

TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of February 20th, 2025

PRESENT:

Mr. Keegan
Mr. Anginoli (absent)
Mr. Lynch
Mr. Strieter
Ms. Davis
Mr. Veras (absent)
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 February 20, 2025, to order. Please rise for the Pledge of Allegiance.

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

Chairman Wright called for a motion to approve the minutes for meetings of January 2nd and February 6th, 2025.

*****MOTION: Mr. Strieter made a motion to approve the minutes for meetings of January 2nd and February 6th, 2025; seconded by Ms. Davis. All in favor; the motion was carried.**

Chairman Wright called for the first item on the agenda.

Request of Stephen Pettipas – 74 Beach Road – App. #24-10 (Area Variance)

1 FAMILY DETACHED DWELLING - construct new 2 story house & appurtenances

215-94 (D) Noncomplying Lots
"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:
(c) The minimum front and rear setbacks shall be 30 feet."
Proposed rear setback = 24'
Variance necessary = 6'

215-94 (D) Noncomplying Lots
"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:
(e) The maximum building height shall be 25 feet."
Proposed building height = 32.6' *
Variance necessary = 7.6'
* Note: parcel located in the flood hazard zone which requires building to be elevated.

Section: 15.20 Block: 1 Lot: 11.1 Zone: R1

BOARD OF APPEALS
TOWN OF STONY POINT, COUNTY OF ROCKLAND

In the Matter of Application #24-10 of Stephen Pettipas for a variance from the requirements of the following Chapters of the Stony Point Zoning Code:

- 1. Chapter 215, Article XIV, Section 94D.1-c – Less than required rear setback; required 30 feet, provided 24.0 feet.
- 2. Chapter 215, Article XIV, section 94D.1-e – Exceeds allowable height maximum height 25 feet, provided 32.6 feet.

for the construction, maintenance and use of a new single-family home on premises located at 74 Beach Road, Stony Point, New York, designated on the Tax Map as Section 15.20, Block 1, Lot 11.1 in the WP Zoning District.

WHEREAS members of the Zoning Board of Appeals personally visited the applicant’s property and viewed it and the neighboring properties on or about December 28, 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 January 2, January 16, February 6, and February 20, 2025; and

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

The applicant proposes to construct a new single-family home on the subject 7,385 square-foot vacant lot on the corner of Beach Road and a private access easement. This application follows and is similar to two prior applications before this Board for the same property under Application Nos. 18-04 and 18-13, which were denied in September 2018 and January 2019, respectively.

In the first application, the applicant proposed a house to be built on piers with dimensions of 30' x 48' and a height as measured to the peak of the roof of 37 feet. Due to the size of the home the applicants proposed in that prior application, they had requested four variances: (1) less than required front set back (required 30 feet, provided 20 feet) for one of the front yards on this corner lot, (2) less than required front set back (required 30 feet, provided 20 feet), for the other front yard on this corner lot, (3) less than required rear setback (required 30 feet, provided 24.8 feet), and (4) exceeding the maximum permissible height (maximum height 25 feet, provided 37 feet as measured to the peak of the roof).

In their next application later in 2018, the applicant proposed to build almost exactly the same house as they proposed in the prior application. The applicant reduced the length by two feet and proposed to change the location of the home to change some of the variances requested by reducing one but increasing others. For example, the second application reduced the distance to the access easement to 16.7 feet on that side and moved the house even closer to the rear property line providing 20 feet on that side.

The applicant has now again reconfigured the proposed home and due in large part to a changed interpretation of the Code, now needs only two variances, not four. The applicant now requests only a variance for rear yard and for height. Given the unique circumstance of the frontage there being a private access easement, the Building Inspector does not consider it a front yard, so the various yard requirements on this lot have now been redefined. The front yard is now only on the side of Beach Road, the rear yard is on the opposite side, which was formerly interpreted as the side yard. The applicant now provides 24 feet on the rear setback on that side whereas the minimum rear yard is 30 feet. So, the variance requested for the rear yard is now just 6 feet and the applicant does not need a side yard variance or a front yard variance.

The applicant advises that he has lowered the height of the ceilings from 9 feet to 8 feet, thereby reducing the height of the building by two feet, to 32.6 feet. A review of the former application No. 18-13 reveals that the height was already at that number as defined in that application. However, in any event, there are several other homes in that neighborhood of a similar height since this was an area devastated by Superstorm Sandy and all then-existing homes were required to be re-built on piers. While this property did not qualify for an as-of-right rebuilt to such a height as the others since there was no existing home on this lot, nevertheless this house has to be on piers and allowing it to be this height would not be out of step with the other homes in the neighborhood.

All things considered, the Board finds there to be sufficient changes in circumstances from the 2018 applications to permit a deviation and arrive at a different result from the prior denials of those applications.

