

**Zoning Board of Appeals  
Minutes May 17, 2012**

**PRESENT:**

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

**ALSO PRESENT:**

Dave MacCartney, Dep. Town Attorney

Chairman Wright

**Chairman Wright:** 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.

On our agenda there are three items. We will start with the first item – a decision; the request of Karl Javenes.

**Request of Karl Javenes – App. #12-02**

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15Ad.1-4, less than required front yard setback: Required 35.58, provided 30.88, located at 2 Ridgetop Drive, Tomkins Cove, New York.

<b>Section</b>	<b>10.02</b>	<b>Block</b>	<b>1</b>	<b>Lot</b>	<b>21</b>	<b>Zone</b>	<b>RR</b>
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**\*\*\*MOTION: Mr. Fox offered the following resolution; seconded by Mr. Keegan.**

In the Matter of Application #12-02 of Karl Javenes for a variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15Ad.1-4, less than required front yard setback, required 35.58, provided 30.88, to permit the construction, maintenance, and use of a one and one half story addition on an existing single family dwelling located at 2 Ridgetop Drive, Tomkins Cove, New York designated on the Tax Map as Section 10.02, Block 1, Lot 21.

The premises which are the subject of this application are located on the south side of Ridgetop Drive approximately 200 feet east of the intersection of Ridgetop Drive, Lookout Place, and Mountainview Drive in an RR Zoning District.

The applicant was represented by himself and the following documents were placed into the record and duly considered:

Application; Building Inspector's denial letter dated 3/20/12; Survey and Plans.

Additionally, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on April 29, 2012.

WHEREAS, the proposed action is a Type II action under the regulations promulgated pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, a public hearing was held on May 3, 2012 and the testimony of the following persons was duly considered: Karl Javenes.

WHEREAS, all the evidence and testimony was carefully considered and the Zoning Board of Appeals has made the following findings of fact:

The applicant is the owner and occupant of the subject premises, which was assembled and consolidated from three parcels and presently totals slightly over 33,000 square feet. The premises contain a single family dwelling and detached garage to the west of the dwelling. The home faces Ridgetop Drive on an angle, so the left (easterly) side of the house as viewed from the street is closer to the street than the right (westerly) side. The applicant desires to construct a one and one half story addition on the easterly side of the house to expand the living space in the home, but because of the angle of the existing home on the lot, the addition sought would extend 4.7 feet into the prohibited front yard setback. The Code requires 35.58 feet of front yard setback while the addition would provide 30.88 feet. Accordingly, an area variance is requested.

No objections to the variance were received from any source.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant's request for a variance, and, pursuant to the requirements of section 267-b.3 of the Town Law, hereby finds that the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, and has made the following findings and conclusions in that regard:

(1) "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance":

There is no evidence presented that the proposed variance would produce any undesirable change in the character of the neighborhood or a detriment to any nearby properties.

(2) "whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance":

There was no evidence presented that the applicant could achieve the benefit sought through other feasible means.

(3) "whether the requested area variance is substantial":

The variance sought is not substantial.

(4) "whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district":

There is no evidence before this Board of any adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(5) "whether the alleged difficulty was self-created":

The alleged difficulty was self created.

NOW, THEREFORE, BE IT RESOLVED, that the application for a variance as set forth above is hereby approved on the condition that the construction shall be limited to the dimensions set forth in the application as recited above, and the matter is remanded to the Building Inspector for further consideration in compliance with all other applicable laws, rules and regulations.

**Upon roll call, the vote was as follows: Mr. Morlang, yes; Mr. Keegan, yes; Mr. Casscles, yes; Mr. Vasti, absent; Mr. Fox, yes; Mr. Porath, yes; and Chairman Wright, yes.**

**Chairman Wright:** The second item on the agenda is the continued discussion of the request for Anne Kennedy.

**Request of Anne Kennedy – App. #12-01**

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15A D.4-3 less than required lot width required 125 feet provided 105 feet; and Chapter 215, Article V, Section 17A less than required lot area required 25,000 square feet provided 20,366 square feet, located at 64 Crickettown Road, Stony Point, New York.

**Section 15.03                      Block 3                      Lot 2                      Zone RR**

**Chairman Wright:** Is there anyone in the audience that would like to say anything?

**Mr. MacCartney:** If the members have a discussion you can discuss if amongst yourselves right now or if you need to go into Executive Session to discuss how the law applies to the application there can be a motion to go into Executive Session for that purpose. It is the Board's pleasure.

**Mr. Fox:** I will make that motion we go into Executive Session to further clarify how this applies to this application.

**\*\*\*MOTION:** Mr. Fox made a motion at 7:05 PM to go into Executive Session, pending litigation; seconded by Mr. Keegan. Hearing all in favor; the motion was carried.

**\*\*\*MOTION:** Mr. Keegan made a motion at 7:40 PM to reconvene to regular Zoning Board of Appeals meeting; seconded by Mr. Morlang. Hearing all in favor; the motion was carried.

**Chairman Wright:** Is there anything that the Board would like to discuss regarding Anne Kennedy application? If not, we will move to the third item on the agenda – the minutes of the last meeting.

**\*\*\*MOTION:** Mr. Porath made a motion to accept the minutes of May 5, 2012; seconded by Mr. Morlang. Hearing all in favor; the motion was carried.

**\*\*\*MOTION:** Mr. Keegan made a motion to adjourn the meeting of May 17, 2012; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

Respectfully submitted by,

Kathleen Giordano  
Secretary  
Zoning Board of Appeals