

**TOWN OF STONY POINT
Zoning Board of Appeals
Minutes December 20, 2012**

PRESENT:

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

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.

So we have two items on the agenda tonight. The first is the decision of PMBC Holding Co.

*****MOTION:** Chairman Wright offered the following resolution; seconded by Mr. Vasti.

In the Matter of Application #12-07, of PMBC Holding Co., for variances from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15A-I-4, less than required front yard: Required 15 feet, provided 8 feet, less than required front set back: Required 75 feet, provided 41 feet; Section 15A-I-5, less than required total side set back: Required 100 feet, provided 85 feet, less than required side set back: Required 50 feet, provided 31 feet; Section 15A-I-7, less than required side yard: Required 10 feet, provided 2 feet; Section 15A-I-11, more than maximum floor area ratio: Required 0.35, provided 0.45, for the proposed construction, maintenance and use of a previously planned four-section Building E for a mini-storage facility to be constructed as three individual buildings: Building E-1 (23,040 sq. ft.), Building E-2 (13,700 sq. ft.) and Building E-3 (1,900 sq. ft.), on premises located at 24 Holt Drive, Stony Point, New York 10980, and designated on the tax map as Section 20.04, Block 11, Lot 23.

Zone: LI, SEQRA Status: Unlisted.

This application seeks a redesign of the original site plan which was approved in 2001.

The application was represented by David Zigler, engineer, and the following documents were placed into the record and duly considered: Application; Amended Site Plan; Memorandum from Thomas Gubitosa (Stony Point Planning Board), dated 10/1/12; Lot Line change; surveys and plans; Rockland County Dept. of Planning Letter, dated 7/24/12; Negative Declaration, dated 9/27/12.

Additionally, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on October 28, 2012.

WHEREAS, the proposed action is an Unlisted Action under the regulations promulgated pursuant to the New York State Environment Quality Review Act; and

WHEREAS, a public hearing was held on December 6, 2012, and the testimony of the following persons was duly considered: David Zigler, Patrick Magee.

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

The applicant is the owner of the subject parcel and proposes the construction, maintenance and use of a mini-storage facility, as a redesign of the original site plan which was approved in 2001, on the premises. The owner seeks the aforementioned area variances which are needed to effectuate its mini-storage facility plan.

No objections to any of the requested variances were received.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant's request for the aforementioned area variances, and, pursuant to the requirements of Section 267-b.3 of The New York Town Law, hereby finds that the benefit to the applicant if each of the requested variances if 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:

(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 variances":

There is no evidence presented that any of the proposed variances 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 is no evidence presented to the Board of any feasible method to achieve the benefit sought other than the area variances requested by applicant. Applicant's proposed mini-storage facility may not be constructed on the premises, in a feasible manner, without these variances.

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

The area variances sought by applicant are substantially both individually and in aggregate. However, the absence of any negative impact on any nearby property is a significant mitigating factor.

(4) "Whether the proposed variance will have any 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. To the contrary, the applicant testified – and this Board concurs – that the proposed use of the premises will likely have a positive environmental impact on the neighborhood.

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

The alleged difficulty was not self-created.

NOW, THEREFORE, BE IT RESOLVED, that the application for numerous variances as set forth above is hereby approved in its entirety and without any modifying conditions, and the Building Inspector is hereby directed to issue to the applicant a Building Permit, in accordance with this resolution and 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, yes; Mr. Fox, yes; Mr. Porath (absent); and Chairman Wright, yes.

Chairman Wright: Next item on the agenda are the minutes of meeting of December 6, 2012.

*****MOTION: Mr. Morlang made a motion to accept the minutes of December 6, 2012; seconded by Mr. Fox. Hearing all in favor; the motion was carried.**

MOTION: Mr. Casscles made a motion to adjourn the meeting of December 20, 2012; seconded by Mr. Vasti. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Giordano
Secretary
Zoning Board of Appeals