

**TOWN OF STONY POINT**  
**ZONING BOARD OF APPEALS**  
**Minutes of November 6<sup>th</sup>, 2025**

**PRESENT:**

Mr. Keegan  
Mr. Anginoli  
Mr. Lynch (absent)  
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 November 6, 2025, to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited and roll call taken.

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Chairman Wright called for the first 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**

**DECISION**

**BOARD OF APPEALS**

**TOWN OF STONY POINT, COUNTY OF ROCKLAND**

In the Matter of Application #25-07, of Keith Murdock, for a variance from the requirements of the Town Code to convert and expand an existing open air deck to a closed sunroom on an existing single-family dwelling providing a pre-existing non-conforming single side setback of 10.6 feet whereas 15 feet is the minimum required by current Code, and providing total side setback of 26.1 feet whereas the pre-existing, non-conforming condition is 33.8 feet and 40 feet is the minimum required by current Code, on property located at 4 Gilmore Drive, Stony Point, New York, designated on the Tax Map as Section 15.02, Block 3, Lot 36 in the R1 Zoning District.

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

WHEREAS a public hearing was held on October 2, 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 is the owner of the subject parcel which is currently improved with a two- story single-family home. The home faces Gilmore Drive and currently provides a 10.6-foot side yard on the right side of the home and a 23.2-foot side setback on the left, for a current total side yard of 33.8 feet. Current Code requires a minimum of 15 feet for each side, so the right-side yard of 10.6 feet is pre-existing, nonconforming. The current Code also requires a total minimum side yard of 40 feet, so the existing total of 33.8 feet is likewise pre-existing, nonconforming.

The applicant proposes to convert and expand an existing open-air deck on the left rear corner of the home (the south side) to become an enclosed sunroom measuring 9' x 18'. The proposed sunroom addition does not expand any further into the backyard beyond the existing deck, but it does expand several feet farther from the

house into the left side yard. It is proposed to be located 15.5 feet from the side property line on that left side of the home.

The 15.5-foot proposed side setback on the left complies with the single side yard setback requirements of the Code, so in and of itself that would not require any variance. However, the small expansion into the side yard on the left decreases the total side yard from the existing 33.8 feet to 26.1 feet, which is less than current total side yard requirement of 40 feet, so a variance is required. The applicant also requests a variance for the pre-existing non-conformity on the opposite (right) side of the house where 10.6 feet are still provided.

No complaints or objections were received to the relief sought.

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) No evidence was presented to this Board of any undesirable change in the character of the neighborhood or a detriment to nearby properties. The home has been in its current location with the same dimensions including the current single and total side yards for decades without any known complaints or adverse impacts. The only work proposed here is a small expansion of a few more feet on the left side rear of the home, largely overlapping with an existing deck. The new sunroom will still leave 15.5 feet to the property line in that location which is code-compliant, and the body of the house will remain the same as it is now at 23.2 feet from the property line. The home, as constructed and with the modest addition proposed, is consistent with other homes in the neighborhood.
- (2) There was no evidence presented of any other feasible means to achieve the benefit sought without the variance requested.
- (3) The variance is numerically substantial, but not enough to require a denial, all things considered here.
- (4) There was 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 insofar as the applicant seeks to voluntarily expand into the side setback farther than the pre-existing, non-conforming conditions, but the Board does not feel this factor requires a denial.

NOW, THEREFORE, BE IT RESOLVED that the variances sought are hereby GRANTED on the conditions set forth below:

CONDITIONS:

1. Compliance with the dimensions shown on the survey submitted to this Board as part of the application.
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.

Chairman Wright called for a motion to approve the application.

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

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

Keegan – yes; Anginoli – yes; Chairman Wright – yes; Lynch – absent; Davis – yes; Strieter – yes; Veras – yes

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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 asked if there were any updates regarding the moratorium so he could move forward with his application. Mr. Hager advised that there were no updates at this time and its plan is to remain in effect until mid-January. Mr. Sullivan asked if the application could be accepted and a site visit could be scheduled to get the process going. Mr. MacCartney explained that the Board is prohibited from processing applications while the moratorium is in effect. Chairman Wright agreed to hearing the application once the moratorium is lifted.

Chairman Wright called for a motion to put the application on hold.

**\*\*\*MOTION: Mr. Keegan made a motion to put the application on hold; seconded by Ms. Davis. All in favor; the motion was carried.**

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Chairman Wright called for the next item on the agenda.

