

TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of April 21, 2022

PRESENT:

Mr. Keegan
Mr. Anginoli (Acting Chairman)
Mr. Lynch
Mr. Strieter
Mr. Gazzola
Ms. Davis
Chairman Wright (absent)

ALSO PRESENT:

Dave MacCartney, Attorney

Acting Chairman Anginoli: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of April 21, 2022, to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited, and roll call taken.

Acting Chairman Anginoli starts the meeting with the continued public hearing for the request of Hugo Pinos – 21 Blanchard Rd – App. #22-01 (Appeal/Area Variance)

An appeal/area variance from the requirement of Chapter 215 Article VIII – accessory parking and loading requirements for ‘Commercial vehicles’ not more than one commercial vehicle of 25 feet or less in length, may be parked on a developed lot in any residence district but not within the required yards of such lot and in no case between the street line and the principal building” located at 21 Blanchard Road, Stony Point, New York.

Christopher Martone of Martone & Associates in Fort Lee, New Jersey, addressed the Board.

Mr. Martone opened the meeting addressing the issues brought before the Board at the last meeting held on March 17th, 2022. He began discussing the site visit that held on March 26th, 2022. Mr. Martone states that his client, Hugo Pinos, “nicely cleaned up” the property, and that it is “a nice property for trucks”. Mr. Martone asked the Board who was at the site visit. Mr. Lynch replied that he, Chairman Wright, and Ms. Davis attended the site visit.

Mr. Martone asks the Board if they have any questions. Mr. Lynch asked Mr. Martone where the construction and landscaping equipment is currently being stored. He also mentions that the code currently allows two commercial vehicles to be parked on residential property; one vehicle could be parked inside a garage and the other is allowed to be parked outside. Mr. Martone replied that his client has a shed and clean land to park his total of four vehicles if the Board allows it. Mr. Martone adds that his client does not have a garage to park vehicles, and he does not intend to add one. He makes it clear to the Board that their intention is to go strictly according to the site plan. Mr. Lynch also addressed concerns about the equipment that is on the property, and the intentions of such items (i.e. wood chipper, cement mixer, trailers, etc.). Mr. Martone advised that his client has a shed and clean land to park the total four commercial vehicles.

Mr. Martone introduced his professional, John Atzl, representative of Atzl, Nasher & Zigler in New City, NY. Mr. Atzl states that the property currently has a 70x100ft gravel parking area, which is approximately 7,000 square feet. They are proposing that four commercial vehicles can be reduced by 60ft. north and south, and 60ft east and west, which would be approximately half equaling about 3,600 square feet. He also states that the decrease in the parking area would still be sufficient to maneuvering in and out of the property. Mr. Lynch then raised the question if that is with or without the trailer, and Mr. Atzl replied, “I don’t know.” Mr. Martone confirmed with his client, and he advised there is only one trailer, the rest are just commercial trucks. Mr. Lynch adds that the trailer and the vehicle together exceed the 25ft limit that the town code allows. Mr. Lynch then asked about the tarp covered with wood on the rear of the property, asking what lies underneath the tarp. He presented a photo from the site visit showing the item with a tarp over it. Mr. Martone confirmed with his client and advised the Board that the item is a Belgium block. He adds that they were only given a week to clean up the site therefore he was unable to relocate/remove the item, but it will not stay there.

Mr. Lynch asked for a set of new plans be submitted reflecting the reduced measurements. Mr. Martone agreed to provide new plans to reflect the changes in measurements and it will include landscaping and the gravel area changes.

Mr. Lynch addresses Mr. Pinos, asking “In your own words, why are you special? What is unique about your property? Why are you different from any other person on the road and why should you be granted this variance?” Mr. Martone responded, “Well, Mr. Pinos has council so I will be answering that. At the last meeting, Mr. Zigler gave a very nice presentation. We went through all of the criteria of why he should be qualified. There’s five criteria’s pursuant to the code and we covered that at the last meeting – its on the record.” Mr. Martone then asked Mr. Atzl to speak on his professional expertise.

Mr. Atzl explained that the neighbors are in favor of the request, they will be reducing the size of the gravel area, it is no detriment to the neighborhood, and no harm to the public or safety of the community.

