**TOWN OF STONY POINT**

**ZONING BOARD OF APPEALS**

**Minutes of October 18 2018**

**PRESENT: ALSO PRESENT:**

Mr. Anginoli Dave MacCartney, Attorney

Mr. Keegan (absent)

Mr. Vasti (Acting Chairman)

Mr. Lynch

Mr. Strieter

Chairman Wright (absent)

**Acting Chairman Vasti**: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of October 18, 2018, to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited and roll call taken.

**Acting Chairman Vasti**: Okay. Tonight we have four (4) items on the agenda. We have…I’m going to go in reverse a little bit and then we will get to the first item. But, I’m going to take the last item first. This would be a new application continued for the request of Sana Fernandez.

**Request of Sana Fernandez – App. #18-09**

A variance from the requirements of Chapter 215, Article IV, Section 11 – Conversion of a manufactured home into a one-family detached home (not HUD approved) Use not permitted at 134 North Liberty Drive, Stony Point, New York

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

Is there anyone here tonight representing the applicant?

 **(no response)**

**Acting Chairman Vasti**: Alright, there being none there was an email received today. It was sent to Kathy Kivlehan from David Sosa and he mentioned that no one would be attending tonight and I am going to go ahead and approve his request for an adjournment.

**Kathy,**

**That’s is correct. Regarding the meeting tonight no one will be attending. Mr. Fernandez and Ana will require an adjournment. Thanks.**

**I forgot about the letter. I won’t be able to draft and send it to you today. I left the office for the day. Will this email suffice?**

**Sent from my iPhone**

**Acting Chairman Vasti**: Okay, the next application is a new application. It is the request of Stephen and Theresa Maraffino.

**Request of Stephen and Theresa Maraffino - App. #18-11**

A variance from the requirements of:

1. Chapter 215, Article V, Section 15-A h.1-4 – Less than required rear setback; required 15 feet (1998 ZBA), provided 7.1 feet;
2. Chapter 215, Article V, Section 15-A h.1-5 – Less than required side setback; required 15 feet, provided 10 feet; and
3. Chapter 215, Article V, Section 15-A h.1-5 – Less than required total side setback; required 40 feet, provided 30 feet for a residential addition located at 15 Ann Avenue, Stony Point, New York.

**Section: 15.03 Block: 2 Lot: 78 Zone: RR**

**Acting Chairman Vasti**: Is there anyone here tonight representing the applicant? Could you please state your name?

 **John Perkins – Architect**

**Mr. Perkins**: I am the architect for the owners, Stephen and Theresa Maraffino who are present this evening. I am here representing them.

**Acting Chairman Vasti**: Hi, Mr. Perkins. Can you just explain a little bit what you intend to do?

**Mr. Perkins**: Certainly. I have some boards if I can bring them forward.

**Acting Chairman Vasti**: Sure.

**Mr. Perkins**: The value that are illustrated on the setbacks I believe need to be adjusted. The side yard and the rear yard; and I will illustrate that on the actual survey itself.

I did a site plan in hopes that we would get put before the Board and get our denial so that we actually could be transferred to the Zoning Board of Appeals. What we intend to do is actually present a site plan with a property survey. It illustrates the actual values more accurately. So mine is less accurate than the actual property survey and I actually bought the property survey and the Town actually was presented with that also. Those values actually may be inaccurate.

 **(Mr. Perkins moved away from the microphone; so some of the audio is inaudible.)**

Let me show you the contents of what we are intending to do on the survey. The property/survey itself illustrates (inaudible) at the left hand side of the page. The proposed addition is approximately 900 square feet. The purpose of the addition is to actually have the parents move out and have the daughter move into the house as it presently exists. The exclusive use of the addition is going to be for the parents and have the daughter take over the existing house with the children – future family.

What we intend to do is create a living space for them so that at an advanced stage they may need assistance down the road so they could actually live in the house together and enjoy the family.

As you look at the survey, on the left hand side of the page (inaudible) where you see the pool and (inaudible) that is actually Theresa’s fathers’ house. That was the original lot that was subdivided into two (2) lots many years ago. So since then they have kind of used this almost like a family property.

As it is illustrated, you will see the property line (inaudible). The 2.7 number is actually to cover the patio roof. So that is actually on the rear property line. The 8.5 is also to the rear property line (inaudible).

The side property line is 9.5. So those are the more accurate numbers that should be illustrated on the variance.

**Acting Chairman Vasti**: Okay and you will amend your application to reflect those more precise numbers.

Anyone on the Board have any questions?

 **(no response)**

**Acting Chairman Vasti**: Alright, I’ll entertain a motion to put this on the agenda.

**\*\*\*MOTION: Mr. Anginoli made a motion to put Application #18-11 on the agenda for a Public Hearing; seconded by Mr. Lynch. All in favor; the motion was carried.**

**Mr. MacCartney**: If I might just…before we finish that – if you are going to be changing the variances that are requested, we should know that before we notice the Public Hearing.

