Chairman Wright**: I am not sure it is part of the application, but are you going to have lighting around it, too.

**Mr. Radeljic**: Yes, lights. When you pull up to Buckberg Road, and we live right by the pond that is there and as soon as you see we cleared some of those trees so all you will see is that 70 foot slab right there by the pond beautifully with the lights hitting it. I wish I could have had it for the 4th of July, but we had to wait for meetings to get an approval.

**Chairman Wright**: Does anyone have any questions?

**Mr. Keegan**: I have one question – Counselor, should we have a diagram of this for the record? It sounds a little more complicated than…

**Mr. MacCartney**: That is up to you. If you want to hear more for a better feel for it…

**Mr. Keegan**: I don’t want to get more…

**Mr. MacCartney**: Legally, I think it is okay. We’ve got a specific location for it that is laid out in detail on photographs provided in the record and I think the record is clear enough; legally, but it is up to you.

**Mr. Keegan**: Okay, that is fine.

**Chairman Wright**: Anymore questions for the applicant?

**(no response)**

**Chairman Wright**: I will open it up to the public. Is there any questions from the public? If so, can you please come up and identify yourself.

**Jackie Heaphy – representing 58 Buckberg Road**

**5 DeCamp Court**

**Stony Point, New York**

**Chairman Wright**: Do you live at 58 Buckberg Road?

**Ms. Heaphy**: My aunt does, but she passed away recently, but we are in charge on her estate.

**Mr. Anginoli**: I didn’t catch who she is representing?

**Ms. Heaphy**: Anna Clark…the estate of Anna Clark, 58 Buckberg.

**Ms. Heaphy**: I was just wondering, this is the first we heard of it, the is the first letter, so I didn’t know is there any drawings or pictures that I can view to see what it will look like from her point of view.

**Chairman Wright**: We have pictures of the location of where it is going to go. You can look over these if you would like.

**Ms. Heaphy**: If you don’t mind, thank you sir.

**(Ms. Heaphy looking over the plans.)**

**Ms. Heaphy**: Do you have a tax map so I can see exactly where it is?

**Ms. Kivlehan**: No, we don’t have a tax map. Here is a survey if you want to look at that.

**(Ms. Heaphy looking at survey.)**

**Ms. Heaphy**: (inaudible)

**Mr. Lynch**: It’s going to be in the backyard and it’s down the hill.

**Chairman Wright**: They have a depression in the backyard.

**Ms. Heaphy**: I am sorry I missed some of the meeting, I apologize, I had to get a babysitter for my children. So it is a depression. I was just wondering how it would look from her property.

**Mr. MacCartney**: So just so the record is clear so what the applicant had explained at the prior meeting that the back…their property behind the house goes it slopes down from the home, and there was a spot that they had a natural location where I think they lost either a tree or something that naturally surrounds this spot where they now want to put the flagpole and to put the flagpole in that spot where they think it would naturally fit. The case that they are making is that it’s gone so far that to be visible it needs to be higher than permitted by Code so it could get up to what the normal level of what a flag would be flown at and it would be visible from the front of the house.

**Ms. Heaphy**: Is it going to be illuminated?

**Mr. MacCartney**: I think they said yes. Isn’t that what the applicant said?

**Ms. Heaphy**: What is that going to look like? Is that going to affect anybody’s property by having lighting? Is it going to visibly effect someone’s lighting?

**Ms. Radeljic**: It is going to be lite going upwards to the flag, not on our property.

**Ma. Heaphy**: My aunt’s property backs up to your property. If per-chance she wants to sell her property one day, then…

**Ms. Radeljic**: She’s on Buckberg?

**Ms. Heaphy**: Yes. Her property goes back to Tomlins View.

**Ms. Radeljic**: (inaudible)

**Ms. Heaphy**: That’s why we got a letter.

**Ms. Radeljic**: (inaudible)

**Chairman Wright**: Just to be clear, the lighting is not part of the Zoning request. So even if they didn’t have the Zoning request, the lighting…

**Ms. Heaphy**: I just wanted to make sure it wasn’t impeding on someone else’s property.

**Ms. Radeljic**: The problem is this – our backyard has like a rock wall. It surrounds where our deck is and then there is a big drop. So we used to have this big tree that fell that was surrounded around the tree was so it was a perfect location for the flag, but at 35 feet if it wasn’t sunk down it would be fine. The reason we are asking for the 50 is because it goes down to almost 20 feet there. So it would be like a normal flag for anybody else, but we are putting it lower on our property…

**Ms. Heaphy**: You are not planning on filing in the property at all to put the flagpole in? You are not going to put any fill in…