Mr. Keegan asked for a reading of the definition of the town code for ‘contractor storage yard’. Mr. MacCartney read town code Section 215-5 – Contractor’s Storage Yard - A building or area of land where a person, firm or corporation engaged in the construction business, or a related field, stores building materials, equipment and supplies used exclusively in his business as a contractor. Retail or wholesale sale of any contractor's materials or supplies is prohibited. Mr. Keegan then asked about them building a storage garage, in which Mr. Martone interrupted adding that they are not planning to store anything on the land, all they’d like to do is park the vehicles on the property. Mr. MacCartney asked for clarification on whether there will be materials stored in the shed as previously mentioned. Mr. Martone replied that he was speaking hypothetically when he discussed storing items in his clients shed.

Acting Chairman Anginoli asked Mr. Martone if the items that have been removed from the property are going to be coming back. Mr. Martone advised that the location of the items is not relevant to the application. Mr. MacCartney followed up with clarifying that the Board is concerned about the items coming back to the property, then asking if the items were removed only for the site visit or are they permanently stored elsewhere. Mr. Martone advised that the items will not be returning to the property.

Mr. Keegan continued with confirming that the variance request is for three additional commercial vehicles, with the town code already allowing one commercial vehicle to be parked on the property. Mr. Martone did confirm that they are looking for three additional commercial vehicles to be permitted to park on the property, having a total of four commercial vehicles. Mr. Keegan asks Mr. Martone if he feels like this is a substantial request, and he responds that the neighbors have no objection to the request. Mr. Keegan begins to discuss that the request is 400% over the code allowance. He then addresses the erosion he saw on the property close to the home. Mr. Martone assures the Board that there will not be any complaints about the erosion, and that his client will do everything he is requested to do.

Mr. Martone asks the Board to be excused for a moment to speak to his client privately.

Upon return, Mr. Martone proposes that they reduce the quantity of commercial vehicles from three vehicles to two, with an allowance of three total vehicles be parked on the property. He adds that new plans would be presented as well.

Acting Chairman Anginoli asks Mr. Martone which vehicle they would be removing from the plans. Mr. Martone asks to speak to his client privately to confirm. He advises the Board that the 2003 red Chevy would be eliminated from the plans.

Mr. Lynch draws concern about the length of the vehicles with the added trailers that are attached. Mr. Martone confirms they would agree to get rid of the largest truck that exceeds the code allowance of 25ft in length.

Mr. MacCartney asked for confirmation on if the vehicle in discussion a pickup truck with a trailer is attached to the rear. Mr. Lynch confirms that it is a mini dump truck with an 18ft trailer attached. Mr. MacCartney asks Mr. Martone if this is considered one commercial vehicle, and Mr. Martone responded “yes, we can get rid of that one”.

Mr. MacCartney next refers to the Rockland County Planning letter from March, specifically comment #1. He says the vehicles are construction vehicles, therefore the vehicles themselves being on the property makes it a construction storage yard according to town code definition. Mr. Atzl addresses the Board in response stating one commercial vehicle is already allowed on the residential property according to code, but it does not specify what type of business the vehicle's can be used for in order to park there. He gave an example that if a plumber parks his one commercial vehicle at his residence, it should be no different than if his client parks his one landscaping business vehicle at his home.

Mr. Lynch re-reads the town code 215-39 – Commercial vehicles

- a. Not more than one commercial vehicle, of 25 feet or less in length, may be parked on a developed lot in any residence district but not within the required yards of such lot and in no case between the street line and the principal building.

Mr. Keegan emphasizes that by law, only the minimum variance can be granted by the Zoning Board of Appeals. He also mentions that in order to override the County of Rockland there would have to be a super majority. He asks Mr. MacCartney to confirm, and Mr. MacCartney replied, "that is correct".

Acting Chairman Anginoli asked the Board if they have any other questions. Mr. Streiter replied asking to confirm that the applicant is reducing the request from three vehicles to two. Mr. Martone responded that when there was open discussion about possibly reducing the request, he was willing to meet in the middle.

Acting Chairman Anginoli asked Mr. Martone if he has anything else he would like to present to the Board. Martone replied saying they are essentially finished but would like to continue the public hearing to allow his professional, Mr. Zigler, to return and answer any further questions about his response to the county letter.

Acting Chairman Anginoli agrees to keep the public hearing open. Mr. Lynch adds that the Board would like to see new plans that reflect the gravel parking lot shrunk to the updated sizing, as well as the minimal vehicles requested, three total commercial vehicles. Mr. Martone asks to return at our May 19th meeting. Mr. Keegan added, "for the record, the three vehicles is your suggestion" and Mr. Martone replied, "yes".

*****MOTION: Mr. Keegan made a motion to adjourn the meeting of April 21, 2022; seconded by Mr. Lynch. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Pechin

Secretary
Zoning Board of Appeals