

**TOWN OF STONY POINT  
ZONING BOARD OF APPEALS  
Minutes of January 6, 2021**

**PRESENT:**

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

**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 January 6, 2021, to order. Please rise for the Pledge of Allegiance.

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

**Chairman Wright:** Mr. Keegan had called me earlier today and said he wasn't going to be here. He wasn't feeling well, he called me and let me know he wouldn't be here.

Alright, we have a, well Happy New Year to everyone, we appreciate it. Glad to see everyone here, with the exception of a couple of people, but good to start another new year. And with that, we have a new application. Let me do this first, I'll take a motion to accept the minute from December 16<sup>th</sup>.

**\*\*\*MOTION:** Mr. Anginoli made a motion to accept the minutes of December 16, 2021; seconded by Mr. Lynch. All in favor; the motion was carried.

**Chairman Wright:** Okay, thank you. And one last time, I think Kathy this is your last night?

**Ms. Kivlehan:** This is my last night, but I'm still come to help her out for a couple more meetings.

**Chairman Wright:** Okay, well we look forward to it. You're always welcome Kathy. You will always be welcome Kathy, you will always be welcome to these meetings, but it's your last official night, though?

**Ms. Kivlehan:** It's my last official night, yes.

**Chairman Wright:** Once again, let me just offer our sincere thanks to all of your years of valuable service.

**Ms. Kivlehan:** And thank you again for the gift, I really appreciated it. Thank you.

**Chairman Wright:** With that, we have a new application.

Request of Steven Valvo – App. #21-19 (area variance (2))

A variance from the requirements of:

1. Chapter 215-22 – no principal structure shall be located any closer to any street or property line than the required minimum setback in the bulk table

or the established setback if such exists. Accessory structures and uses are permitted within the required setback other than the front setback but not within any required yard, except as specifically authorized herein.

Two variances necessary for proposed accessory garage:

1. Located in a required front setback – 35 feet setback required, 15 feet provided, 20 feet variance necessary; and
2. Located in a required front yard – 35 feet required, 15 feet provided, 20 feet variance necessary

for an accessory garage, located at 26 Thiells Road, Stony Point, New York.

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

**Mr. Celentano:** Good evening Board, my name is Anthony.

**Chairman Wright:** I'm sorry, can you just identify yourself; your name, your address.

**Mr. Celentano:** Yes, my name is Anthony Celentano, 3 Rosman Road, Thiells, New York. I am the engineer for the applicant.

**Chairman Wright:** And just real quick, because what were looking to do here is accept the application, so what were looking to do tonight is to make sure the application is filled out correctly so we can put it on the agenda.

**Mr. Celentano:** Okay

**Chairman Wright:** And it won't actually be a testimony, but, in the meantime members of the Board just have some questions just to make sure.

**Mr. Celentano:** You only want a little brief piece of the project here?

**Chairman Wright:** Absolutely, I just want to give you an upfront here, so you know what you're walking into here.

**Ms. Kivlehan:** Excuse me, can we just have your last name again? I'm sorry.

**Mr. Celentano:** Sure, Celentano; C-as in cat, E-L-E-N-T-A-N-O

**Ms. Kivlehan:** Thank you.

**Mr. Celentano:** Okay, so, Mr. Valvo who lives at 26 Thiells Road, would like to put a garage 24x30. He would like to acquire a portion of the property from 30 Thiells Road, and the most ideal spot due to topography and location, he'd like to put the garage 15 feet from the property line, and we would require a front yard and front setback variance. That's it.

**Mr. Lynch:** So did I hear you correctly, that you are looking to acquire the property to put this garage on that, so based on this line that's here it's not the official property line yet.

**Mr. Celentano:** Correct

**Mr. Lynch:** That's not the official property, yet? I'm just making sure.

**Mr. Celentano:** Correct

**Mr. Lynch:** Alright

**Mr. Celentano:** We are going for a lot line change in the Planning Board, in conjunction with the variance here.

**Mr. Lynch:** That was my next question was, was there an easement and everything all set up prior to this?

**Mr. Celentano:** No.

**Mr. Lynch:** So there is no easement on all that blacktopping in the area?

**Mr. Celentano:** Nothing.

**Mr. Anginoli:** Who owns that property now?

**Mr. Celentano:** Currently, we are the 26<sup>th</sup>, and the 30 is what, Porette's last name?

**Mr. Valvo:** Correct, yes.

**Mr. Celentano:** Porette owns the property now and is willing to give a portion of the property to Mr. Valvo to put the garage.

**Mr. Lynch:** That's already been spoken about?

**Mr. Valvo:** Yes.

**Mr. Lynch:** Okay, before you came here you did talk to him about it, right?

**Mr. Celentano:** They signed on the application and everything.

**Mr. Lynch:** Just making sure.

**Mr. Anginoli:** Surprise, surprise

**Mr. Lynch:** No, no, no, you'd be surprised.

**Mr. MacCartney:** He is under contract to buy it, like a subject to approval for lot line change?

**Mr. Celentano:** Correct. I believe he signed/co-signed on the applicant application and he's all aware of this, yeah. He'll have to sign off on the lot line change maps also.

**Chairman Wright:** So has there been an application put into the Planning Board for the lot line change now?

**Mr. Celentano:** Yes.

**Chairman Wright:** What's the status on that?

**Mr. Celentano:** They're doing a field visit this Saturday at 9, and we had our first meeting there, and then after the field visit we'll see what happens.

