TOWN OF STONY POINT ZONING BOARD OF APPEALS Minutes of October 1, 2015

PRESENT:

ALSO PRESENT:

Mr. Anginoli

Dave McCartney, Attorney

Mr. Keegan (absent)

William Sheehan, Building Inspector

Mr. Casscles (absent) Mr. Vasti

Mr. Fox

Mr. Porath (absent)

Chairman Wright

<u>Chairman Wright</u>: 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 (3) items on the agenda tonight; a Public Hearing, an amended request and we will just take a look at our minutes for February 5, 2015.

The first item is the request of Thomas & Christine Delehanty.

Request of Thomas & Christine Delehanty - App #2015-0005

A variance from the requirements of Chapter 215, Article XIV, Section 94 D.1-C, Less than required front setback; Required 24.8 feet Provided 14.8 feet, construction of a front porch to a one family residence premises located at 11 Jenkins Avenue, Stony Point, New York.

Section 20.07 Block 3 Lot 43

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

<u>Chairman Wright</u>: Is the applicant or a representative for the applicant present? Can you please come forward and identify yourself and just state your name and your residence?

Christine Delehanty 11 Jenkins Avenue Stony Point, New York

Chairman Wright: "The testimony you are about to give is truthful?"

Mrs. Delehanty: Yes.

<u>Chairman Wright</u>: If you want to, I know last time we met we just asked you to give us a revised plan. It looks like we have a revised plan. Again just for the record, please state what you trying to do to the property for the Board and the public.

<u>Mrs. Delehanty</u>: Okay, the entrance...the existing entrance to my house that was done 15 years ago is all rotted. From your site visit, as you can see I have a black mat over the wood because it is peeling/lifting up, so it needed to be replaced so I felt since I was replacing it that we would extend it and add a little curb appeal to the house and the area and there are two (2) other houses on the same avenue that has something very similar.

Chairman Wright: Is there anybody on the Board have any questions?

(no response)

<u>Chairman Wright</u>: We don't have any questions for you, so I will just open it up – if there is anybody from public who has any questions on the application?

(no response)

<u>Chairman Wright</u>: What we will do we will review and probably have a decision in four (4) weeks.

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

Chairman Wright: The decision will be ready in 2 or 4 weeks Mr. MacCartney.

Mr. MacCartney: Yes, it can be ready by the next meeting.

<u>Chairman Wright</u>: We will have it by the next meeting.

Mr. Vasti: Mr. Chairman, I respectfully request to be recused for the next application.

<u>Chairman Wright</u>: If you could just wait for the minutes, and then you can recuse yourself. Well actually what we are trying to do tonight; it's not a matter of a Public Hearing; tonight is to put it on the agenda, so in that regard I'm not sure if Mr. Vasti has really a conflict.

Mr. MacCartney: If you are just putting it on the agenda, I think there is any actual conflict that would arise in regard to just simply hearing the application or not. Unless there is some controversy over what the application should be heard, if there is something special about it, is it a re-hearing...

<u>Chairman Wright</u>: The only thing we did two (2) weeks ago, we were just trying to get a better understanding of it and we will probably do the same thing just as a matter of completeness so that we can go into a Public Hearing making sure we have all the documentation. All we can do is just ask the applicant just too kind of, again, just explain everything so we think we have enough information about the Public Hearing then we will take a vote.

<u>Mr. MacCartney</u>: I don't see any problem with it in order to expedite it and there is no testimony or hearings that is being conducted or accepted I don't there is any issue. I think Mr. Vasti has disclosed that he has an interest. I think it is fine. I think he should recuse himself before the actual hearing and any consideration of the matter of the variance or to get it moving in fairness to the applicant - I think he is fine.

<u>Chairman Wright</u>: Is a representative for the applicant here? I will just read the application:

Request of Jonathan Hodosh Associates for DeLuca Dean - Appl. #2015-0006

A variance from the requirements of Chapter 215, Article V, Section 15 A-h.1-5, Less than required total side setback: Required 40 feet Provided 37.2 feet; Chapter 215, Article V, Section 15 A-h.1-6, Less than required rear setback: Required 35 feet Provided 10.5 feet, construction of a rear addition to a one family residence premises located at 46 North Liberty Drive, Stony Point, N. Y.

