

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of April 20, 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 April 20, 2023, to order. Please rise for the Pledge of Allegiance.

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

Chairman Wright begins the meeting with the request of Jack Lieberman - 111 S. Liberty Drive – App. # 23-02 (Area Variance)

North Parking

Chapter 215 Article V Section 215-15A, attachment 16 Table of Bulk Requirements part II – use group ‘H’, column 7 requires minimum side yard of 20’. Proposed side yard = 5.4’. VARIANCE necessary = 14.6’.

West Side Driveway

Chapter 215 Article V Section 215-15A, attachment 16 Table of Bulk Requirements part II – use group ‘H’, column 7 requires minimum side yard of 20’. Proposed side yard = 6. VARIANCE necessary = 14’.

Parking extends into portion of lot designated R-1 residential Zoning District

Chapter 215 Article VII Section 215-36F requires parking spaces shall not be in any residence district. Proposed 17 parking spaces located 25’ within the residentially zoned portion of the parcel. VARIANCE necessary = allowance of 17 parking spaces to extend 25’ into the residentially zoned portion of the parcel.

North retaining wall height

Chapter 215 Article VI Section 215-24C requires fence/wall setback equal to 2/3 the fence height where fence height exceeds 6’. Proposed wall = 8’ high (requires 5.4’ setback), 3’ setback provided, VARIANCE necessary = 2.4’

Section: 20.11

Block: 2

Lot: 29

Zone: BU

Chairman Wright called the applicant or representative of the applicant to the podium.

Devyn Palmieri, Brooker Engineering, 74 Lafayette Ave, Suffern addressed the Board as the representative of the applicant. Mr. Palmieri explains the variances they are seeking would be for a residential mixed use in a BU district. It will be a 4-story building with the 1st floor being office space and a parking garage (interior and exterior), and the 2nd-4th floor will have 86 residential apartments, mixed with both 1- and 2-bedroom units. For the office space, 32 parking spaces are required, and 32 are provided. The residential required parking spots are 172, and 181 are provided. Mr. Palmieri recited the variances requested by the Planning Board.

Mr. Keegan asked Mr. Palmieri what the status of the SEQRA plans is. Mr. Palmieri replied that they have submitted the EAF Part 3 and SWIP, but no negative declaration has been determined.

Mr. MacCartney expresses concern over the extended parking into the R1 zone. He goes on to say one whole strip of the parking is in a residential zone, therefore this is not defined as an area variance, but rather a use variance. The applicant is not requesting an increase or decrease in parking spaces, but it is needed for the purpose of use of the lot for parking in a

residential zone. He explains he is confident in his interpretation, but would like confirmation from John Hager, the Building Inspector.

John Hager began speaking by addressing an error on the application. He pointed out that the application states that this was referred to by him, however, this application was referred to the ZBA from the Planning Board. He cites the letter of referral dated March 23, 2023.

Mr. MacCartney cited the definitions of Use Variance and Area Variance written in the Town Code. He specifically spoke on Chapter 215-36F which prohibits the use. Mr. Hager added that this is a complicated application because of its mixed use. Mr. Palmieri agrees that this request is for an area variance. Mr. MacCartney asked Mr. Hager if he could provide a written determination/interpretation of the code, and he added if the applicant is in disagreement, they have the right to appeal.

Chairman Wright asks the Board if they would like to hold off on accepting the application until Mr. Hager makes his determination. The Board agreed.

Mr. Hager offered to have the interpretation completed in time to review before the next meeting, scheduled for May 4th, 2023.

Chairman Wright called for a motion to adjourn the meeting of April 20, 2023.

*****MOTION: Mr. Anginoli made a motion to adjourn the meeting of April 20, 2023; seconded by Mr. Keegan. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Pechin

Secretary
Zoning Board of Appeals