The application was reviewed by the Rockland County Department of Planning pursuant to the New York State GML, resulting in a review letter dated December 20, 2024. Compliance with Comments 1 through 4 of that letter is made a condition hereof. Comment 5 required the Town to confirm the proposed dwelling would be a single-family residence only. The Board received that assurance from the applicant and has made that a condition hereof. Comment 6 required information regarding the nature and ownership of the easement, which the applicant provided by way of a January 3, 2019, letter from Terra Tech Abstract & Consulting, confirming among other things that the subject lot is afforded the rights of ingress, egress, and the right to install utilities for the purpose of improving the lot. Comment 7 requested the development coverage be provided. The applicant has done so, and the Building Department has confirmed its accuracy and compliance with the Code. Comment 8 is directed to the Planning Board, not this Board, and it is noted. Comments 9 and 10 are restatements of legal requirements with which this Board will comply.

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 the benefit to the applicant if the variances are 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) Given the other similar homes on similar sized lots and similar heights in that particular community, and given the unique circumstances impacting that neighborhood after Superstorm Sandy and the changes to the application and the updated interpretation of the Code, there is insufficient evidence presented that the proposed

variances would produce an undesirable change in the character of the neighborhood or a detriment to any nearby properties to warrant a denial.

(2) While a smaller house might be designed, there was no evidence presented that the same benefit sought could be achieved via feasible means.

(3) The variance for height is insubstantial, and although the rear setback is substantial, the substantiality does not outweigh the benefit to the applicant.

(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 self-created nature of the hardship is mitigated by the uniqueness and pre-existing nature of lot and its location in a district so severely impacted by Superstorm Sandy. The house will fit sufficiently with the neighborhood so that this factor does not require denial.

NOW, THEREFORE, BE IT RESOLVED, that the application for area variances is hereby approved on the conditions set forth below:

CONDITIONS:

- 1. Compliance with the plans dated last revised October 24, 2024.
- 2. Compliance with comments 1 through 4 of the Rockland County Department of Planning’s December 20, 2024, review letter.
- 3. The proposed dwelling shall be a single-family residence only.
- 4. 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: Mr. Lynch made a motion to approve the application.; seconded by Ms. Davis. All in favor; the motion was carried.**

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

**Mr. Keegan-yes; Mr. Anginoli-absent; Chairman Wright-abstain;
Mr. Lynch-yes; Mr. Strieter-yes; Ms. Davis-yes; Mr. Veras-absent**

Chairman Wright called for the next item on the agenda.

Request of Mountainside Manors LLC – 89 Lowland Hill Rd – App. # 25-01 (Area Variance)

Town of Stony Point Zoning Code section 215-94 (D) Noncomplying Lots

(1) "for all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(c) The minimum front and rear setbacks shall be 30 feet."

Proposed front setback = 6'

Front setback variance necessary = 24'

215-94 (D) Noncomplying Lots

(1) "for all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(c) The minimum front and rear setbacks shall be 30 feet."

Proposed rear setback = 10'

Rear setback variance necessary = 20'

215-94 (D) Noncomplying Lots

(1) "for all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(e) The maximum building height shall be 25 feet."

Proposed building height = 27.3'

Height variance necessary = 2.3'

Section: 20.07 Block: 3 Lot: 3 Zone: R1

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.**

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

In the Matter of Application #25-01, as amended during the pendency of the application, of Mountainside Manors LLC, for area variances from the requirements of the Town Code to permit the construction of a new single-family dwelling with less than required front setback, providing 10.7 feet whereas 30 feet is required, less than required rear setback, providing 10.5 feet whereas 30 feet is required, and providing in excess of the permitted maximum height, providing 27.3 feet, whereas 25 feet is the maximum permitted, on property located at 89 Lowland Hill Road, Stony Point, New York, designated on the Tax Map as Section 20.07, Block 3, Lot 3 in the R1 Zoning District.

WHEREAS members of the Zoning Board of Appeals personally visited the applicant’s property and viewed it and the neighboring properties on or about January 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 February 6 and 20, 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 an oddly shaped parcel on Lowland Hill Road. It is roughly in the shape of a triangle, with the long end of the triangle extending along Lowland Hill Road. There is an existing structure on the property close to the property line on Lowland Hill on the narrow, northwesterly side of the property. The applicant proposes to remove that small structure and construct a single-family home more to the southeasterly side.

Originally, the applicant proposed a footprint for the new house providing front setbacks of just 6 feet and a rear setback of 10 feet, along with a height of 27.3 feet. Prior to the opening of the public hearing, however, the applicant reconfigured the proposed new house to reduce the variances sought and better fit the shape of the lot. As shown on the plans last revised February 11, 2025, the new location provides a better and less impactful configuration. Now, the applicant provides 10.7 feet on the front setback and 10.5 feet on the rear setback. Although 30 feet is required by the Code and the size of the variances sought are numerically substantial, there is no other feasible way to construct a home complying with the Code given the shape of the lot. The need for the small height variance is primarily driven by the grading on the lot and the way height is computed under the Code.