Section 15.19 Block 3 Lot 88 ZONE R-1

<u>Chairman Wright</u>: Is a representative for the applicant present? You can just identify yourselves:

Jonathan Hodosh Michael Vasti

<u>Chairman Wright</u>: Let me get a sense about the completeness and understanding of the application. So if you could kind of walk us through that again, I think we could all get together and make a vote and put it on the agenda for our next meeting.

<u>Mr. Hodosh</u>: It is a rear addition and the second floor of that rear addition is a pre-fab and in that addition is a kitchen and a summer (inaudible).

<u>Chairman Wright</u>: I think the only question we had was about the setbacks. I think we can see it a little clearer now; 5', 25'. I will ask any members of the Board if they still have any outstanding questions from what they've seen on this.

Mr. Fox: Well the side setback says 40 and it says 37.2 provided. I'm looking for that number and I don't see it anywhere here. I see 35.3.

<u>Mr. Sheehan</u>: The reason you got the total side setback – you would take the 35.3 and 11.9. That's how you get that. That's less than the 40.

Mr. Fox: The 1.9 is the existing; it's not the new one.

<u>Mr. Sheehan</u>: It's the existing (inaudible – not near microphone) and the reason why the front variance is, that was my mistake, see the way the front of the addition is hashed, I assumed that was an addition that's existing. I should of looked at the ledger which shows that the existing deck did remain. The only one I see hashed, that is newer construction...

Mr. Fox: Is the point you are referring to on the left side?

<u>Mr. Sheehan</u>: No, the original variance was...the rear variance stays the same. That doesn't change from the first application. I also had for the front setback not realizing that the front addition is existing already. So I removed that and I did add the total side yard; side setback. So we took one variance off and added one; well one request for a variance. The garage, just for the record, I know somebody had mentioned it the last meeting that meets (inaudible).

Mr. Fox: So there is no need for a variance on the garage in the back, you are saying?

Mr. Sheehan: The garage would be that 14½ x (inaudible)

Mr. Fox: Yes.

<u>Mr. Sheehan</u>: That's already got a permit. It doesn't need a variance. The only variance, the only part of the site plan that we are talking about is the ground in the rear of the building.

<u>Chairman Wright</u>: Just this piece here (pointing at the diagram).

Mr. Sheehan: He likes totals.

<u>Chairman Wright</u>: Since we have enough information, I will take a motion to accept this for a Public Hearing.

***MOTION: Mr. Anginoli made a motion to place Application #2015-0006 on the October 15, 2015, agenda for a Public hearing; seconded by Fox. Hearing all in favor; the motion was carried.

<u>Mr. Sheehan</u>: Can I make one request if possible, that it seems basically tonight would have been his Public Hearing, but there was some questions that he would of gotten his decision at the next meeting, that if there is no controversy on this, that we do the decision the same night as the Public Hearing.

<u>Chairman Wright</u>: I think we are okay to do that.

Mr. Sheehan: Unless there is some issue that comes up during the Public Hearing.

<u>Chairman Wright</u>: We can do that. Any other questions?

<u>Chairman Wright</u>: If that is it, I will take a motion to accept the meeting minutes from February 5, 2015.

***MOTION: Mr. Vasti made a motion to accept the minutes of February 5, 2015; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

<u>Chairman Wright</u>: Other than that, I will take a motion to go into Executive Session and discuss some legal issues.

(Mr. Vasti left the meeting as he recused himself earlier.)

***MOTION: Chairman Wright made a motion to go into Executive Session, pending litigation; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

***MOTION: Mr. Fox made a motion to reconvene to regular Zoning Board of Appeals meeting; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

***MOTION: Chairman Wright made a motion to adjourn the meeting of October 1, 2015; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

Respectfully submitted,

Minutes taken by Cathy Finnerty and transcribed by Kathy Kivlehan