

**TOWN OF STONY POINT  
ZONING BOARD OF APPEALS  
Minutes of September 1, 2022**

**PRESENT:**

Mr. Keegan  
Mr. Anginoli  
Mr. Lynch  
Mr. Streiter  
Mr. Gazzola  
Ms. Davis

**ALSO PRESENT:**

Dave MacCartney, Attorney  
John Hager, Building Inspector

Chairman Wright

**Chairman Wright:** Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of September 1, 2022, to order. Please rise for the Pledge of Allegiance.

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

**Chairman Wright:** I'm going to move around the schedule a little bit. The decision, we are going to push that back for two weeks. We are going to push the request for Lovett back a little bit, I apologize for the people who are here. I want to get some other stuff out of the way here. So, with that we will start with the Request of Robert Varano-10 Tyler Place – App. #22-09 (Area Variance)

**SUBDIVISION:**

Chapter 215 Article V Section 215-15A, attachment 15 Table of Bulk Requirements part 1A – use group 'd.3', column 8  
Requires minimum 100' street frontage  
Proposed street frontage = 35'  
VARIANCE necessary = 65'

**Chairman Wright:** Is the applicant or representative present?

**Chairman Wright:** 10 Tyler Place

**Chairman Wright:** \*inaudible\*

**Mr. Streiter:** Are you sure this is open?

**Ms. Davis:** Yeah

**Mr. Streiter:** It was open?

**Ms. Davis:** Yeah

**\*INAUDIBLE\***

**Mr. Lynch:** Right, the subdivision, yes. It was open. We definitely did the site visit here. I remember we had the site visit and...

**\*INAUDIBLE\***

**Mr. Lynch:** ...and we did that.

**Chairman Wright:** Do any members of the public wish to speak on Tyler Place?

**Mr. MacCartney:** What I would do is... \*inaudible\*

**Chairman Wright:** Again, this is the public hearing for 10 Tyler Place, are you here for 10 Tyler Place?

**Ms. Ramanathan:** Yes, sorry! We weren't first on the agenda, so I thought we had a few minutes. Good evening, Ramya Ramanathan from Atzl, Nasher & Zigler, New City, New York.

**Chairman Wright:** Alright, so last time we had the site visit... **\*inaudible\*** ... we've done the site visit so, if you want to just refresh so if the Board has any questions since the site visit.

**Ms. Ramanathan:** Sure! So, the site right now is zoned RR and it's approximately a 5-acre site that the applicant is wanting to divide into 3 lots. There's an existing home on the lot right now and the two other lots would be as... so this is where the existing house is and once we subdivide the property, there will be two lots coming in... **\*inaudible\***

**Chairman Wright:** Any questions from the Board?

**Mr. MacCartney:** Is there anything from the site visit that the Board wants to discuss on the record?

**Mr. Lynch:** Just the fact it's a very large lot like that. So if you mark back where the subdivision is going to take place, and the fact that JFK Drive being in the cul de sac we would need a variance... if you walk all the way upward into the middle of the road to the other side looking at both sides.

**Chairman Wright:** The issue before us is the...

**Mr. Lynch:** ...variance **\*inaudible\***

**Chairman Wright:** Variance.

**Mr. Lynch:** Its not us to prevent... the variance was on JFK

**Ms. Ramanathan:** JFK, correct.

**Mr. Lynch:** Everything else was... **\*inaudible\***

**Mr. MacCartney:** And the other two lots, from up top, this is the only one that is on JFK?

**Ms. Ramanathan:** Yes, correct.

**Mr. Lynch:** And that's the back side of the property?

**Ms. Ramanathan:** That's the rear end of the property if you see from Tyler, yeah.

**Chairman Wright:** Any questions from the public? If there are no questions from the Board or the public, I'll make a motion to close the public hearing.

