

**TOWN OF STONY POINT
Zoning Board of Appeals
Minutes March 7, 2013**

PRESENT:

Mr. Morlang
Mr. Keegan
Mr. Casscles (absent)
Mr. Vasti
Mr. Fox
Mr. Porath (absent)

ALSO PRESENT:

Dave MacCartney, Attorney

Chairman Wright (absent)

Acting-Chairman Vasti: Good evening. I see by the clock it is 7:00 PM. I will call this meeting of the Zoning Board of Appeals of the Town of Stony Point to order, please rise for the Pledge of Allegiance.

Tonight, I will be filling in for Tom Wright as the Chairman Pro-Temp.

I believe we have four members tonight; so we have a quorum. Tonight, we have on the agenda a Public Hearing for the request of Nancy Miranda.

Request of Nancy Miranda - App. #13-01

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15A h.1-5; Less than required side setback: Required 15 feet provided 7.9 feet, for an attached garage, located at 13 Heights Road, Stony Point, New York.

Section	15.04	Block	1	Lot	40	Zone	RR
----------------	--------------	--------------	----------	------------	-----------	-------------	-----------

Acting Chairman Vasti: Members of the Board, any questions so far. I would like to open this up for the Public Hearing.

*****MOTION:** Mr. Keegan made a motion to open the Public Hearing; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

Acting Chairman Vasti: Is there anyone here representing the applicant? Please come up and state your name.

**GEORGE STOLL – George Stoll Construction
397 Spook Rock Road
Suffern, New York**

Mr. Stoll: I am representing Nancy Miranda.

Acting-Chairman Vasti: Could you please raise your right hand – “DO YOU SWEAR THE TESTIMONY YOU ARE ABOUT TO GIVE IS TRUE?”

Mr. Stoll: I do.

Acting-Chairman Vasti: Please proceed.

Mr. Stoll: Nancy came to us late in the summer and wanted to put up a garage. She suffers from some nerve disease. She is a nurse over in Westchester. It is difficult for her to get in and out of the house especially in the winter time when it is cold. So we had renovated her home for her four or five years ago; put a second floor on it for her and stuff like that. She asked me what we could do for a garage. Initially what we were trying to do was put it in the rear yard, but if you walk the property, you will see the yard drops off drastically in the back of the house real quickly. Then we had the second hurdle was trying to get her directly into the dwelling. So when we renovated the house the first time in the west gable end, was a door that led you right to a mid-level platform that led you directly into the house. So what I came up with the architect was that we would go just 6 inches in front of that whole doorway and put the face of the garage there and that is where we incurred the setback issue on the side yardage. But, it just made the most common sense with it to where the garage, the back wall of the garage wouldn't be 12 feet out of the air and then we have direct access right into the house. We go right into a mid-level platform that leads you four steps to the basement and five steps to the main floor of the house. So that's where we are at today.

Acting-Chairman Vasti: Okay, thank you. Is there anyone in the audience that has any questions?

Unidentified Male Voice: I do.

Acting-Chairman Vasti: Please come up and state your name and address for the record.

JAMES KRAUS
21 Heights Road
Stony Point, New York

Mr. Kraus: I am the abutting neighbor.

Acting-Chairman Vasti: Would you please raise your right hand – “DO YOU SWEAR THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE TRUTH?”

Mr. Kraus: Yes. I have questions really; very simple questions. Maybe I should of talked to Nancy about this. She told me about this garage a while back, but not the details. I guess I would like to know – the 7.9 feet, and that's the, I guess the setback problem...I guess one question is how far back will it be 7.9. Cause I looked at the diagram and it looks like it is at an angle where at some point; I don't know, 5 feet back, it starts to move away from the property line.

Mr. Stoll: It's greater as it gets to the back. The back of the garage is almost 23 feet off of their property line because her property line runs diagonally from east to west; away from the garage. It's the mid-point of the house – it's the middle of the house. If you can picture Nancy's center of the house...

Mr. Kraus: Yes. I did look at it, but it wasn't...okay it does run off of that.

