

TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of October 2nd, 2025

PRESENT:

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

ALSO PRESENT:

Dave MacCartney, Attorney
John Hager, Building Inspector

Chairman Wright: Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of October 2, 2025, to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited and roll call taken.

Chairman Wright called for the first item on the agenda.

Request of Erickson Hernandez – 39 Nordica Circle – App. #25-04 (Area variance)

Residential Addition - proposed two-story addition to existing single-family residence

Town Zoning Code chapter 215-A Bulk Table, attachment 16 part II

Use group h.1, column 6, Required rear setback:

Minimum rear yard setback required = 35'

Existing rear yard setback = 42.3'

Proposed rear yard setback = 15'

Rear yard setback variance required = 20'

Section: 15.04

Block: 5

Lot: 57

Zone: R1

Chairman Wright called for the applicant or representative to please come forward. No response given – applicant was not present. He adjourned the application to be discussed at the next meeting.

BOARD OF APPEALS

TOWN OF STONY POINT, COUNTY OF ROCKLAND

In the Matter of Application #25-04, of Erickson Hernandez, for a variance from the requirements of the Town Code to permit the construction of a two-story addition to an existing single-family dwelling providing a rear setback of 15 feet whereas 35 feet is the minimum required on property located at 39 Nordica Circle, Stony Point, New York, designated on the Tax Map as Section 15.04, Block 5, Lot 57 in the R1 Zoning District.

WHEREAS members of the Zoning Board of Appeals personally visited the applicants' property and viewed it and the neighboring properties on or about July 25, 2025; and

WHEREAS this is a Type II Action under the New York State Environmental Quality Review Act; and

WHEREAS a public hearing was held on September 4, 2025; and

WHEREAS, all the evidence and testimony were carefully considered, and the Zoning Board of Appeals has made the following findings and conclusions:

The applicant owns the subject parcel which is presently improved with a two-story single-family residence. The property sits on the corner of Farley Drive and Nordica Circle and is therefore considered a corner lot under the Town Code. The house is situated roughly in the center of the lot facing the corner. The frontages on both Farley Drive and Nordica Circle are considered front yards since it is a corner lot, and the right side of the house as viewed from the Nordica Circle side is considered the rear yard even though it physically appears to be the side yard.

The applicant seeks to construct a two-story addition on the right side of the house in that location, consisting of a garage on the first floor and some additional bedrooms on the second floor. The expansion is sought to

accommodate the applicant's adult children as they are moving home. The result of the addition is to provide a total of six bedrooms in the home: one for the applicant and his wife, four for their adult children, and one guestroom, in addition to the two-car garage.

Because the right side of the home is considered the rear yard, rather than the side yard, it must comply with the 35-foot minimum rear yard setback. However, the applicant proposes the addition to being 15 feet from the property line on that side and so therefore requires a variance.

Two members of the public appeared and spoke in opposition to the application. One lives next door to the applicant on the Farley Drive side of the property. The nature of that objection had to do with location of the shared property line on that side, not the substance of the side yard variance sought for the addition on the other side of the property. However, the other neighbor who appeared in opposition is the next-door neighbor on the Nordica Circle side, directly adjacent to the location of the proposed two-story addition. That neighbor objected on the ground that the addition was too close to her property, made the house appear larger than others in the neighborhood, and was therefore out of character.

The applicant was also asked whether the addition could be relocated or reduced in size. The applicant replied that it could not be reduced and still maintain the same functionality requested, primarily because of the angle upon which the house sits on this corner lot.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant's request for a variance, and, pursuant to the requirements of section 267-b.3 of the Town Law, hereby finds that on the conditions stated herein, the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, and has made the following findings and conclusions in that regard:

(1) There was insufficient evidence presented that the proposed variances would produce an undesirable change in the character of the neighborhood or a detriment to nearby properties to require a denial of the application. First, it should be noted that if that side of the property were to be considered a side yard, as by outward visual appearances it is, then it would comply with the minimum 15-foot side yard setback. The only reason it needs a variance is because that side is technically considered a rear yard under the code due to its classification as a corner lot. There are many other houses in that neighborhood with structures of similar sizes and providing similar distance between the sides of the house and the side property lines, and so it is not out of character with the neighborhood. Additionally, although the 15-foot setback provided is closer than existing conditions and it is understandably undesirable to the neighbor on that side; in applying the balancing test required by law, the Board feels in its discretion here that the impact is not sufficiently detrimental to require a denial.