**\*\*\*MOTION: Mr. Anginoli made a motion to close the public hearing; seconded by Mr. Keegan. All in favor; the motion was carried.**

**Chairman Wright:** Just in general, is there a general grievance written as to or not to... **\*inaudible\***

**Ms. Ramanathan:** Thank you so much! Sorry again for the delay. Have a good evening, everybody.

**Chairman Wright:** Alright, the item we are going to turn it to is 1 Van Buren Street, the request of Minu Colaco.

Request of Antonio & Minu Colaco-1 Van Buren St – App. #22-10 (Area Variance)

DECK: remove existing deck, construct new deck, expanding access to new pool

Chapter 215 Article V Section 215-15 A, attachment 16 Table of Bulk Requirements part II

– use group ‘h.1’ column 6,

Minimum rear set-back required = 35’.

Proposed rear setback = 13.5’

VARIANCE necessary = 21.5’

Chairman Wright: I would like to take a motion to open the public hearing.

**\*\*\*MOTION: Mr. Lynch made a motion to open the public hearing; seconded by Mr. Streiter. All in favor; the motion was carried.**

Chairman Wright: Is the applicant present?

Mrs. Colaco: I am.

Chairman Wright: If you could just identify yourself.

Mrs. Colaco: My name is Minu Colaco, I’m the owner.

Chairman Wright: I’ll open it up to the public, any questions?

Mr. MacCartney: The public hearing is just being open right now? Right? Today it was just opened? You should have the applicant explain on record what the application is...

**\*inaudible\***

Mrs. Colaco: Sure. So, we’re removing the existing deck and constructing a new one, but we’d like to extend it. The difference we are trying to extend it around the pool that we installed. So that requires a variance because of the extension of the deck.

Chairman Wright: **\*inaudible\***

Mrs. Colaco: We have an existing deck which needs to be replaced anyway because of the pool. And because of that we just wanted to halfway around the pool.

Chairman Wright: **\*inaudible\***

Mrs. Colaco: Right, not the whole way. Just halfway.

Chairman Wright: Is there an existing variance on that? It looks like the existing deck might be 35 feet.

Mrs. Colaco: No, there is no existing variance. That was according to the setback it was built.

Chairman Wright: **\*inaudible\*** ...can’t really see it from the road.

Mrs. Colaco: Right, it’s not going to be obstructive.

Chairman Wright: Any questions from the Board? Going once, going twice... and any questions from the public regarding Van Buren? Going once, going twice... nothing from the public? I’ll take a motion to close the public hearing.

**\*\*\*MOTION: Ms. Davis made a motion to close the public hearing; seconded by Mr. Streiter. All in favor; the motion was carried.**

Mrs. Colaco: Thank you.

Chairman Wright: The next item on the agenda is the request of Carter Green.

**Request of Carter Green-6 Cross Creek Lane – App. #22-12 (Area Variance)**

Portico addition to front of house above front door (8'-0" extension, 10'-0" wide)

Zoning Code Article V, Section 215-15 A Bulk Table, 215 attachment 15, part 1A, column 4 - Front Set-back

Minimum Front Set-back required = 50'

Existing Front Set-back= 43.8'

Proposed Front Set-back = 35.8'

Front Set-back VARIANCE necessary = 14.2'

**Chairman Wright:** Is the applicant present? I'll take a motion to open the public hearing.

**\*\*\*MOTION: Ms. Davis made a motion to open the public hearing; seconded by Mr. Anginoli. All in favor; the motion was carried.**

**Chairman Wright:** Alright, if you could just explain what you're looking to do for the Board?

**Mr. Green:** Sure. I'm Carter Green, my wife and I live at 6 Cross Creek Lane, Stony Point and our application request is to add a portico onto the front of our house above the existing door. The house has an original existing variance of 6.2 feet, that the builder obtained to get a C.O. back in '96. Okay, and we are asking for an additional 8 feet to have in effect of 14.2-foot setback for the variance.

**Chairman Wright:** Any questions from the Board?

**Chairman Wright:** *\*inaudible\** ... there's already, like, steps out there? This is just going to cover those steps you have already?