**Acting Chairman Vasti**: We will have to have those done…

**Mr. MacCartney**: The Public Hearing is going to have the correct information. You don’t want to have to re-notice it if…

**Mr. Perkins**: I will bring it in tomorrow and talk to Bill.

**Ms. Kivlehan**: The site visit will be October 28th.

**Acting Chairman Vasti**: Anyone on the Board have a problem with that date?

 **(no response)**

**Acting Chairman Vasti**: Assuming that is a Sunday, I will not be able to make it. So I will do a drive-by. As far as the site visit goes, we generally show up somewhere around 8:30 in the morning and if you see a couple of us standing outside we are on the Zoning Board. We are just going to be looking.

If it is possible, to stake it out. You don’t have to, but it would make things a lot easier. It doesn’t have to be very elaborate.

**Mr. Perkins**: Sure.

**Acting Chairman Vasti**: Thank you. The next item is the request of Joseph and Lenore Carzzarella.

**Request of Joseph and Lenore Carzzarella – App. #18-10**

A variance from the requirements of Chapter 215, Article V, Section 15-A-h.1-4– Less than required front yard/setback; required 35 feet, provided 16 feet for a deck located at 5 Burlingham Court, Stony Point, New York

**Section: 20.09 Block: 3 Lot: 22 Zone: R1**

**Acting Chairman Vasti**: Anyone here representing the applicant? Can you please come up and identify yourself and state your address.

 **Joseph Carzzarella - owner**

 **5 Burlingham Court**

 **Stony Point, New York**

**Acting Chairman Vasti**: Can you give us a little background on what you would like to do.

**Mr. Carzzarella**: Years ago, and this was ignorance on my part and I was misinformed, I put this deck up and I was mislead to believe that because it was a free-standing structure and it wasn’t attached to the house, that a permit was not required.

After talking to people after a while and finding out that yes a permit is required, I’m a little bit nervous over the fact that this thing has been in existence and you know when I have company, so on and so forth while the deck is in use, God forbid somebody gets hurt it’s a liability issue and, therefore, I would like to go ahead and leave the deck in place, but get it properly permitted so that God forbid if something did happen I’m not sued to the point where I lose everything I have and it’s covered with homeowners insurance.

**Acting Chairman Vasti**: Understood. Now I saw some of the renderings of the new deck…are those renderings accurate?

**Mr. Carzzarella**: Yes, those were taken as “as-built” dimensions and there was a portion of the deck that was overlaid the existing survey from 1991 which was actually put on there per PDF on file.

**Acting Chairman Vasti**: Is the new deck going to be free-standing as well or are you going to attach it?

**Mr. Carzzarella**: The portion of the deck that is free-standing is away from the house. I know that there are a few things that I need to do to bring the thing up to Code. Infact when the application was actually made, there were some notations that both, I believe Bill and Phil, did make as far as notations as far as the footings being attached mechanically with fasteners to the concrete foundation and then wind strapping and so on and so forth. I know that I would have to bring it up to Code to get it approved.

**Acting Chairman Vasti**: You going to have an uncovered deck or a covered deck?

**Mr. Carzzarella**: It’s uncovered, sir.

**Acting Chairman Vasti**: Okay. Thank you. Anybody on the Board have questions?

**Mr. Anginoli**: Who built the deck? I’m assuming the deck has been constructed already.

**Mr. Carzzarella**: Yes, it has sir.

**Mr. Anginoli**: Who built the deck?

**Mr. Carzzarella**: I built it along with my brother-in-law, who has been a carpenter for 40 years. He has since retired and myself I’m in the trades as well. Not a carpenter, but a brick layer and so I mean we do have some knowledge of…

**Mr. Anginoli**: A contractor was not hired?

**Mr. Carzzarella**: No, sir.

**Acting Chairman Vasti**: Anyone else on the Board?

**Mr. Lynch**: How long has it been up?

**Mr. Carzzarella**: It’s been up…I would say since 1998.

**Acting Chairman Vasti**: I think it lasted a pretty good time.

**Mr. Carzzarella**: I think we did a pretty good job on it.

**Acting Chairman Vasti**: You did a good job. With that I’ll entertain a motion to put this on the agenda for the next meeting.

**\*\*\*MOTION: Mr. Lynch made a motion to place Application #18-10 on the agenda for a Public Hearing; seconded by Mr. Strieter. All in favor; the motion was carried.**

**Acting Chairman Vasti**: The site visit will be October 28, 2018. We will probably pass by just to take a look. You don’t have to be there, but if you see people walking around don’t panic. It will be one of us, but you don’t have to be there.

**\*\*\*MOTION: Mr. Anginoli made a motion to accept the minutes of October 4, 2018; seconded by Mr. Lynch. All in favor; the motion was carried.**

**\*\*\*MOTION: Mr. Anginoli made a motion to adjourn the meeting of October 18, 2018; seconded by Mr. Lynch. All in favor; the motion was carried.**

 **Respectfully submitted,**

 **Kathleen Kivlehan**

 **Secretary**

 **Zoning Board of Appeals**