(2) There was no evidence presented of any other feasible means to achieve the benefit sought without the variance requested. This is a corner lot, and the existing home is angled toward the corner of the property. Other than perhaps a demolition and complete reconfiguration, which is not feasible, there was no evidence of any other way to achieve the benefit sought here.

(3) The variance is substantial, but that factor is mitigated by the fact that if this were not a corner lot, the addition on the side of the home would be in the side yard and would be considered code compliant.

(4) There is no evidence before this Board of any adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(5) The alleged difficulty was self-created, but the Board does not feel this factor requires a denial.

NOW, THEREFORE, BE IT RESOLVED, that the application for a variance is hereby approved in the conditions set forth below:

CONDITIONS:

1. Compliance with the plans submitted to this Board and dated last revised June 18, 2025.
2. Payment of all due fees and compliance with all other applicable laws, rules, codes, and regulations.

The matter is remanded to the Building Inspector for further consideration in compliance with the terms and conditions hereof.

Upon roll call, a vote to pass the foregoing resolution was as follows:

Keegan – no; Anginoli – yes; Chairman Wright – yes; Lynch – yes; Davis – yes; Strieter – yes; Veras – yes

Chairman Wright called for the next item on the agenda.

Request of Daniel Cronk – 1 Walter Dr – App. #25-06 (Area Variance)

Residential Addition – add second floor (for storage) to existing detached garage

Town of Stony Point Zoning Code, Chapter 215, Article VII Supplementary Building Requirements, 215-30 C. “For any accessory building having a height in excess of 15 feet, the additional footage in excess of 15 feet shall be added to the rear and side yard requirements.”

Proposed Building height = 23’ (measured to mean height between eave and ridge)

Minimum side & rear yard depth required = (5’+8’) = 13’

Side yard depth existing/proposed = 5.9’ Variance necessary = 7.1’

Rear yard depth existing/proposed = 8.7’ Variance necessary = 4.3’

Section: 15.03 Block: 3 Lot: 25 Zone: R1

Chairman Wright called for the applicant or representative to come forward to explain the application. Daniel Cronk, applicant and owner of 1 Walter Drive, addressed the Board. Chairman Wright asked Mr. Cronk to give the Board a brief description of the project. Mr. Cronk advised he is looking to build on the second floor above the existing garage to make room for storage, as well as adding a staircase going up the side on the outside of the house. Chairman Wright set the site visit for October 25th, and he suggested that Mr. Cronk stake out the property. He also advised Mr. Cronk the public hearing will take place on November 6, 2025.

Chairman Wright called for a motion to accept the application.

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

Chairman Wright called for the next item on the agenda.

Request of Thomas Sullivan – 41 Beach Rd – App. #25-05 (Area Variance)

New 1 FAMILY DWELLING & APPURTENANCES – construct new 3 bedroom, 2.5-bathroom home (elevated for flood standards compliance)

Town Zoning Code chapter 215-15 A Bulk Table, attachment 16 part II

Use group h.1, column 4, Required front yard depth/setback:

Minimum front yard depth/setback required = 35’/35’

Existing front yard setback = N/A (vacant)

Proposed front yard depth/setback = 18.0’/18.0’

Front yard depth/setback variance required = 17’

