

**TOWN OF STONY POINT  
ZONING BOARD OF APPEALS  
Minutes of December 18<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 December 18, 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 Michael & Annmarie 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**

**BOARD OF APPEALS**

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

In the Matter of Application #25-09 of Michael and Annmarie Dari for a variance from the requirements of the Town Code for the construction of an accessory shed with less than required front yard setback, on property with pre-existing nonconforming front yard setback of 32.9' as measured to the existing house, and proposing a 20' front yard setback measured to the new proposed shed, whereas 35' is the minimum required by Code, on property located at 23 Franklin Drive, Stony Point, New York, designated on the Tax Map as Section 15.19, Block 1, Lot 93 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 December 27, 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 December 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 applicants are the owners of the subject parcel which is currently improved with a single-family home. The subject parcel is a corner lot, situated on the corner of Ethan Allen Drive and Franklin Drive. The house faces Franklin Drive and the right side of home faces Ethan Allen Drive. Although visually the Ethan Allen side appears to be the side yard, because this is a corner lot, it must comply with all front yard and setback requirements under the Code. The existing house provides over 50 feet of front yard setback on the Franklin Drive side of the property

and 32.8 feet on the Ethan Allen Drive side. The latter dimension represents a pre-existing nonconformity since 35' is the required minimum under current Code.

The driveway enters from the Ethan Allen Drive side directly into the existing garage in that side of the house. The applicants are converting that garage into living space and are proposing to construct a new 12' by 24' shed to contain shelter equipment and other items formerly stored in the garage. The shed is proposed to be located to be conveniently accessible near the existing driveway on the Ethan Allen side of the property, but it is proposed to be just 20' from the property line, so it requires a front setback variance.

No objections were received to the relief sought.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicants' 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 applicants 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 appearance and location of the shed is in keeping with others in the neighborhood and is in the direct vicinity of the driveway so is not visually out of context in that location. There was no evidence presented of any undesirable changes or detriments to nearby properties.
- (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, but the Board does not feel this factor requires a denial.

NOW, THEREFORE, BE RESOLVED THAT the variance sought is hereby GRANTED on the conditions set forth below:

**CONDITIONS:**

1. Compliance with the dimensions shown on the survey and plans submitted to this Board as part of the application.
2. Compliance with all representations made to the Board including that the addition is for storage only.
3. 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 – yes; Anginoli – yes; Chairman Wright – yes; Lynch – absent; Davis – yes; Strieter – yes; Veras - yes**

Chairman Wright called for a motion to approve the application.

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

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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**

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

In the Matter of Application #25-10 of Brett Mellozzo for a variance from the requirements of the Town Code for the construction of an addition and other improvements to an existing one story single family dwelling, connecting the existing dwelling to an existing detached garage and therefore requiring the existing detached garage to comply with the required minimum side yard setback for a residential dwelling rather than an accessory use, resulting in single side set back of 1.8’ and a total side setback of 2.4’ whereas the required minimum side yard setback is 15’ and the required minimum total side yard setback is 40’, on property located at 34 Ten Eyck St., Stony Point, New York, designated on the Tax Map as Section 15.19, Block 1, Lot 17 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 December 27, 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 December 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 is the owner of the subject parcel which is currently improved with a single-family home and a detached garage. The property is in a neighborhood characterized by numerous pre-existing non-conforming homes built extremely close to side and rear property lines. The applicant’s house is no different; the preexisting house comes to within .6 feet of the left (east) side property line and abuts the rear property line. The existing detached garage is located to the right (west) of the home as viewed from the street and comes to within 1.8 feet of the right property line.

The applicant proposes an addition to the front of the home as well as a structure connecting the existing residential dwelling unit with the existing detached garage. Because the existing garage will now be considered part of the existing dwelling unit, the Building Inspector has determined that it must comply with the single-family home side yard setback requirement of 15 feet for a single side yard and 40 feet for the total side yard. Due to the pre-existing non-conforming location of the garage, the applicant therefore requires a single side yard setback variance for the existing 1.8 feet provided on that side and a total side yard variance for the 2.4 feet total side yard provided when adding the 1.8 feet to the existing .6 feet on the easterly side.

The neighboring property owner, Mr. Glen Albert, appeared and gave testimony during the public hearing. Mr. Albert voiced a long list of complaints and grievances concerning previous work done on applicant’s property as well as various drainage concerns, including existing runoff which he asserted were caused by a trench on applicant’s property resulting in flooding on his own property. Mr. Albert did not voice any objection to the variances sought for the side yard and total side yard, except insofar as to request that any work be done in connection with the addition not cause any additional drainage issues on his property.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant’s request for variances, 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 related to the variances sought. The existing home and detached garage are pre-existing non-conforming and have been in the same location for decades. The applicant is not proposing to

move the house or garage any closer to the property lines. The only thing that gives rise to the need for the variances is the new connection of the existing garage to the existing home. The existing house and garage fit in with existing conditions throughout that neighborhood and their distance from the property line has gone without complaint or perceivable negative impact to date. While Mr. Albert has several complaints, none of them relate to the relief sought and they are more properly brought to the attention of the building department and code enforcement personnel.

(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 denial, all things considered here including particularly the fact that these conditions have existed for decades, and the applicant is not proposing any actual change to the existing side property setbacks.

(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. The Board is cognizant of Mr. Albert's complaints relating to drainage, though, and grants the variances only in the conditions stated below which are meant to ensure that all drainage in connection with the addition is designed and installed to the satisfaction of the building department.

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

NOW, THEREFORE, BE RESOLVED THAT the variance sought is hereby GRANTED in the conditions set forth below:

**CONDITIONS:**

1. The gutters, leaders, and all other drainage in connection with the proposed addition shall be designed and installed to the satisfaction of the Building Department and as may be applicable in the discretion of the Building Department, the Town Engineer.
2. Compliance with the dimensions shown on the survey and plans submitted to this Board as part of the application, and compliance with all representations made to the Board.
3. 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 – yes; Anginoli – yes; Chairman Wright – yes; Lynch – absent; Davis – yes; Strieter – yes; Veras - yes**

Chairman Wright called for a motion to approve the application.

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

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Chairman Wright called for a motion to close the meeting of December 18, 2025.

**\*\*\*MOTION: Mr. Anginoli made a motion to close the meeting of December 18, 2025; seconded by Mr. Strieter. All in favor; the motion was carried.**

Respectfully submitted,

*Nicole Flannigan*

Secretary  
Zoning Board of Appeals