

TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of November 7th, 2024

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch (absent)
Mr. Strieter
Ms. Davis
Mr. Veras
Chairman Wright (absent)

ALSO PRESENT:

Dave MacCartney, Attorney
John Hager, Building Inspector

Acting Chairman Anginoli: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of November 7, 2024, to order. Please rise for the Pledge of Allegiance.

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

Acting Chairman Anginoli called for the first item on the agenda.

Request of Alex Goldberger – 117 W. Main St – App. #24-07 (Interpretation/Appeal)

In response to your August 19, 2024 letter, related to applicability of previously granted zoning variances and applicability of recently adopted zoning code changes to section 215-92.2, the following interpretations have been determined by the Building Inspector:

1. According to zoning code section 215-25 F, “Any relief granted by the Board of Appeals shall expire 18 months after the Board of Appeals actually votes to grant such relief, irrespective of the date such approval has been reduced to writing, unless a building permit, certificate of occupancy or certificate of use relating to such relief has been issued”
2. A review of the subject parcel’s Building Department files produced no evidence of a Building Permit having been issued for a project related to the variances granted in March of 1992.
3. Since no Building Permit was issued, the variances granted in March of 1992 expired in August of 1993. Variances would only “run with the land” if the proposal at the time (a medical arts center) had been made permanent through issuance of a Building Permit and completion of the project.
4. Zoning Code section 215-92.2 regarding Residential Mixed-Use Developments in the BU Zoning District was amended by Local Law #3 of 2024 which was adopted/enacted March 12, 2024.
5. The language of the adopted amendments to 215-92.2 mentions no provisions to allow the previous version of the code to apply to new applications or to applications pending before one of the Town’s review boards.
6. There was no Conditional Use or other permit approved or issued, for the currently proposed concept, prior to the enactment of the 2024 code amendment. The 2024 code amendments apply, not the prior version of the code.

Section: 15.19

Block: 1

Lot: 48

Zone: BU

****Nobody was present, the Board moved onto the next item of the agenda.**

Acting Chairman Anginoli called for the next item on the agenda.

Request of Angelo Rubino – 31 Walter Drive – App. #24-08 (Area Variance)

Residential Addition - add to living room/add garage, add roofed overhang at existing front stoop and add unroofed front porch

VARIANCE 1

Town Zoning Code chapter 215-15 A Bulk Table, attachment 15-part IA
Use group h.1, column 5, Required side setback / total side setback:
Minimum side yard setback required = 15' / 40'
Existing side yard setback = 27.7' / 60.6'
Proposed side yard setback = 12.9' / 40.6'
Side yard setback variance required = 2.1' / none

VARIANCE 2

Town Zoning Code chapter 215-15 A Bulk Table, attachment 15-part IA
Use group h.1, column 4, Required front setback:

Minimum front yard setback required = 35'

Existing front yard setback = 25.5'

Proposed front yard setback = 21'

Front yard setback variance required = 14'

Section: 15.03

Block: 3

Lot: 40

Zone: R1

Art Consello, architect and representative to the applicant, addressed the Board. Acting Chairman Anginoli asked for a brief description of the project and variances sought. Mr. Consello explains they are extending the living space by 6 feet in the residence and adding a single car garage to the house, along with an overhang to the front stoop. Acting Chairman Anginoli asked the Board members if there were any questions, no response was given.

Acting Chairman Anginoli set the site visit for November 16th, 2024. The public hearing will begin on December 5th, 2024.

Acting Chairman Anginoli called for a motion to accept the application and set the public hearing for December 5th, 2024.

*****MOTION: Mr. Keegan made a motion to accept the application and set the public hearing for December 5th, 2024; seconded by Ms. Davis. All in favor; the motion was carried.**

Acting Chairman Anginoli called for the next item on the agenda.

Request of Christina Zolezi - 9 Bender Ct - App. #24-09 (Area Variance)

PORCH - remove side entrance stair & porch - replace with new wider stair & porch

Town Zoning Code chapter 215-15 A Bulk Table, attachment 15-part IA

Use group d.3, column 5, Required side setback / total side setback:

Minimum side yard setback required = 25' / 55'

Existing side yard setback = 19' / 46.9'

Proposed side yard setback = 11' / 38.9'

Side yard setback variance required = 14' / 16.1'

Section: 15.03

Block: 6

Lot: 12

Zone: RR

Acting Chairman Anginoli called for the applicant or representative of the applicant to please come forward. Christina Zolezi, owner and applicant, addressed the Board. Acting Chairman Anginoli asked for a brief description of the application. Ms. Zolezi explained that the porch stairs are deteriorating so they need to be replaced, and she would like to extend the porch to allow for more space for her dogs to enter and exit through the backyard. She adds that there are plans to add screening to the property line with shrubs and vegetation. Mr. Keegan asked John Hager to confirm the variance measurements. Mr. Hager confirmed that it would be a 14-foot side yard variance, and a 16.1-foot combined side yard variance.

Acting Chairman Anginoli set the site visit for November 16th, 2024. The public hearing will begin on December 5th, 2024.

Acting Chairman Anginoli called for a motion to accept the application and set the public hearing for December 5th, 2024.

*****MOTION: Mr. Keegan made a motion to accept the application and set the public hearing for December 5th, 2024; seconded by Ms. Davis. All in favor; the motion was carried.**

Acting Chairman Anginoli called for the next item on the agenda.

Request of Victor Zugibe, Jr. - 240 Bulsontown Road - App. #24-04 (Area Variance)

1 FAMILY - subdivide to build a new single-family house Lot#1 - 3 lot major realty subdivision
Town of Stony Point Zoning Code, Chapter 215, Article V Bulk Requirements, 215-15 Bulk Table, paragraph A requires: "...Each of the uses within each group is regulated by the bulk regulations for the indicated use group."

Chapter 215, Article V Bulk Requirements, 215-15 A,

215 Attachment 15, Table of Bulk Requirements IA, column 3 requires:

Minimum lot width required = 175'

Lot width proposed = 80.4'

Variance necessary = 94.6'

Chapter 215, Article V Bulk Requirements, 215-15 A,

215 Attachment 15, Table of Bulk Requirements IA, column 8 requires:

Minimum street frontage required = 100'

Street frontage proposed = 80.4'

Variance necessary = 19.6'

Section: 15.01

Block: 5

Lot: 13

Zone: RR

Acting Chairman Anginoli called for the applicant or representative of the applicant to please come forward. Vahid Rostami, representative of the applicant from Atzl, Nasher & Zigler, addressed the Board. He reminds the Board of the variance request. Acting Chairman Anginoli advised that if there are no further questions from the public or the Board, he would like to close the public hearing.

Acting Chairman Anginoli called for a motion to close the public hearing.

*****MOTION: Mr. Keegan made a motion to close the public hearing; seconded by Mr. Strieter. All in favor; the motion was carried.**

Acting Chairman Anginoli called for the next item on the agenda.

Request of Jennier Burke – 25 Fairview Drive – App. #24-05 (Area Variance)

Town Zoning Code chapter 215-A Bulk Table, attachment 15-part IA

Use group d.1, column 7, Required side and rear yard depth:

Minimum rear yard depth required = 10'

Proposed rear yard depth = 3.0'

Variance required = 7.0'

Minimum side yard depth required = 10'

Proposed side yard depth = 7.6' (*dimension to encroaching neighboring building)

Variance required = 2.4'

Town Zoning Code chapter 215, Art VII, Supplementary Building Requirements

Chapter 215-30 Spacing, B. The distance between the principal building and an accessory building shall not be less than 15 feet.

Proposed spacing = 10.6'

Variance required = 4.4'

Section: 10.01

Block: 1

Lot: 48

Zone: RR

Acting Chairman Anginoli read an email from Mrs. Burke requesting to adjourn the application for the next meeting.

Acting Chairman Anginoli called for a motion to adjourn the public hearing to the next meeting.

*****MOTION: Mr. Strieter made a motion to adjourn the public hearing to the next meeting; seconded by Mr. Veras. All in favor; the motion was carried.**

Acting Chairman Anginoli called for the next item on the agenda.