**Request of Michael & Anmarie Dari – 23 Franklin Dr – App. #25-09 (Area Variance)**

**Shed - New 12'x24' Accessory shed**

**Town Zoning Code chapter 215-22 General requirements:**

**...Accessory structures and uses are permitted within the required setback other than the front setback but not within any required yard...**

Town Zoning Code chapter 215-15 A Bulk Table, attachment 16 part II table of bulk requirements, Use group h.1, column 4, Required front setback:

Minimum front yard setback required = 35' (corner lot)

Existing front yard setback = 32.9' (existing house)

Proposed front yard setback = 20' (proposed shed)

Front yard setback variance required = 15'

**Section: 15.19**

**Block: 1**

**Lot: 93**

**Zone: R1**

Chairman Wright called for the applicant or representative to come forward to explain the application. John Bender, Cedar Brook Construction/representative of the applicant, addressed the Board. Chairman Wright asked Mr. Bender for a brief overview of the application. Mr. Bender explained that the homeowner is currently converting their garages into living space, so now they will need a place for storage. The application is to provide side yard clearance for moving it closer to the street.

Chairman Wright asked the Board if they had any questions. No response was given.

Chairman Wright called for a motion to accept the application.

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

Chairman Wright advised the site visit will be January 22<sup>nd</sup>, and the public hearing will be December 4<sup>th</sup>.

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Chairman Wright called for the next item on the agenda.

**Request of Brett Mellozzo – 34 Ten Eyck St – App. #25-10 (Area Variance)**

**Residential Addition - remove existing roof, reframe new roof to allow for covered porch - remove existing mud room, frame new "tv room" in its location - new windows, sheathing plywood & siding insulation, electrical upgrades**

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

Use group h.1, column 5, Required side setback / total side setback:

Minimum side yard setback required = 15' / 40'

Existing side yard setback = 22' / 22.6'

Proposed side yard setback\* = 1.8' / 2.4'

Side yard setback variance required = 13.2' / 37.6'

\*Proposed setbacks reflect existing location of "detached garage". Current garage is "detached" and subject to yard depth bulk dimensions (column 7). Proposed addition will change the garage to "attached" subject to building setback bulk dimensions (column 5). See 215-5 definitions for accessory: "...Any accessory building or structure attached to a principal building or structure is deemed to be part of such principal building or structure in applying the bulk requirements to such building or structure..."

**Section: 15.19**

**Block: 1**

**Lot: 17**

**Zone: R1**

Chairman Wright called for the applicant or representative to come forward to explain the application. Brett Mellozzo, property owner and applicant, addressed the Board. Chairman Wright asked Mr. Mellozzo for a brief overview of the application. Mr. Mellozzo explained they currently have a porch that is not covered, and a mud room that could not even fit a couch in it. They would like to extend the mud room to make a 'tv room' as well as cover the porch. He added they will knock down the old mud room and reframe the new 'tv room'.

Chairman Wright asked the Board if they had any questions. No response was given.

Chairman Wright called for a motion to accept the application.

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

Chairman Wright advised the site visit will be January 22<sup>nd</sup>, and the public hearing will be December 4<sup>th</sup>.

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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 eaves 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, property owner and applicant, addressed the Board.

Chairman Wright called for 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 asked Mr. Cronk for a brief overview of the application. Mr. Cronk explained he would like to build storage space above his garage. Mr. MacCartney asked Mr. Cronk about the plans for the stairs on the exterior, and Mr. Cronk explained because he needs to go for a variance, they decided to include the stairs on the outside of the home instead of inside to avoid losing some of the interior space. Mr. MacCartney confirmed that the stairs will be on the right side of the property, Mr. Cronk agreed.

Chairman Wright asked the Board if they had any questions. No response was given.

Chairman Wright asked if the public had any questions. 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. Anginoli. All in favor; the motion was carried.**

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Chairman Wright asked the Board if they would like to adjourn the application for Neru Mehrotra, 6 Pierce Dr, App. #25-06 (Use Variance). The Board as well as Mr. MacCartney agreed to keep it open for another month to allow them some time to consult with an attorney and come to a decision if they want to go forward with the application.

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Chairman Wright called for a motion to close the meeting of November 6, 2025.

**\*\*\*MOTION: Mr. Anginoli made a motion to close the meeting of November 6, 2025; seconded by Mr. Keegan. All in favor; the motion was carried.**

Respectfully submitted,

*Nicole Flannigan*

Secretary

Zoning Board of Appeals