

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of June 4, 2015**

PRESENT:

Mr. Anginoli
Mr. Keegan (absent)
Mr. Casscles
Mr. Vasti
Mr. Fox
Mr. Porath (absent)

ALSO PRESENT:

Brian Nugent, Attorney

Chairman Wright

Chairman Wright: 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.

On the agenda tonight, is the Public Hearing for the request of Michelle Burns.

Request of Michelle Burns - Appl. #2015-0004

A variance from the requirements of Chapter 215, Article XIV, Section 94-D.1-C: Less than required front setback (corner Lot), required 19.8 feet provided 8.0 feet; to install an above ground pool in the front yard at premises location at 35 Minerick Drive, Stony Point, New York

Section 20.07 Block 1 Lot 21 Zone R1

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

Chairman Wright: Is there a representative for the applicant here? Could you come forward and identify yourself?

**Michelle Burns
35 Minerick Drive
Stony Point, New York**

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

Mrs. Burns: Yes.

Chairman Wright: I will open it up to the Board if you have any questions for Mrs. Burns.

Mr. Vasti: Mrs. Burns, I did a drive by inspection this week and I noticed you have a 6' fence there already. Did you put that fence in or was that fence there with the property?

Mrs. Burns: No, we put that in like years and years ago before the addition – 2001.

Mr. Vasti: How...if this variance is granted how do you plan to protect the pool from children getting into it and how do you plan to safeguard it?

Mrs. Burns: Locked gates on the outside of the fence and the inside and the pool alarm and then the sliding back doors will have an alarm on them.

Mr. Vasti: Is this pool going to be for your own family's personal use?

Mrs. Burns: Yes.

Mr. Vasti: Did you think about locating a smaller pool on any other part of your property?

Mrs. Burns: I had brought to the attention last time, I think we are just doing 18' within the same 5' back and 8' end because the 16 x 24 – the pool company came and it's going to be too big.

Mr. Vasti: So you are going to go with...

Mrs. Burns: A smaller pool.

Mr. Vasti: A 16 or an 18'.

Mrs. Burns: The 18; well the other was 16 x 24 so it was too...

Mr. Vasti: It was an oblong size. Is that correct?

Mrs. Burns: Yes.

Mr. Vasti: So what are you going to go with now?

Mrs. Burns: 18.

Mr. Vasti: 18 round.

Mrs. Burns: Yes, which will have to bring it in closer to the deck, but still the same...

Mr. Vasti: And what is the height of the pool?

Mrs. Burns: 52.

Mr. Vasti: Okay and approximately how many gallons?

Mrs. Burns: It can tell me right here. (looking at the brochure) They gave me a lot of paperwork. They actually gave me all their insurance...

Mr. Vasti: Well it is a little over 4' x 18' in circumference. That is a lot of water.

Mrs. Burns: I don't know if that says how many gallons...

Mr. Vasti: Well get back to my original question Mrs. Burns...have you thought about a smaller size maybe; a smaller size pool that would fit on a different part of your property or is it not possible?

Mrs. Burns: It's not possible. There are a couple of trees under the deck.

Chairman Wright: Was there ever a pool in the back of this lot?

Mrs. Burns: No.

Chairman Wright: Do you believe the previous owners ever had one?

Mrs. Burns: Oh, I don't know. I don't think so.

Chairman Wright: Are you going to be filling it in yourself or are you getting someone to fill it?

Mrs. Burns: No, we are getting Royal Pools, Orange County. I went with them they have very high recommendations.

Chairman Wright: Would you be expecting to put a deck around this pool or just kind of being a free-standing pool?

Mrs. Burns: It's going to have two (2) steps up. Eventually a deck; I don't think this year. I would have to get back for another variance, but...

Chairman Wright: Mr. Nugent, do you have any idea if she can put a deck around that if she needs to get another variance for that?

Mr. Nugent: If it's going to be done, I think, at a separate time, the deck would be considered a structure, unless you are doing it as one project you can deal with both of those things at one time.

Mr. Vasti: Yes, but that's not what's before us; so I mean if you are going to put a deck up you are going to apply for a building permit. If you plan on doing anything...

Mrs. Burns: They told me to put the pool in first and then decide on that.

Mr. Vasti: Are you are going to put a swimming pool heater in...

Mr. Burns: No.

Mr. Vasti: with this pool?

Mr. Honan: Will the deck be closer to the street or closer on the other side; the house.

Mrs. Burns: It wouldn't be closer to the street.

Mr. Honan: In other words, it may not require a variance it's not printed in what's already been approved. That would really require the application for the deck and Mr. Sheehan would decide if it's part of the variance at that point.

Mr. Vasti: I have no other questions.

Chairman Wright: Anybody else have any other questions?

(no response)

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

Chairman Wright: What we will probably do is have a decision in a couple of weeks.

Mrs. Burns: Okay, thank you very much. I don't know if you want any of this, this is what the pool company sent me; just information about their insurance, their liability...

Mr. Casscles: Bill might want that.

Mrs. Burns: That has nothing to do with that. They were very professional about all this so they've been sending me information. Okay, thank you.

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

*****MOTION:** Chairman Wright made a motion on the request for Michelle Burns to:

1. Allow the pool. The only thing we have to do is amend to make sure that the Building Inspector is aware that the existing fence is 6' and determine whether or not we are going to have to amend the original application to include the fence that is in the front setback and that the pool is 18' in diameter (round).

Mr. Casscles seconded this motion. Hearing all in favor; the motion was carried.

Chairman Wright: The second motion is with regard to Kevin Maher.

Mr. Nugent: Mr. Chairman if you prefer would you like me to introduce the motion.

Chairman Wright: Sure.

*****MOTION:** Mr. Brian Nugent made a motion for a resolution and direct Special Counsel directive not to effect the appeal in the matter of Kevin Maher vs. the Town of Stony Point, Zoning Board of Appeals, Rockland County Supreme Court, Index No. 400-2014. Mr. Fox seconded this motion. Hearing all in favor; the motion was carried.

Upon roll call, the vote was as follows: Mr. Anginoli, yes; Mr. Keegan, absent; Mr. Casscles, yes; Mr. Vasti, yes; Mr. Fox, yes; Mr. Porath, absent; and Chairman Wright, yes.

Chairman Wright: Is there any other business before the Board for tonight?

*****MOTION:** Chairman Wright made a motion to adjourn the meeting of June 4, 2015; seconded by Mr. Vasti. Hearing all in favor; the motion was carried.

Respectfully submitted,

Minutes taken by Cathy Finnerty
and transcribed by Kathy Kivlehan