

**Zoning Board of Appeals  
Minutes July 5, 2012**

**PRESENT:**

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

**ALSO PRESENT:**

Donald Feerick, 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.

I see we have three items on the agenda. We have a new application, we have a Public Hearing and then we have the minutes from our last meeting. I am actually going to jump to the Public Hearing first because I think we might want to discuss the application of Hillary Fernandes. So we will get through the Public Hearing; which is 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**

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

**Chairman Wright:** Is a representative of the applicant here? Would you like to stand forward and kindly outline what you are going to do and identify yourself. I will swear you in at this time:

**DO YOU SWEAR THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS TRUTHFUL?**

**Unidentified Voice:** Yes.

**Chairman Wright:** Your name and address, please.

**PATRICIA PRUCNEL  
14 Valley View Road  
Stony Point, New York**

**Ms. Prucnel:** I am here applying for a variance. I think some of you came to my house last Sunday; so you saw the porch. I am not looking to embellish it or elaborate on it. I just want to replace it. It is falling. It's actually in a really bad way. I am paying extra insurance on it from Allstate because of the condition of it. It adds a nice quality to the house. It is an outdoor space for me. I don't have a deck in the back, and don't worry I won't be building one. But, I just want a place where I can grade my papers, I am a teacher, or I can read and just watch the grass grow.

**Chairman Wright:** Anybody from the Board have any questions?

**Mr. Fox:** So basically Ms. Prucnel it is just a total replacement of what's existing?

**Ms. Prucnel:** Yes.

**Mr. Fox:** So there is no changes to the structure as far as coming out any further or changing what is there. So it's basically going to be the same what you have there.

**Ms. Prucnel:** Yes. The only addition would be maybe to screen it in; if that would be allowed. My contractor, Christopher Scott, I believe sent you over his plans at some point or a couple of meetings earlier when we first applied for the permit.

**Mr. Vasti:** Is the existing porch the same dimensions as what the variance is sought.

**Ms. Prucnel:** I don't know.

**Mr. Vasti:** Well the variance – you have 20 feet provided; it's required 20 feet, you are providing 13 feet, for the front setback and the lot width required 75 feet and you are providing 60. So are you enlarging it slightly.

**Ms. Prucnel:** No. I wasn't going to enlarge it.

**Mr. Vasti:** So the existing porch are these dimensions, but it was pre-code or grandfathered or I'm not sure...

**Ms. Prucnel:** I honestly don't know. I do know that I bought a house from the original owner and the only owner of the house. I do know from my neighbors that he is of a generation where nobody got permits at that time and he built it about 40 years ago.

**Mr. Vasti:** So you applied for a permit, someone came out and they noticed the size of it.

**Ms. Prucnel:** I got the two violations on it. So I paid the violation fine and then applied for the variance.

**Mr. Vasti:** Is there any reason it has to be this large – could it be within the required dimensions where you wouldn't need a variance.

**Ms. Prucnel:** Maybe, I don't know. I honestly don't know. I hired Christopher Scott and he is from Stony Point. He has worked with all of you I believe because he built an addition on...

**Mr. Vasti:** You want to put the exact size of what was there.

**Ms. Prucnel:** If we need to make it smaller, I would make it smaller. I have no problem with that. It would just be nice to have a place to sit out there. That is all.

**Mr. Vasti:** Thank you.

**Ms. Prucnel:** You're welcome.

**Chairman Wright:** Anybody else have any questions? Since there doesn't seem to be anybody else from the neighborhood who has any other questions on the Public Hearing, I will take a motion to close the Public Hearing.

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

**Chairman Wright:** We will move on to the next order of business – the new application, the request of Hillary Fernandes.

**Request of Hillary Fernandes – App. #12-04**

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article V, Section 15A h.1-4: Less than required front yard/setback; required 34.4 feet provided 15 feet, for a deck, located at 425 North Liberty Drive, Stony Point, New York.

**Section 10.04                      Block 1                      Lot 42                      Zone RR**

**\*\*\*MOTION:** Mr. Vasti made a motion to place Application #12-04 on the July 19, 2012, agenda for a Public Hearing; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

**Mr. Morlang:** Could we schedule the site visit?

**Chairman Wright:** Yes. The only thing I want to think about is that we normally don't conduct business in August so is there any...there seems to be, and this is why I am making this a secondary item on the agenda because when I look at the items on the agenda and I see their site plan that they got there, I wasn't quite sure exactly...it didn't seem to jump off of me exactly where the porch was going to be. Although I think it looks like it is going to be here (pointing at map). It is right off the front.

**Mr. Casscles:** That's what bothers me about it. According to the description it says less than required front yard setback. It is not a corner lot so wouldn't the front be 9W.

**Chairman Wright:** This actually says...

**Mr. Casscles:** This is the driveway.

**Chairman Wright:** And then it seems as though they are close to the Palisades Parkway and there is a note on there that we need it before July 19, so it doesn't sound like we could really resolve this before...

