

**TOWN OF STONY POINT  
ZONING BOARD OF APPEALS  
Minutes of February 4, 2016**

**PRESENT:**

Mr. Anginoli (absent)  
Mr. Keegan (absent)  
Mr. Casscles  
Mr. Vasti  
Mr. Porath (absent)  
Mr. Lynch

**ALSO PRESENT:**

Dave MacCartney, 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. So I would like to change the agenda – the second item will be first – I would like to accept the minutes of January 7, 2016.

**\*\*\*MOTION:** Chairman Wright made a motion to accept the minutes of January 7, 2016, seconded by Mr. Vasti. Hearing all in favor; motion carried.

So what we have is a continuation of the Public Hearing for the application of Brad Stern.

**Request of Brad Stern for Homestead Hardware – Application 2015-0007**

A variance from the requirements of Chapter 215, Article VIII, Section 39 E, to permit rental truck, one maximum 20 foot rental van with less than required parking spaces; Required 14 spaces Provided 7 spaces at 73 South Liberty Drive, Stony Point, N.Y.

**Section 20.11 Block 2 Lots 21 Zone BU**

We had opened this up a couple of weeks ago and we are just continuing the Public Hearing. Mr. Casscles is there anything you would like to bring up?

**Mr. Casscles:** We received the letters from the County, correct?

**Chairman Wright:** Yes. There are two (2) things we received – a letter from the County and there are some pictures that were taken with the truck in place from the Sunday we had the visit and there is a letter from S.P.A.C.E. So we've got that and that is part of our record.

**Mr. Casscles:** Did we get anything back from the State because that is a state road.

(looking through the file and found no papers)

**Chairman Wright:** Do the applicants have anything they want to add to the Public Hearing?

**Unidentified Male:** We should be pretty good; except I think the County wanted a diagram where the vehicles needed to be parked; which I do have.

**Chairman Wright:** If you could just state your name and address please?

**Brad Stern – Homestead Hardware  
73 South Liberty Drive  
Stony Point, New York**

(handing out the diagram)

**Mr. Stern:** The map shows where the one (1) parking spot which will be in the front of the premises and the two (2) parking in the rear of the premises in our fenced in yard which is what they were looking for I assume. (pointing at the map)

**Chairman Wright:** Do any of our members have any questions for Mr. Stern?

**Mr. Lynch:** Mr. Stern, the fact that you have one closest to the basement door...

**Mr. Stern:** Yes.

**Mr. Lynch:** but at the last meeting you did bring up saying that you weren't going to because in case somebody parked there (inaudible)

**Mr. Stern:** The only reason I highlighted that is because the County requested us to. It's hard to just keep that spot for the truck rent and a customer parks there, I wouldn't block that spot off because sometime the truck goes out for a week at a time I wouldn't waste that spot to say nobody park there.

**Mr. Lynch:** Ok I just wanted to be clear on that.

**Mr. Casscles:** In other words, if it is out on a rental for a week, a guy brings it back at noon time and somebody is parked in that spot; what are you going to do?

**Mr. Stern:** What I would do is probably park next to it and as soon as that spot is available I would put it back in the designated spot.

**Unidentified Male** (audience): Wonder if there is no parking spaces; what do you do then?

**Mr. Stern:** We would have to find adequate parking for it at that point; whether it's in the rear of our yard or something until that spot frees up. Normally...the only the time that the parking is at a maximum if there is a party at one of the other establishments; I don't want to bring other people into it, but that is the only time we would really run into a jam-up, but it doesn't happen that often.

**Chairman Wright:** Any questions for Mr. Stern?

(no response)

Mr. Stern, I will ask you to stick around in case there are any other questions I would appreciate it if you could answer them.

Is there anybody else in the public have any questions?

**Unidentified Male:** I just have a few questions.

**Chairman Wright:** Sure, please come up and identify yourself?

**Frank Collyer – S.P.A.C.E.  
10 Knapp Road  
Stony Point, New York**

**Mr. Collyer:** First of all, I would like to say I'm not against this gentleman's plans. He is a businessman in Town and he pays taxes in our Town; he deserves all the help he can get, but there is also other people in Town, there are other stores there and there are lots of people who go there and park and there are old guys like me who have to park across the street in the commuter lot and then hazard on our life to cross that road. So it's not a good idea and I'm not saying that they should not have this because it's not a good idea – I think a better alternative could be sought. For instance, Helmer Cronin owns a parcel of

land at the north end of the building – why doesn't the Town just buy it it would be fine for lots of people who can't park there now. Instead of driving people away and sending them to Haverstraw or someplace cause I can't shop there give them more parking. So why don't we look for a better solution rather than doing this. This is only going to harm some body. This is going to help them maybe in the short term but in the long term this is going to hurt everybody when there is a solution. So I only ask you to just think about that. Thank you.