Request of Liz Llempen-Urrutia – 85 Cedar Flats Road – App. #24-06 (Area Variance)

Residential Alteration – Accessory Garage expansion

Town of Stony Point Zoning Code, Chapter 215, Article VII Supplementary Building Requirements, 215-30 C.

“For any accessory building having a height in excess of 15 feet, the additional footage in excess of 15 feet shall be added to the rear and side yard requirements.”

Proposed Building height = 16'-4" (measured to mean height between eave and ridge)

Minimum side & rear yard depth required = 11'-4"

Side yard depth proposed = 4'

Variance necessary = 7'-4"

Acting Chairman Anginoli called for a motion to open the public hearing to the next meeting.

*****MOTION: Mr. Strieter made a motion to open the public hearing to the next meeting; seconded by Mr. Keegan. All in favor; the motion was carried.**

Jenny R. Zuniga-Casal, representative and architect to the applicant, addressed the Board. She goes on to explain the renovations that were made due to tree damage, which included a second story, were completed with some of the measurements that did not meet the Town Code.

Acting Chairman Anginoli asked if there were any members of the public that would like to speak regarding this application. Bob Sullivan, owner of 87 Cedar Flats Rd, addressed the Board. He advised that he was here tonight to learn about the proposal and that there may be an error on their survey. Mr. Sullivan added that the pins on the property do not match his records of his land, advising that they are losing property due to an error on the property survey for 85 Cedar Flats Rd. Mr. MacCartney asked for a copy of the plans with the bulk table, and asked for clarification that the footprint is not changing, it is just the height went up. The applicants' representatives agreed that it was correct. Ms. Zuniga-Casal confirmed to Mr. MacCartney that the height is 1-foot and 4-inches too high. She goes on to explain that construction took place on both the house and the accessory building/garage, and everything was 16-foot in height originally. Mr. MacCartney then asked if Mr. Sullivan has any objections to the variance request. Mr. Sullivan did not object.

Acting Chairman Anginoli asked if there were any other questions or comments from the public and/or the Board.

Acting Chairman Anginoli called for a motion to close the public hearing.

*****MOTION: Mr. Strieter made a motion to close the public hearing; seconded by Mr. Keegan. All in favor; the motion was carried.**

Acting Chairman Anginoli called for the next item on the agenda.

Request of Alan Stoll – 173 Wayne Ave – App. # 23-03 (Area Variance)

1 Family - subdivide to build a new single-family house

Chapter 215, Article V Bulk Requirements, 215-15 A,

215 Attachment 14, Table of Bulk Requirements II, column 2 requires:

Minimum lot area required = 40,000sf

Lot area proposed = 23,411sf

Variance necessary = 16,589sf

Acting Chairman Anginoli called for the applicant or representative to please come forward. Alan Stoll, owner of 173 Wayne Ave, addressed the Board.

Acting Chairman Anginoli began discussion with asking if a Neg Dec has been determined by the Planning Board at this time. Mr. Stoll advised he is hoping to receive the Neg Dec on December 14th from the Planning Board. Mr. MacCartney advised that the public hearing will have to be re-noticed and asked if there was a request for an additional variance. Mr. Stoll replied with advising the Board that they had found some steep slopes, so they do in fact need an additional variance. Mr. MacCartney recommended that the public hearing resumes on December 19th, 2024.

Acting Chairman Anginoli called for a motion to resume the public hearing on December 19th, including re-noticing the public that includes the amended application.

*****MOTION: Mr. Keegan made a motion to resume the public hearing on December 19th, including re-noticing the public that includes the amended application; seconded by Mr. Strieter. All in favor; the motion was carried.**

Acting Chairman Anginoli called for the applicant for 117 West Main Street.

Nobody was present.

Acting Chairman Anginoli called for a motion to adjourn this application to the meeting.

*****MOTION: Mr. Strieter made a motion to adjourn this application to the meeting; seconded by Mr. Keegan. All in favor; the motion was carried.**

Acting Chairman Anginoli called for a motion to close the meeting.

*****MOTION: Mr. Strieter made a motion to close the meeting; seconded by Ms. Davis. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Flannigan

Secretary
Zoning Board of Appeals