**Ms. Giordano:** I sent the GML out and I put on there that we need it by a certain time. Because that is usually what happens. Rockland County Planning would say I don't know when you need it by, so I noted on this application in big red letters when we need it by.

**Mr. Casscles:** They are not directly boarding Palisades property because you have a lot here, lot here, lot here...and 9W. So I don't really know what the Palisades really has to do with it.

**Mr. Porath:** It's not the Palisades; isn't it 9W.

**Chairman Wright:** And they are within a Rockland County Highway Department range.

**Mr. Casscles:** You did say the Palisades, right?

**Chairman Wright:** Well it is checked off – Palisades Interstate Park Commission and then there is a check mark next to the Rockland County Highway Department.

**Ms. Giordano:** And it was also sent to the Rockland County Planning Department. That is where the original letter originates from. Like I stated, I put in red lettering – we need before July 19, 2012.

**Chairman Wright:** Are they obligated to answer us before then though, or...

**Ms. Giordano:** It is up to them.

**Chairman Wright:** So my only thinking is that we can precede one of two ways – we can schedule a site visit for this Sunday and then have the Public Hearing next week, but I am not sure that we are going to have everything that we need if we wanted to dispose of this in two weeks. So I don't know if that is going to be realistic.

**Mr. Casscles**: We can make a decision that night.

**Mr. Vasti**: It is possible, but is it a garage or a carport.

**Mr. Casscles**: It is a deck and a carport underneath.

**Chairman Wright**: So why don't we proceed this way – why don't we schedule the site visit for this Sunday, which would be July 8, 2012...

**Mr. Fox**: We have a site visit that we've been invited to with the Planning Board on Saturday as well. Why don't we make them on Saturday and do them both.

**Chairman Wright**: How does that sound – this Saturday as a site visit in conjunction with the...

**Mr. Vasti**: I won't be able to make it Saturday I have to pick up my daughter at the airport.

**Mr. Fox**: It was just a suggestion.

**Mr. Vasti**: I can do a drive-by on my own.

**Chairman Wright**: So can I just get a sense – is everybody want to try to do this Saturday with the Planning Board or do you want to do our own on Sunday, or do a drive-by or just...

**Mr. Vasti**: I will probably do a drive-by.

**Mr. Porath**: I will probably do a drive-by too.

**Mr. Casscles**: It will probably be the easiest.

**Chairman Wright**: So why don't we do this then, in conjunction with this if people are interested the Planning Board is going to have a site visit for some likely upcoming zoning issues we haven't gotten yet. But, they advised us they are going to do a site visit on Saturday morning. There is an email out that should give you some information about it. If you would like to join them, feel free. Otherwise we will just do an on-your-own site visit of this particular property and then we will discuss it on the 29<sup>th</sup>. Does that make sense to everybody?

(inaudible – everyone talking at once)

**Mr. Morlang**: It would give us a better idea of what we are looking at then what we got now because this really doesn't make any sense.

**Mr. Fox**: It is on the agenda for the 29<sup>th</sup>.

**Ms. Giordano**: It is on the agenda for the 19<sup>th</sup>.

**Mr. Morlang**: It is on the agenda for the 19<sup>th</sup> means we will go look at it.

**Ms. Giordano**: So it will not be a set site visit – you are all going to go on your own.

**Chairman Wright**: The site visit will be on our own, we will bring it up on the 19<sup>th</sup>, but we will probably, I don't know if you can get back to applicant, that if we can get a better understanding exactly what they are intending.

**Ms. Giordano**: He should be coming in tomorrow to pick up the papers he needs to post and will ask him at that time. According to the application it says front setback.

**Mr. Casscles**: Front setback. Can we possibly get Bill to let us know how he determined that on this lot?

**Ms. Giordano**: Bill is not in.

**Mr. Casscles:** How about Phil? I can't see how it is a front yard setback unless he is using the driveway; because it is a shared driveway. It's not a corner lot.

**Mr. Porath:** Here's the driveway; assuming it goes around. This is the front of the house.

**Mr. Vasti:** I don't know if it is a cul-de-sac or...

**Mr. Casscles:** It's just a circular driveway.

(inaudible – too many talking)

**Mr. Casscles:** Is it a shared driveway.

(Inaudible – too many people talking)

**Chairman Wright:** See if you can ask Phil to give us a little bit more guidance as to why it's the front and not the side setback. Is there anything else you want to discuss on this particular item? I will move on to our final agenda item – accepting the minutes of June 21, 2012.

**\*\*\*MOTION:** Mr. Vasti made a motion to accept the minutes of June 21, 2012; seconded by Mr. Morlang. Hearing all in favor; the motion was carried.

**Chairman Wright:** Mr. Casscles attended a meeting and if you want after the meeting he will just kind of explain some information that he got from them.

**\*\*\*MOTION:** Mr. Vasti made a motion to adjourn the meeting of July 5, 2012, seconded by Mr. Fox. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Giordano  
Secretary  
Zoning Board of Appeals