

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of December 5th, 2024**

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch
Mr. Strieter
Ms. Davis
Mr. Veras
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 December 5, 2024, to order. Please rise for the Pledge of Allegiance.

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

Chairman Wright called for a motion to postpone the decision for the 85 Cedar Flats Road application to the next meeting.

*****MOTION: Mr. Anginoli made a motion to postpone the decision for the 85 Cedar Flats Road application to the next meeting; seconded by Mr. Keegan. All in favor; the motion was carried.**

Chairman Wright 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

*****SEE ATTACHED RECORD FOR MINUTES FOR THIS APPLICATION*****

Chairman Wright called for the next item on the agenda.

Request of Stephen Pettipas – 74 Beach Road – App. #24-10 (Area Variance)

1 FAMILY DETACHED DWELLING - construct new 2 story house & appurtenances

215-94 (D) Noncomplying Lots

"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(c) The minimum front and rear setbacks shall be 30 feet."

Proposed rear setback = 24'
Variance necessary = 6'

215-94 (D) Noncomplying Lots

"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(e) The maximum building height shall be 25 feet."

Proposed building height = 32.6' *

Variance necessary = 7.6'

* Note: parcel located in flood hazard zone which requires building to be elevated.

Section: 15.20

Block: 1

Lot: 11.1

Zone: R1

Chairman Wright called for the applicant or representative of the applicant to please come forward. Stephen Pettipas, property owner and applicant, addressed the Board. Chairman Wright asked Mr. Pettipas to briefly describe the request of the variance. Mr. Pettipas went on to explain this is a single-family dwelling, and he had been before the ZBA back in 2018 in which he was seeking (4) variances. Since then, he has moved the house around, and with the interpretation of Mr. Hager he now only needs (2) variances. He goes on to explain that his side and front yard measurements meet the code, however the rear yard does not. Additionally, he is seeking a height variance due to FEMA requirements.

Chairman Wright called for a motion to accept the application.

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

Chairman Wright advised Mr. Pettipas that the site visit will be held on December 28th; and the public hearing will begin on January 2nd, 2025.

Chairman Wright called for the next item on the agenda.

Request of Richard Steinberg – 7 Highview Avenue – App. #24-11 (Area Variance)

1 FAMILY DETACHED DWELLING - constructing a new 2-story house & appurtenances

215-94 (D) Noncomplying Lots

"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(d) The minimum lot width and lot frontage shall be 75 feet."

Existing lot width = 50'

Proposed lot width = 50'

Variance necessary = 25' (width)

Existing lot frontage = 50'

Proposed lot frontage = 50'

Variance necessary = 25' (frontage)

Section: 20.07

Block: 3

Lot: 72

Zone: R1

Chairman Wright called for the applicant or representative of the applicant to please come forward. Richard Steinberg, applicant, addressed the Board. He explains that he has reduced the width of the house on this lot to satisfy the Board on this application. Mr. Steinberg advised that he reduced the width from 25 feet to 22-feet to satisfy the Board. He confirms for Mr. MacCartney that he is only seeking relief for the frontage, no longer the width. Chairman Wright asks the Board if they have any questions before accepting this application. No response was given.

Chairman Wright called for a motion to accept the application and set the public hearing for January 2nd.

*****MOTION: Mr. Keegan made a motion to accept the application and set the public hearing for January 2nd; seconded by Mr. Strieter. All in favor; the motion was carried.**

Chairman Wright advised Mr. Steinberg that the site visit will be held on December 28th; and the public hearing will begin on January 2nd, 2025.

Chairman Wright called for the applicant or representative of the applicant to please come forward. Christina Zolezi, owner and applicant, addressed the Board. Chairman Wright asked for a brief description of the application. Ms. Zolezi explained the stairs leading into her kitchen are eroded and she would like to replace the concrete stairs/stoop. She would like to replace it with a porch, which would allow for better accessibility and egress. Ms. Zolezi adds that she has plans to add screening for privacy between her and the neighboring property. Mr. MacCartney asked what she will be using for screening, and she replied there are arborvitaes there now but she will add pencil trees as well.

Chairman Wright called for any members of the public that would like to speak on this application. No response was given. He also asked the Board if they had any questions, and no response was given.

Chairman Wright called for a motion to close the public hearing.

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

Chairman Wright called for the next item on the agenda.

Request of Jennifer 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

Chairman Wright called for Jennifer Burke, applicant and owner of 25 Fairview Drive to please come forward. Chairman Wright asked if there had been an agreement met with the next-door neighbor that raises concerns about the project at the November 7th meeting. Ms. Burke explained they had repositioned the shed to satisfy the neighbor as well. Mr. Hager offered his opinion that this was a great revision, as it lessens the variance request as well as satisfies the neighboring property.

Chairman Wright called for any members of the public that would like to speak on this application. No response was given. He also asked the Board if they had any questions, and no response was given.

Chairman Wright called for a motion to close the public hearing.

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

Chairman Wright called for a motion to close the meeting of December 5, 2024.

*****MOTION: Mr. Keegan made a motion to close the meeting of December 5, 2024; seconded by Ms. Davis. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Flannigan

Secretary
Zoning Board of Appeals