Rockland County Department of Planning reviewed the application pursuant to the New York State GML and issued a letter dated January 30, 2025. Comment 1 recommended the footprint be reduced or reconfigured and the applicant has done so. Comment 2 requested this Board to consider the local and regional impacts of permitting this project and this Board has done so while also applying the statutory balancing test under New York State Law. Comments 3, 4, and 5 require compliance with the County Mosquito Code, the County Highway Department letter dated January 21, 2025, and review and approval of the County Health Department of the sanitary sewer system. Compliance with each is made a condition hereof. Comments 6, 7, 8, and 9 have all been complied with. Regarding Comment 9, the Macadam driveway referred to serves one lot, not four. That lot is in common ownership with the subject lot and there is currently no recorded easement at present. Comments 10 and 11 are restatements of legal requirements with which this Board will comply. Comment 12.1 is noted.

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 variances are 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 no evidence presented that the proposed variances would produce any undesirable change in the character of the neighborhood or a detriment to any nearby properties on the conditions set forth below.

- (2) There was no evidence presented of any other feasible means to achieve the benefit sought without the variances requested.
- (3) The setback variances are substantial but given the unique configuration of the lot and the reconfiguration accomplished by the applicant to reduce the variances, the substantiality of the variances does not outweigh the benefit to the applicant.
- (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.

NOW, THEREFORE, BE IT RESOLVED, that the application for area variances is hereby approved on the conditions set forth below:

CONDITIONS:

1. Compliance with the plans dated last revised February 11, 2025.
2. Compliance with the County Mosquito Code, the County Highway Department letter dated January 21, 2025, and review and approval of the County Health Department of the sanitary sewer system.
3. Compliance with the latest plans submitted to this Board.
4. 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:
**Mr. Keegan-yes; Mr. Anginoli-absent; Chairman Wright-yes;
Mr. Lynch-yes; Mr. Strieter-yes; Ms. Davis-yes; Mr. Veras-absent**

Chairman Wright called for the next item on the agenda.

Request of Galo Barros – 10 Major Andre Dr – App. #25-02 (Area Variance)

New 1-Family dwelling and appurtenances (replacing former 1-Family)
(former noncomplying house demolished, except foundation)

Town of Stony Point Zoning Code Article III Districts, Map
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 shall find that the use shall conform to the standards set forth in this chapter.”

Town of Stony Point Zoning Code Article XIV Noncomplying Uses and Noncomplying Bulk
Section 215-95 Additional requirements:

E. “Damage and destruction. A building or structure... noncomplying as to bulk, damaged by fire or other causes to the extent of 75% of last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land thereof, shall not be repaired or rebuilt except in conformity with the requirements of this chapter. Any building, structure or any part thereof... noncomplying as to bulk which is damaged to an extent less than 75% of last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land, may be repaired, provided that a building permit is obtained within one year after such damage; otherwise, such building, structure or part thereof shall thereafter... comply with the bulk requirements of this chapter.”

Section: 20.15	Block: 1	Lot: 24	Zone: R1
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Chairman Wright asked for the applicant or representative to please come forward. John Perkins, representative and architect (18 Skahen Dr, Stony Point), addressed the Board. Chairman Wright asked Mr. Perkins for an

overview of the application. Mr. Perkins explained his customer purchased the property about 2 years ago and it had previous fire damage that had not been repaired. He goes on to explain that they plan to reconstruct the house from the foundation. They would like to add a finished basement, which would expand the living space of the house. Chairman Wright asked John Hager if there was a particular variance they are seeking relief on. Mr. Hager asked Mr. McCartney if he thinks the application needs amendment or if the variances could be granted under the conditions of the code. Mr. McCartney advised that the applicant needs to supply a plan with a bulk table that would indicate the variances in the areas that are non-compliant. Mr. Perkins confirmed that he did not supply one yet because it is based on the direction they decide to go.

Chairman Wright advised Mr. Perkins to come back at the March 6th meeting with an updated plan with a bulk table that indicate the specific variances they are seeking.

Request of Richard Steinberg – 7 Highview Avenue – App. #24-11 (Area Variance)

1 FAMILY DETACHED DWELLING - construct new 2 story house & appurtenances

215-94 (D) Noncomplying Lots

"For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:

(d) The minimum lot width and lot frontage shall be 75 feet."

Existing lot width = 50'

Proposed lot width = 50'

Variance necessary = 25' (width)

Existing lot frontage = 50'

Proposed lot frontage = 50'

Variance necessary = 25' (frontage)

Section: 20.07	Block: 3	Lot: 72	Zone: R1
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Justin Steinberg, representative of the applicant (523 Gair St, Piermont, NY), addressed the Board. He advised the Board that he is still in the process of waiting for responses from the other agencies. Chairman Wright told Mr. Steinberg that if there are no updates by the time we meet again on March 6th, to call the office and request to be adjourned to the next meeting.

Chairman Wright asked if there were any members of the public that would like to speak. No response was given.

Chairman Wright called for a motion to continue the public meeting to the meeting of March 6, 2025.

*****MOTION: Mr. Lynch made a motion to continue the public meeting to the meeting of March 6, 2025; seconded by Ms. Davis. All in favor; the motion was carried.**

Chairman Wright called for a motion to close the meeting of February 20, 2025.

*****MOTION: Ms. Davis made a motion to close the meeting of February 20, 2025; seconded by Mr. Keegan. All in favor; the motion was carried.**

Respectfully submitted,
Nicole Flannigan
Secretary
Zoning Board of Appeals