**Mr. Hager:** Dave, the Planning Board referred this matter to this this Board...

**Mr. MacCartney:** I see.

**Mr. Hager:** Both parties, the two neighbors, are both listed as applicants since the one's conveying property to the other, two neighboring properties. So, before the Planning Board can render a decision on the lot line change and the location of the garage, they need this Board to decide if variances can be granted for the front yard restrictions.

**Mr. MacCartney:** Got it, thank you.

**Mr. Hager:** Also, there's also some discrepancy about the height of the building that was shown on the drawing, I think you has 18 feet to the peak of the roof. The code definitions mention to the mean height of the slope roof, so, I think Mr. Celentano would be able to testify that the roof elevation, by that definition, is at the 15 feet is the maximum the code limits as an accessory structure too.

**Mr. Lynch:** (inaudible)

**Mr. Anginoli:** An interesting question, I guess, how can we entertain variances for a property that they don't have yet?

**Chairman Wright:** Yeah, I was just getting ready to ask the same question. I mean, Mr. MacCartney, what are your thoughts on that one?

**Mr. MacCartney:** Yeah, it's... it happens from time to time. The applicant, you got to have the cart and the horse both moving at the same time. You can't go forward with the Planning Board until the plan is complete there, until he has a variance here, and can't get the variance here if he hasn't completed that. The answer is yes, he can proceed with both at the same time and say "look, this is what I'm looking for, I have a signature from the current owner, so we are co-applicants here" so we have consent of the current owner and would he be looking for; and if you were ever inclined to grant the variance, it would be a conditional grant subject to and conditioned upon a grant of a lot line change that's been purposed, and in the absence of that it's null and void.

**Mr. Lynch:** You're smart, you answered my question.

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

**Chairman Wright:** Alright, if not, we will put it on the agenda for two weeks or four weeks?

**Ms. Kivlehan:** Four weeks, because it would be the public hearings got to be the first Thursday of the month. The public hearing will be on February 3<sup>rd</sup>.

**Chairman Wright:** Okay, we will do a site visit on the last Sunday.

**Ms. Kivlehan:** We can put you down for the 29<sup>th</sup>.

**Mr. Celetano:** The 29<sup>th</sup>, for...

**Ms. Kivlehan:** The 30<sup>th</sup>, it's a Sunday.

**Chairman Wright:** Is there a better time? Joe, I think you guys had in mind a different time?

**Mr. Lynch:** We were talking about doing Saturdays.

**Mr. Anginoli:** Yeah, we were talking about doing it on Saturdays.

**Mr. Lynch:** Saturday mornings instead of the Sunday mornings.

**Chairman Wright:** Saturday the 29<sup>th</sup> then?

**Mr. Lynch:** The 29<sup>th</sup>

**Chairman Wright:** What time? Was 9 o'clock good, 8 o'clock or was...

**Ms. Lubeck:** You still want to meet at the Town Hall again?

**Mr. Anginoli:** Yes, meeting at Town Hall worked out very well.

**Chairman Wright:** Town Hall?

**Mr. Anginoli:** 9 o'clock?

**Ms. Lubeck:** Yes, 9 o'clock

**Ms. Kivlehan:** The last Saturday of January, right? We put you down for Sunday, so we switched to Saturday now.

(inaudible)

**Mr. Lynch:** 9 o'clock.

**Mr. Anginoli:** 9 o'clock.

**Mr. Lynch:** 9:00-9:30.

**Chairman Wright:** And if it's possible for you to put a stake out there so we can get a sense as to location and size and all that?

(inaudible)

**Ms. Lubeck:** So, do you plan to carpool?

**Chairman Wright:** Sometimes

**Mr. Lynch:** Probably

**Ms. Lubeck:** Because there's no parking on Thiells Road.

**Chairman Wright:** Okay, well thank you.

**Mr. Anginoli:** \*inaudible\*

**Mr. Lynch:** Your driveway's big enough, I drove by and took a look already.

**Ms. Lubeck:** \*inaudible\*

**Chairman Wright:** Any other questions?

**Mr. Lynch:** Have a good night, thank you very much.

\*inaudible\*

**Mr. Lynch:** Put it on the agenda?

**Chairman Wright:** I'll take a motion to put that on the agenda for the ...

**\*\*\*MOTION:** Mr. Lynch made a motion to put it on the agenda; seconded by Mr. Streiter. All in favor; the motion was carried.

**Chairman Wright:** Alright, so, this other matter... is there something you want to do after this meeting?

**Ms. Kivlehan:** I don't think I can do after...

**Chairman Wright:** So a job?

**Ms. Kivlehan:** \*inaudible\*

**Mr. MacCartney:** Well, I'll talk to you individually to people, rather than give you...

**Ms. Kivlehan:** Alright, okay, that's what I was going to say, just like an executive session?

**Mr. MacCartney:** You could do one or the other, what we can't do is adjourn on that. Its either we have to go into executive session for legal advice now, or I could just address whatever I need to address with John, or with the Chairman, you know for now.

**Chairman Wright:** I would go for the second one, why don't you talk to John, see what's going on, and if we can go into executive session for the next meeting.

**Mr. MacCartney:** Yeah, I think that's fair.

**Mr. Lynch:** John, have you gone to visit the property again?

**John Hager:** Yes, okay.

**Chairman Wright:** Alright, with that, I'll take if off. Thank you Nicole, welcome again, to your official role. Other than that, if there isn't any other business, I'll take a motion to adjourn.

**Mr. Anginoli:** Did we take a motion to accept the minutes?

**Mr. Lynch:** Yes we did.

**Mr. Streiter:** Yes we did.

**\*\*\*MOTION: Mr. Lynch made a motion to adjourn; seconded by Mr. Anginoli. All in favor; the motion was carried.**