Mr. Stoll: If you look at the basement, you can see on the side of her foundation, there is a piece of the green siding that drops down an additional 2 feet, that's where we cover up the framing for the door. So that's exactly the face of the garage.

Mr. Kraus: Okay.

Mr. Stoll: When you are looking down that.

Mr. Kraus: But, that's a different question from what I asked. I asked where it pulls away from the property line and at what point it gets to around 15 feet. The other question I have is – I don't know maybe this is for the architect obviously, how did you measure the property line? In other words, how did you determine the property line, from her description or from...?

Mr. Stoll: From the survey. We have a visual survey.

Mr. Kraus: I know how this works – I am a lawyer.

Mr. Stoll: Okay. So we are required to give it to the Building...

Acting-Chairman Vasti: Do we have the survey we can...

Mr. Kraus: It's not a big question – the thing is this survey...

Acting-Chairman Vasti: Excuse me one second.

Mr. Kraus: I am sorry.

Acting Chairman Vasti: If we have a survey that we can put up that we can show the gentlemen, and this way I think it might give him a better rendering to his question.

Mr. Kraus: Because the survey, well, but that doesn't show me the survey. The property line runs right down the middle of an old stone wall which is the property line, between these two actual...

Acting-Chairman Vasti: We saw that when I was up there.

Mr. Kraus: You did go up there?

Acting-Chairman Vasti: I did go up there on a field trip. So I know exactly what you are talking about.

Mr. Kraus: I don't have a lot of trouble with this. I just wanted to double check that it was the same plan...There actually is a shed which is closer to the property line where the hill starts to go down which has been there for years. There was also an old garage, which was put up...I know this house very well. I know the people actually who were there before, the people she bought it from and I actually did a lot of chatting with her about her renovating. It turns out you did a great job. The only other question I have, just out of pure curiosity, I looked at the block-off on this, is there a problem with the street set-back. In other words, and I don't have any trouble with that at all, but the way this is shown...I looked, it is not on this one, the part that would have been... okay, this is a little different, whether this part...is there any problem with the street setback?

Mr. Fox: The house is closer to the street then the garage.

Mr. Kraus: I know that. That doesn't mean you can add something – the house is out of compliance that doesn't mean you can add something that necessarily continues that. I am just asking. I don't...

Acting-Chairman Vasti: The variance that's being sought is for a less then required side setback...

Mr. Kraus: I realize that.

Acting-Chairman Vasti: It's not a front setback.

Mr. Kraus: I read that.

Acting-Chairman Vasti: It's on the side of property.

Mr. Kraus: That is fine. I don't have any trouble with it. We are good neighbors. We are good friends. I probably should of called your office.

Acting-Chairman Vasti: That is the purpose of a Public Hearing. We are here to ask questions and hopefully get answers. Do you have any other questions, sir?

Mr. Kraus: Not really.

Acting-Chairman Vasti: Are there any questions from the Board at this time? With that I will entertain a motion at this time to close the Public Hearing.

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

Acting-Chairman Vasti: We will deliberate and then we will have a decision by the next meeting.

Acting-Chairman Vasti: Before we get to the other business of the minutes, I wanted to ask the members of the Board, that are here, did everyone get a copy of the literature for the appeal/interpretation of the Town of Haverstraw? Did everyone receive...did anyone not receive that, who is present tonight? I would urge you to read it and be aware of what is in it by the next meeting and then we will open it up at the next meeting. Just wanted to ascertain that everyone did receive a copy.

Next item on the agenda is other business – the minutes of February 7, 2013.

*****MOTION:** Mr. Fox made a motion to accept the minutes of February 7, 2013, seconded by Mr. Morlang. Hearing all in favor; the motion was carried.

And the minutes of February 21, 2013.

*****MOTION:** Mr. Keegan made a motion to accept the minutes of February 21, 2013, seconded by Mr. Morlang. Hearing all in favor; the motion was carried.

*****MOTION:** Acting-Chairman Vasti made a motion to adjourn the meeting of March 7, 2013, seconded by Mr. Fox. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan
Secretary
Zoning Board of Appeals