**Ms. Radeljic**: Ah, no, no, no. That is the reason why it has to be that.

**Ms. Heaphy**: I am just making sure. I just don’t want it to be too high.

**Ms. Radeljic**: No, of course.

**Chairman Wright**: Any other questions?

**Ms. Heaphy**: No. Thank you, sir.

**Chairman Wright**: Any other questions from the public?

**(no response)**

**Chairman Wright**: I will take a motion to close the Public Hearing.

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

**Chairman Wright**: The next item on the agenda is the request of Piab Realty, Inc.

**Request of Piab Realty, Inc. – App. #02-20**

A variance from the requirements of Chapter 215, Article IX, Section 52-B-5 – More than Allowable Size Area; required 80 square feet, provided 200 square feet, for a sign, located at 141 South Liberty Drive, Stony Point, New York.

**Section: 20.11 Block: 2 Lot: 31 Zone: BU**

**Chairman Wright**: I need a motion to open the Public Hearing.

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

**Chairman Wright**: Could you please identify yourself?

**Dwight Joyce - representing Piab Realty**

**Mr. Joyce**: This is a sign most of which has been there since 1995. I thought originally it was included in the original. When I went to the Building Department and I wanted to add…right now there is like a corrugated sign underneath I wanted to turn that into the illuminated sign that is in the application and that’s when the Building Department told me that it exceed the - present sign exceed the Coding; that’s the reason why the variances are seeking so much. I’m not looking to expand it any more than is actually there, but the bottom portion I’m just looking to change it and make it illuminated.

**Chairman Wright**: Any questions from the Board?

**(no response)**

**Mr. Lynch**: Only that bottom portion will be the LED portion?

**Mr. Joyce**: Yes.

**Mr. Lynch**: Not the whole sign; not all the way up.

**Mr. Joyce**: Not the whole sign; just the bottom…the ones that is not illuminated now. That portion is coming out and I was going to put the illumination portion in there.

**Mr. Anginoli**: And the original sign doesn’t change in dimension?

**Mr. Joyce**: No. The exterior dimensions, which I think is 6 feet wide it’s going to stay, we are not going to change anything.

**Chairman Wright**: Any other questions?

**(no response)**

**Chairman Wright**: Any questions from anyone in the public?

**(no response)**

**Mr. Keegan**: Make a motion to close the Public Hearing?

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

**Chairman Wright**: The last item now is the request of Frank Madonna.

**Request of Frank Madonna – App. #04-20**

A variance from the requirements of:

1. Chapter 215, Article XIV, Section 94 D.1-a - Less than required side setback – required 15 feet, provided 14.7 feet;
2. Chapter 215, Article XIV, Section 94 D.1-b – Less than required total side setback – required 25 feet, provided 20.2 feet; and
3. Chapter 215, Article XIV, Section 94 D.1-c – Less than required front setback – required 25.8 feet, provided 16.83 feet.

for a garage and bedroom extension at 10 Miller Drive, Stony Point, New York

**Section: 15.03 Block: 3 Lot: 8.2 Zone: RSADD**

**Chairman Wright**: I need a motion to open the Public Hearing.

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

**Chairman Wright**: Can you please come up and identify yourself and address:

**Frank Madonna**

**10 Miller Drive**

**Stony Point, New York**

**and**

**Lisa Madonna**

**10 Miller Drive**

**Stony Point, New York**

**Chairman Wright**: Can you just give us a description of what you are planning on doing?

**Mr. Madonna**: As you can tell from the submission, the property has three basic sections; actually these two; all which require a variance. One is a garage with a storage unit behind me on the left hand side of the property which encroaches to our neighbor on the left. The front porch is in the front (inaudible) and there is another extension in the back of the house for a bedroom in the back which also requires a variance to the side. (inaudible)

**Chairman Wright**: Any questions from the Board?

**Mr. Keegan**: This diagram doesn’t contain the bulk legend on the property.

**Mr. Levitch**: I am the architect, I asked Mr. Sheehan about putting that on the drawing and he said I didn’t need to.

**Mr. Keegan**: Is that a requirement, Counselor?

**Mr. MacCartney**: Not in every case. It is discretionary. There is no Code requirement that says you need to put a bulk table down, but certainly it’s something that any particular case you can request to show exactly what the side setbacks are and make it perfectly clear and make sure everything else complies as well.

**Mr. Keegan**: That withstanding, do you have an answer to the question I asked you last time you were here about the effect it would have on the development if this variance is granted.

**Mr. Levitch**: I’m not sure I understand.

**Mr. Keegan**: The development of the property…in other words you have 100 feet, and you are developing 50 feet, so that’s 50% of the property. That’s the question. What’s the development coverage of the property once the variance…

**Mr. Levitch**: I didn’t realize that was a question last time. The discussion I recall was why weren’t we getting a variance for the 5 foot setback.