**Additionally, a Flood Plain Development permit must be applied for in this location. **

Section: 20.08 Block: 1 Lot: 16 Zone: R1

Chairman Wright called for the applicant or representative to come forward to explain the application. Thomas Sullivan, property owner and applicant for 41 Beach Road, addressed the Board. Mr. Sullivan advised the Board that during Hurricane Sandy the house had been destroyed, and he is trying to rebuild the property. Mr. Anginoli asked if Mr. Sullivan has any issues with the train tracks behind the house, and Mr. Sullivan replied that this property has been in his family for almost 100 years, and he had never seen it to be an issue. Mr. MacCartney asked Mr. Hager if the moratorium applies to this application. Mr. Hager responded that it does currently fall into the criteria. Mr. Sullivan argues that the application was submitted prior to the moratorium, and Mr. MacCartney advised that no pending building permits and applications are permissible, as well as any Board rulings, during the scope of the moratorium. He also confirms that it does not apply to every single-family residence. Mr. Hager adds that he intended for this application to be accepted under the terms that it was submitted prior to the moratorium, however, the moratorium includes language in which applies to this application that now prevents

any Board rulings. Chairman Wright suggested they not accept the application at this time, and we will revisit at the next meeting on October 16th.

Chairman Wright called for a motion to revisit this application on October 16, 2025.

*****MOTION: Ms. Davis made a motion to revisit this application on October 16, 2025; seconded by Mr. Anginoli. All in favor; the motion was carried.**

Chairman Wright called for the next item on the agenda.

Request of Neru Mehrotra – 6 Pierce Dr – App. #25-06 (Use Variance)

Residential Alteration - add small kitchenette in basement level

Town of Stony Point Zoning Code section 215-9 Compliance Required

F. No building permit or certificate of occupancy or certificate of use shall be granted for any use unless the Building Inspector finds that the use shall conform to the standards set forth in this chapter.

Section: 14.04 Block: 4 Lot: 22 Zone: RR

Chairman Wright called for a motion to open the public hearing.

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

Chairman Wright called for the applicant or representative to come forward to explain the application. Neru Mehrotra, property owner and applicant, explained to the Board that the use variance is needed to add a kitchen to their basement to accommodate her parents who need to prepare their meals separately due to religious reasons. Chairman Wright advised Mrs. Mehrotra she should consult a land use lawyer. He adds that it is incredibly difficult for the Board to approve use variances, and it would be hard to prove why the use of the house needs to change and the law requires proof of economic difficulty.

Chairman Wright called for a motion to continue the public hearing.

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

Chairman Wright called for the next item on the agenda.

Request of Keith Murdock – 4 Gilmore Dr – App. #25-07 (Area Variance)

Residential Alteration - Convert and expand existing open deck to a closed sunroom 9' x 18'

Town Zoning Code chapter 215-15 A Bulk Table, attachment 16 part II Table of Bulk Requirements, use group h.1, column 5, Required side setback / total side setback:

Minimum side yard setback required = 15' / 40'

Existing side yard setback = 10.6'* / 33.8

Proposed side yard setback = 10.6'* / 26.1'

Side yard setback variance required = pre-existing* / 13.9' (total combined)

* pre-existing nonconforming condition. No proposal to increase nonconformity.

Section: 15.02 Block: 3 Lot: 36 Zone: R1

Chairman Wright called for the applicant or representative to come forward to explain the application. Keith Murdock, property owner and applicant, addressed the Board and explained that he would like to replace their side deck with a sunroom that would be the same side as the deck with an outward extension.

Chairman Wright called for a motion to open the public hearing.

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

Chairman Wright asked the Board if they had any questions. Mr. Anginoli asked Mr. Murdock if there was any possibility he could make the sunroom smaller to lessen the relief sought, but Mr. Murdock replied that there

would be no desire to make the deck into a sunroom if it were any smaller. Mr. Lynch asked if there would be screened in windows and heat, and Mr. Murdock explained they will be putting windows to enjoy the fresh air during the warmer months but no plans to add electricity to the sunroom. Chairman Wright asked if there were any members of the public that would like to speak to please come forward. No response was given.

Chairman Wright called for a motion to close the public hearing.

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

Chairman Wright called for a motion to close the meeting of October 2, 2025.

*****MOTION: Mr. Anginoli made a motion to close the meeting of October 2, 2025; seconded by Mr. Veras. All in favor; the motion was carried.**

Respectfully submitted,

Nicole Flannigan

Secretary
Zoning Board of Appeals