**Mr. Green:** Yes.

**Chairman Wright:** So, you already have something there...

**Mr. Green:** Yes.

**Chairman Wright:** *\*inaudible\**

**Mr. Green:** Yes.

**Mr. Lynch:** Primarily, what would you do as opposed to what you're really reaching out for?

**Mr. Green:** I'm sorry?

**Mr. Lynch:** Suppose we don't hold up the portico... *\*inaudible\** ... if that's where you need, because you had it spray painted on the blacktop and everything like that...

**Mr. Green:** My understanding, they would go on the top landing, on either side and the portico would expand out to somewhere between 4 feet beyond that.

**Chairman Wright:** Any questions from the Board?

**Chairman Wright:** Any questions from the public? No questions from the public? Alright, I'll take a motion to close the public hearing.

**\*\*\*MOTION: Mr. Anginoli made a motion to close the public hearing; seconded by Mr. Keegan. All in favor; the motion was carried.**

**Chairman Wright:** Again, just a general ball park, are we all in favor?

***\*Inaudible\****

**Chairman Wright:** The next item on the agenda is Kimberly Knight, 20 Miller Drive. The

**Request of Kimberly Knight-20 Miller Drive – App. #22-13 (Area Variance)**

**Residential Alteration-** construct new garage, mud room, expand kitchen, expand dining room/family room, and renovate/alter second floor to add bathroom

Zoning Code Article V, Section 215-15 A Bulk Table, 215 attachment 16, part II, column 5 - Side Set-back (use group h.1)

Minimum Side Set-back required = 15' / Minimum combined side set-back req'd = 40'

Existing Side Set-back= 30.4' / combined side set-back = 54.9'

Proposed Side Set-back = 9.5' / combined side set-back = 34'

VARIANCES necessary = Side set-back = 5.5' / combined side set-back = 6'

**Chairman Wright:** Is the applicant present?

**Mrs. Knight:** Yes.

**Chairman Wright:** I'd like to make a motion to open the public hearing.

**\*\*\*MOTION: Mr. Lynch made a motion to open the public hearing; seconded by Ms. Davis. All in favor; the motion was carried.**

**Chairman Wright:** Could you just explain?

**Mrs. Knight:** Yes, so I am Kimberly Knight, this is my husband, James. We're just looking to build a garage which is going to require the side setback to be 9.5 feet with the combined would be 34 feet. I think you guys came out and did a site visit, so I think you saw, and you know, we spoke to our neighbors and they're good with it.

**Chairman Wright:** So, you own the house?

**Mrs. Knight:** We do.

**Chairman Wright:** A Cape Cod?

**Mrs. Knight:** Yes.

**Chairman Wright:** And on the side of it you want to build a garage?

**Mrs. Knight:** It'll be attached.

**Chairman Wright:** Nothing going above it?

**Mrs. Knight:** Correct.

**Chairman Wright:** How deep is this going to go? **\*inaudible\***

**Mr. Knight:** .... off the top of my head...

**\*Inaudible\***

**Mr. Lynch:** **\*inaudible\***

**Mrs. Knight:** Yeah... no I don't remember how far back it goes.

**Mr. Lynch:** But it goes even with the house?

**Mrs. Knight:** Correct, yeah.

**Mr. Lynch:** You're going to square it off with the house, garage attached?

**Mrs. Knight:** Yes.

**Mr. Lynch:** \*inaudible\*

**Chairman Wright:** Any questions from the Board?

**Mr. Lynch:** The question is... the driveway is wider... that'll stand out wider than the existing garage being proposed to be put in, correct?

**Mrs. Knight:** Yeah

**Mr. Lynch:** You still have to driveway over... \*inaudible\*

**Mrs. Knight:** Slightly, yeah.

**Mr. Lynch:** Slightly?

**Mrs. Knight:** Yup.

**Mr. Lynch:** Okay, just wanted to verify.

**Mrs. Knight:** Yes.

**Mr. Lynch:** We actually had the measuring tape and measured it and were looking at the drawing...

**Mrs. Knight:** Oh okay...

**Mr. Knight:** It kind of goes in like that... and kind of looks like that...

**Mr. Lynch:** Exactly!

**Mrs. Knight:** Yes.

**Mr. Lynch:** Exactly, it winds down.

**Mr. Knight:** It'll be squared off

**Mr. Lynch:** Squared off?

**Mrs. Knight:** Yes.

**Mr. Lynch:** Squared off...

**Mr. MacCartney:** Does anyone have a plan that has a bulk table on it for this one? I have just the... \*inaudible\*... which are a whole series of construction and architectural, and floor plans and so forth... I don't have anything with a bulk table on it.