**Chairman Wright:** Thank you very much. We appreciate your in-put. Does anybody have any questions for Mr. Collyer?

(no response)

**Unidentified Male:** I would like to say something.

**John Bender**  
**148 Route 210**  
**Stony Point, New York**

**Chairman Wright:** "Is the testimony you are about to give truthful?"

**Mr. Bender:** Yes. Homestead Hardware is a well-established business in this community. It's been there well over 50 years. I can tell you that for certain because when I was 15 years old it was my first job. I'm 70 so I know it's been over there for 50 years. It's a service based business. It primarily serves the customers that live in Haverstraw/Stony Point area and to my knowledge there have been three (3) owners over the past 50 years. The most current owner is Tom Mollicone, which I am sure you are all familiar with and Tom had a good business. He ran a good store and was always helpful and the staff. So since these two gentlemen have taken over, I've watched on a regular basis that they have raised the inventory, modernized the inventory, they offer more and more services; they have more than adequate help if you walk through the door there is always somebody there to help you. I go there four (4) or five (5) times a week; when I go there I'm not there for an hour; I don't go there and walk the store and peruse the aisles, I go in and I say I need this and it's okay. I get it, come out pay money and I'm gone. So what Mr. Collyer says that the parking lot is going to be full to capacity it's only full on a rotating basis; if full at all.

The other point I would just like to make is that the strip on 9W, I doubt seriously whether any of the businesses located in that particular strip of Town meets the requirements of today's standards. They are all built right before; so they are trying to deal with what they have. It seems like they are all existing in a peaceful co-existence – the deli parks at the hardware, the hardware parks at the deli, the drug store parks wherever. There doesn't seem to be a problem. So I just like the Board to consider carefully the fact that these fellows are re-investing their money to offer this community better services and it is a service for the people who are living here. So they don't have to go to Haverstraw or Nanuet to get a truck. That's it.

**Chairman Wright:** Thank you Mr. Bender. If there is no other public in-put or any other...

**Mr. Vasti:** Yes, Mr. Chairman I would just like to make a comment and at the last meeting I had asked our Building Inspector, Mr. Sheehan, if the owner, Mr. Stern, wanted to park a similar truck there to use it for delivery and not rent it out would he be before the Board and the answer is a definitive "NO". I think we need to look at our Zoning Laws which we have looked at carefully and from time to time we've come to realize that those Zoning Laws are somewhat antiquated with regards to some of the things at the time when they were created and they have had more credence, but as time passed on and businesses evolve it's not the type of a situation where one size fits all. And I think this Board is cognizant that we are here to offer relief. I think we've heard the testimony that Mr. Stern is a very competent businessman, he offers the Town a very good service and he has a right to do what he can to make a living. He pays taxes. Quite honestly we don't have any other company or entity in Stony Point that rents out a truck. This is a valuable resource to our community. So I would just like to leave off stating that I think we should take a good look at this and make a good decision based on some of the hard facts that we've heard. Thank you, Mr. Chairman.

**Chairman Wright:** Thank you Mr. Vasti.

**Mr. MacCartney:** Mr. Stern, do you know if there are any easements or property maintenance between any of the...

**Mr. Stern**: As far as I know – No.

**Mr. MacCartney**: Nothing in writing?

**Mr. Stern**: Not that I am aware of.

**Chairman Wright**: If there is no other in-put I will take a motion to close the Public Hearing.

**\*\*\*MOTION**: Mr. Vasti made a motion to close the Public Hearing, seconded by Mr. Lynch. Hearing all in favor, motion carried.

**\*\*\*MOTION**: Mr. Vasti made a motion at 7:13 PM, to go into Executive Session, to converse with counsel for legal advice; seconded by Mr. Casscles. Hearing all in favor; the motion was carried.

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

**\*\*\*MOTION**: Mr. Casscles made a motion to adjourn the meeting of February 4, 2016; seconded by Mr. Lynch. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan