

**Zoning Board of Appeals
Minutes July 19, 2012**

PRESENT:

Mr. Morlang
Mr. Keegan
Mr. Casscles
Mr. Vasti
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.

We have three items on the agenda tonight. We will start off with the decision for the request of Patricia Prucnel.

Request of Patricia Prucnel – App. #12-03

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article XIV, Section 94-d.1-c front setback required 20 feet provided 13 feet and Chapter 215, Article XIV, Section 94-D.1-d lot width-street frontage required 75 feet provided 60 feet; for a front porch; located at 14 Valley View Road, Stony Point, New York.

Section	20.14	Block 2	Lot 18	Zone	R1
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*****MOTION: Mr. Fox offered the following resolution; seconded by Mr. Vasti.**

In the Matter of Application #12-03 of Patricia Prucnel for a variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article XIV, Section 94-d.1-c front setback required 20 feet provided 13 feet and Chapter 215, Article XIV, Section 94-D.1-d lot width-street frontage required 75 feet provided 60 feet; for the construction, maintenance and use of a front porch located at 14 Valley View Road, Stony Point, New York, designated on the Tax Map as Section 20.14, Block 2, Lot 18.

The premises which are the subject of this application are located south of Susan Drive approximately two blocks from Filors Lane in an R1 Zoning District.

The applicant represented herself, and the following documents were placed into the record and duly considered:

Application; diagram of deck; affidavits of posting and mailing; denial letter from Building Department dated April 26, 2012.

Additionally, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on June 24, 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 July 5, 2012, and the testimony of the following persons was duly considered: Patricia Prucnel.

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 of the subject parcel which contains a single family home. The home and the existing roofed front porch apparently pre-date the zoning code and the porch has fallen into a state of disrepair. The applicant seeks to tear it down and rebuild it in the exact dimensions which already exist, and seeks to screen it in. The code requires a 20 foot front setback but the porch provides only 13 feet, and the Code also requires lot width/street frontage of 75 feet but the lot provides only 60 feet. Accordingly, the variances are sought from the foregoing sections of the Code to permit the replacement porch, to be screened in.

No objections have been received to the request from the adjacent property owners.

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. The proposal is to simply replace what has been there for many years already with no complaints and no adverse impacts, with the exception of permitting the porch to be screened which in this particular circumstance, based on the Board's view of the subject property and the surrounding neighborhood, is not detrimental.

(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 evidence presented to this Board that the porch could be made smaller than it is now, but a variance would be required one way or the other and the porch must be re-built for safety reasons.

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

The variance sought is substantial in terms of feet, but it has existed without issue for years which mitigates the substantial nature of the variances sought.

(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 not self-created.

NOW, THEREFORE, BE IT RESOLVED, that the application of Patricia Prucnel for variances as set forth above is hereby approved on the condition that the porch shall be limited in size to the dimensions already existing as represented in the application, and the Building Inspector is hereby directed to issue to the applicant a Building Permit upon compliance with the terms and conditions of this resolution and with all other applicable laws, rules and regulations.

Upon roll call, a vote to pass the foregoing resolution was as follows:

AYES: 7

NAYS: 0

ABSTAIN: 0

There being seven (7) votes in favor of the motion, zero (0) votes against the motion, and zero (0) abstentions thereto, the Chairman declared the motion carried and the resolution adopted. The Clerk was directed to file a copy of this decision in the Office of the Town Clerk of the Town of Stony Point and to notify the applicant accordingly.

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

Chairman Wright: The second item on the agenda was the Public Hearing for the request of Hillary Fernandes. Along those lines I have a letter from Mr. Sheehan which I will read into the record dated July 19, 2012.

TOWN OF STONY POINT
BUILDING & ZONING DEPARTMENT
74 EAST MAIN STREET
STONY POINT, NEW YORK 10980
stppinspector@townofstonypoint.org
TEL: (845) 786-2716 - Ext. 101 & 104
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WILLIAM J. SHEEHAN
BUILDING & ZONING INSPECTOR

July 19, 2012

Re: 10.04-1-42
425 N. Liberty Dr.

Zoning Board of Appeals
Town of Stony Point
74 East Main Street
Stony Point, New York 10980

Dear Members:

After further review I find that the deck in question on the side of the dwelling and not in front as I previously thought and therefore a variance is not required.

If you have any questions please contact my office.

Very truly yours,



William J. Sheehan
Building & Zoning Inspector

Chairman Wright: With that, the request no longer needs a variance so we will dispose of that request. The only other business we have are the minutes of the meeting of July 5, 2012.

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

*****MOTION:** Mr. Morlang made a motion to adjourn the meeting of July 19, 2012; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Giordano
Secretary
Zoning Board of Appeals