

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of June 1st, 2023**

PRESENT:

Mr. Keegan
Mr. Anginoli
Mr. Lynch
Mr. Strieter
Ms. Davis
Chairman Wright

ALSO PRESENT:

Dave MacCartney, Attorney
John Hager

Chairman Wright: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of June 1, 2023, to order. Please rise for the Pledge of Allegiance.

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

Chairman Wright called for a motion to approve the minutes of the April 20 and May 4, 2023.

*****MOTION: Mr. Strieter made a motion to approve the minutes; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright called for the first item on the agenda, a new application.

Request of Alan Stoll – 173 Wayne Ave – App. # 23-03 (Area Variance)

1 Family - subdivide to build a new single-family house
Chapter 215, Article V Bulk Requirements, 215-15 A,
215 Attachment 14, Table of Bulk Requirements II, column 2 requires:
Minimum lot area required = 40,000sf
Lot area proposed = 23,411sf
Variance necessary = 16,589sf

Chairman Wright called the applicant or representative of the applicant to the podium.

Alan Stoll, 125 Rt. 210, Stony Point, addressed the Board. Mr. Stoll is the owner of the property, and he explains that he would like to subdivide the property that is currently occupied by his daughter and build a home for himself in the rear of the parcel. Kevin Rodriguez, Mr. Stoll's representative from Celentano Engineering, added that wetlands were found when going through the Planning Board process. Mr. Rodriguez continued explaining that the wetlands are not connected to any streams or other bodies of water, and an expert had responded that they can be filled. The variance requested is for proposed lot #2, which has a 50% reduction due to the wetlands. Mr. Rodriguez also added that the property is at a negative slope, therefore, they will be able to drain and fill to build.

Mr. Anginoli asked Mr. Rodriguez how sure he was that you could fill in the wetlands. Mr. Rodriguez replied that their experts have confirmed that it is okay due to the fact there will be no disruption of water sources and special species. Mr. Anginoli also asked if they had gone through a SEQRA review yet, and Mr. Rodriguez replied "no".

Mr. Lynch asked when the expert had come up with his determination, as codes and regulations could have recently changed. Mr. Rodriguez replied that the determination by the expert was received last month.

Mr. MacCartney followed up asking if the lots would be conformed if the wetlands were not there and Mr. Rodriguez replied, "that is correct".

Mr. Stoll addressed the Board to explain the start of the wetlands began when they built McCarthy Circle. He explained that the wetlands had not been there prior to the raising of the road when building McCarthy Circle when the property belonged to his aunt. He added that she had decided not to voice her concerns to avoid conflict, therefore, nothing had been done about it.

Mr. MacCartney asked how far through the Planning Board process the applicant is currently. Mr. Rodriguez answered explaining they had only gone to a TAC meeting which is where they found the wetland issue. The Planning Board referred the applicant to go through the Zoning Board for approval. Mr. MacCartney followed up asking if they had submitted an application for the subdivision with the Planning Board, and Mr. Rodriguez advised they had done so. Mr. MacCartney also asked if the Planning Board had declared lead agency, and Mr. Rodriguez replied, "no". Mr. Hager added that the Planning Board suggested they do a building department permit application

that would be denied, then appeal the decision rather than going through the referral process of the Planning Board.

Chairman Wright sets up the site visit for June 24th at about 9am. The application will be accepted at the July 6th meeting.

Chairman Wright made a motion to set the site visit on June 24th, 2023.

Chairman Wright called for the next item on the agenda, a new application.

Request of Jack Lieberman - 111 S. Liberty Drive – App. # 23-02 (Area Variance)

North Parking

Chapter 215 Article V Section 215-15A, attachment 16 Table of Bulk Requirements part II – use group ‘H’, column 7 requires minimum side yard of 20’. Proposed side yard = 5.4’. VARIANCE necessary = 14.6’.

West Side Driveway

Chapter 215 Article V Section 215-15A, attachment 16 Table of Bulk Requirements part II – use group ‘H’, column 7 requires minimum side yard of 20’. Proposed side yard = 6. VARIANCE necessary = 14’.

North retaining wall height

Chapter 215 Article VI Section 215-24C requires fence/wall setback equal to 2/3 the fence height where fence height exceeds 6’. Proposed wall = 8’ high (requires 5.4’ setback), 3’ setback provided, VARIANCE necessary = 2.4’

Chairman Wright called the applicant or representative of the applicant to the podium.

Ken DeGennaro, of Brooker Engineering, is the engineer for the applicant. Mr. DeGennaro explained the status of their Planning Board review, explaining the testing and SEQRA review process currently being done. He also goes on to address all items in the Rockland County Planning letter and the comments they’ve rectified. Chairman Wright asked where they are in the Planning Board process, and Mr. DeGennaro replied that they have just submitted the Part 3 of the SEQRA review today and they anticipate a Neg Dec this month.

Mr. Keegan asked what testing was done this past week. Mr. DeGennaro replied that they did soil testing to confirm they are not hitting bed rock and to test the soil percolation detention. Mr. Keegan asked if there was contamination testing done on the soil, Mr. DeGennaro replied he will confirm for the next meeting.

Chairman Wright called for a motion to accept the application.

*****MOTION: Mr. Keegan made a motion to accept the application; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright confirmed the site visit will be done on June 24th, and the public hearing will begin on July 6th.

Chairman Wright called for a motion to set the public hearing for July 6th.

*****MOTION: Ms. Davis made a motion to accept the application; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright called for a motion to adjourn the meeting of June 1, 2023.

*****MOTION: Mr. Anginoli made a motion to adjourn the meeting of June 1, 2023; seconded by Mr. Lynch. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Pechin

Secretary
Zoning Board of Appeals