**Mr. Madonna**: (inaudible)

**Mr. Keegan**: You were leaving when I asked the question, so I would like that question answered. You can give it to Kathy. What would be the effect on the development if this variance is granted?

**Mr. Levitch**: I guess my question would be what’s allowed?

**Mr. Keegan**: What’s allowed?

**Mr. Levitch**: Yes, what’s allowed?

**Mr. Keegan**: I’m not sure. It depends on…I thought there would be a bulk table, but I was looking at the Zoning Code and it depends on whether it’s on normal property or whether it’s…

**Mr. Levitch**: In using the use groups for the bulk table, I believe we are at 8.1 which means we have a minimum lot area requirement of 15,000 square feet and none of these numbers in each .1 use group matches any of the properties in this neighborhood; which is why Mr. Sheehan, when I had the bulk table on these drawings asked to be removed. And he said I will tell you what variances you need.

**Mr. Madonna**: (inaudible)

**Chairman Wright**: So these variances that you are requesting are the only ones that Bill Sheehan said that are required.

**Mr. Levitch**: That’s correct. He said we didn’t need the development coverage; we don’t need floor area ratio. We don’t need maximum building height.

**Mr. Madonna**: (inaudible)

**Mr. Keegan**: Okay, thank you.

**Chairman Wright**: Any other questions?

**Mr. Lynch**: The garage; it’s going to be a full garage, correct with two or one single door.

**Mr. Madonna**: One single.

**Mr. Lynch**; One big door.

**Mr. Madonna**: It’s a two car garage.

**Mr. MacCartney**: I am sorry, would you just explain one more time the question that you referenced earlier – why is the variance the 4.7 feet as opposed to 5.5 feet?

**Chairman Wright**: It’s 14.7 feet.

**Mr. MacCartney**: I am sorry it’s 14.7 if I misspoken I apologize.

**Mr. Levitch**: That’s the question I had, and Mr. Sheehan told me that we just need to apply for the variances that he has outlined for us. You and I both had a discussion about why the 5 foot wasn’t a required variance and we tried to follow-up with that and we didn’t…

**Mr. Madonna**: The last time we were here the outcome was that you were going to speak directly to Mr. Sheehan about that question. I waited to hear back with that answer. I called Kathy and spoke with Kathy. She gave me conformation that the conversation did occur and there was no further requirement to change the letter.

**Mr. MacCartney**: It is just escaping me. I just don’t remember what the resolution of that issue was.

**Mr. Madonna**: (inaudible)

**Mr. MacCartney**: At the end of the day Bill Sheehan’s job and duty is to determine to interpret the Code and that is his determination we have his letter here. I’ll follow up with him again to get a better understanding on it. I don’t…if I did speak to him about it, maybe I am having a senior moment, I don’t recall him explaining…I don’t have it in my notes. I will speak with Bill again.

**Chairman Wright**: What do you think is the unique characteristic of the property that you need to do these things for? If everybody else on the street was going to ask for these same variances would you be any different than them?

**Mr. Madonna**: I don’t think so. (inaudible)

**Chairman Wright**: I’m just saying if everybody on Miller Drive came to me and said they want to do this, why would you be different than they are? Is there something about your particular property or circumstances that would be different than everybody else’s or…

**Mr.Madonna**: (inaudible)

**Chairman Wright**: And there are other houses on Miller Drive that have garages?

**Mr. Madonna**: Yes.

**Chairman Wright**: If you go down the street, others have done similar types of extensions to their homes too.

**Mr. Madonna**: Yes.

**Chairman Wright**: Any other questions?

**(no response)**

**Chairman Wright**: Any questions from the public?

**(no response)**

**Chairman Wright**: Mr. MacCartney, is there anything we need to do or gather to keep this Public Hearing open?

**Mr. MacCartney**: No. Mr. Sheehan made his determination that is in writing. It is just a matter of me speaking to him to understand so I can explain it in the resolution. Is there any concerns that the Board members have if they need anything further you can speak up and ask the applicant? There is nothing that I see that I need from the applicant.

**Chairman Wright**: Okay, I will take a motion to close the Public Hearing.

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

**Chairman Wright**: I will take a motion to adjourn the meeting.

**\*\*\*MOTION: Mr. Anginoli made a motion to adjourn the meeting of October 1, 2020; seconded by Mr. Keegan. All in favor; the motion was carried.**

**Respectfully submitted,**

**Kathleen Kivlehan**

**Secretary**

**Zoning Board of Appeals**