**Mrs. Knight:** He's with us, the architect...

**Mr. MacCartney:** Oh.

**Mrs. Knight:** This is Kier.

**Mr. Levesque:** Kier Levesque.

**Mr. MacCartney:** How are you?

**Mr. Levesque:** There is no bulk table. When I asked Mr. Hager if I should put one on the drawings, he said no.

**Mr. MacCartney:** So, I'm searching for bulk table. I'm just trying to understand what the application is. Can somebody just point out to me what is the application? What is the variance that's required?

**Mr. MacCartney:** So, it's just the side, and the total size? And it's because of what? What are we constructing, a new garage?

**Mrs. Knight:** Garage.

**Mr. MacCartney:** It's brand new?

**Mr. MacCartney:** Alright... fine, thank you.

**Chairman Wright:** Could you just identify yourself please?

**Mr. Levesque:** Kier Levesque.

**Ms. Pechin:** Can you please spell it?

**Mr. Levesque:** K-I-E-R; last name L-E-V-E-S-Q-U-E

**Ms. Pechin:** Thank you.

**Chairman Wright:** Any questions from the Board?

**Chairman Wright:** Any questions from the public? Going once... twice...

**Mr. MacCartney:** What's the required total?

**Mr. Levesque:** 35

**Mr. MacCartney:** What's the request?

**Mr. Levesque:** No, wait a minute! Combined is 40.

**Mr. MacCartney:** So, each individual side is supposed to be 35? What's the total size supposed to be?

**Mr. Levesque:** Minimum side yard is 15, the total side yard is 40.

**Mr. MacCartney:** You provide 34, for a total of 9.5... **\*inaudible\***

**Mr. Levesque:** That's correct.

**Mr. MacCartney:** Okay, I'm fine.

**Chairman Wright:** Nothing from the public? Anymore questions from the Board? I'll take a motion to close this public hearing.

**\*\*\*MOTION: Mr. Lynch made a motion to close the public hearing; seconded by Mr. Keegan. All in favor; the motion was carried.**

**Mrs. Knight:** Thank you!

**Chairman Wright:** Now this brings us back to the Lovett Substation.

Request of Lovett Substation- 45 Elm Ave – App. #22-11 (Area Variance)

Chapter 215 Article VI Section 215-22, attachment 15 Table of Bulk Requirements part 1A – use group 'a' requires maximum 15' building height.

Proposed height = 36'

VARIANCE necessary = 21'

Chapter 215 Article VI Section 215-24(C) requires maximum height of fence 4' in front yard, 6' along any part of a lot line behind the required front yard.  
Proposed fence height = 10' 1' barbwire, total 11'  
VARIANCE necessary = 7'

Chapter 215 Article VI Section 215-24(C) requires fence setback equal to 2/3 the fence height where fence height exceeds 6'.  
Proposed fence = 11' high (requires 7'-4" setback), 0' setback provided  
VARIANCE necessary = 7'-4"

\*\* Chapter 215 Article VI Section 215-22, attachment 15 Table of Bulk Requirements part 1A – use group 'a' requires maximum 5% development coverage. Proposed coverage = 53%, VARIANCE necessary = 48% \*\*

**Chairman Wright:** Is the representative for the Lovett Substation present? If you could just identify yourself.

**\*\*\*MOTION: Mr. Lynch made a motion to close the public hearing; seconded by Ms. Davis. All in favor; the motion was carried.**

**Chairman Wright:** If you could just identify yourself.

**Mr. Sinsabaugh:** Yes sir. Good evening, Brian Sinsabaugh, I'm an attorney with Zarin & Steinmetz law firm – 81 Main Street, White Plains, New York. Here on behalf of the applicant, Orange & Rockland Utilities, Inc. Also, here with me today is Jesse DuBois of Beta Engineering, the engineer of record; Vivian Winters, project manager at Orange and Rockland; Annie Thomas, principal engineer at Orange and Rockland; Susmit Patel, chief engineer at Orange and Rockland; David Fugate, of Electric Research and Management Inc.; and Robert D. O'Neal, Managing Principal of Epsilon Associates Inc. Before we begin, I do have the affidavit of mailing and posting, I just want to provide those. All right, so the application before you seeks area variances that are associated with the expansion to the existing Lovett Substation, located in the Hamlet of Tomkins Cove in the Town of Stony Point. The property sought to be improved is a vacant parcel that was once used in conjunction with the Moran/Lovett Substation Generating Facility.

**Summary of presentations by speaker:**

1. Jesse DuBois of Beta Engineering, the engineer of record
  - Jesse DuBois explained the locations of fencing and lot lines. Chairman Wright asked for a more specific fence plan, which Mr. DuBois agreed to provide this to the Board. Mr. Hager also questioned the gas insulation comprised of. Mr. DuBois explained it is inert gas, FS6 gas.
2. Vivian Winters, Project Manager at Orange & Rockland Utilities, Inc.
  - Vivian Winters is the project manager for this Orange and Rockland project. She explained that this land was previously a tank farm used to host the oil for the generating system. Mr. MacCartney raised concern about the lot coverage, asking if it is less or more than 53% as it was when it was a tank farm, in which Ms. Winters was unable to address at the time of the question but advised the information would be found in their records.
3. Annie Thomas, Principal Engineer at Orange & Rockland Utilities, Inc.
  - Annie Thomas has had 15 years substation engineering experience at Orange and Rockland Utilities, as well as Con Edison. She holds professional engineering licenses in New York and New Jersey. Ms. Thomas explained the substation was



dismantled by private entities that found it to be no longer financially viable. She goes on to discuss the numerous projects that came with the loss of the Lovett Substation in 2007. The projects included a major upgrade of transmission line that runs through Central Rockland County, installation of voltage support equipment known as compositor banks, and NYISO requirement to tap the bulk electric system.

4. Susmit Patel, Chief Engineer at Orange & Rockland Utilities, Inc. (present)
5. David Fugate, of Electric Research & Management Inc. (*EMF*)
  - David Fugate is a magnetic field expert. He advised there is no state or federal regulation for leveling the field levels. New York State requires regulations on right of ways and on the edge of right of ways. He explains that in this project, transmission lines come through on each side using two circuits – one breaking through and putting the substation in there, then using it to feed into the 138kv. When interrupting the one circuit, they need all the equipment to do so. He explained that normally this is a big affair, but this gas insulated substation is unique because it goes into enclosures which allows it to be compact and small. Mr. Fugate also addressed that the low magnetic field effect is due to the small equipment. He said, in general, everything meets the NYS requirements.
6. Robert D. O'Neal, Managing Principal of Epsilon Associates Inc. (*Noise Study*)
  - Mr. O'Neil has 35 years' experience in sound studies. Mr. O'Neil's sound study provides predictions and tests complaints that are recorded. He had no complaints when doing the study for the Lovett Substation. Chairman Wright asked what produces the sound, and Mr. O'Neil had addressed the sound comes from a new transformer. Chairman Wright then asked if it is gas powered, in which Mr. O'Neil explained the sound comes from an electrical vibration made by the core of the transformer as the electricity passes through. Chairman Wright asked where the measurements are taken for the testing. Mr. O'Neil advised the comparisons are done at night, and there is no reduction from trees calculated in the study.

**\*\*\*MOTION: Ms. Davis made a motion to adjourn the meeting of September 1, 2022; seconded by Mr. Streiter. All in favor; the motion was carried.**

Respectfully submitted,  
*Nicole Pechin*  
Secretary  
Zoning Board of Appeals