

**TOWN OF STONY POINT**  
**ZONING BOARD OF APPEALS**  
**Minutes of April 17<sup>th</sup>, 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 April 17, 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 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.”

<b>Section: 20.15</b>	<b>Block: 1</b>	<b>Lot: 24</b>	<b>Zone: R1</b>
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John Perkins (18 Skahen Dr, Stony Point), architect and representative of the applicant, had addressed the Board.

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. Strieter. All in favor; the motion was carried.**

Mr. Perkins explains to the Board that this house had been severely damaged in a fire, and due to unforeseen circumstances and financial distress, the homeowner did not complete the necessary work on the home within the allowed timeframe of the building permit. He goes on to explain the structural updates they propose, adding a second floor, but no expansion of the house. Mr. Perkins goes over the building plans with the Board, as shown in the site plans provided with the application.

Chairman Wright asked if there was anyone from the public that would like to speak regarding this application. No response was given.

Mr. Anginoli asks Mr. MacCartney to describe the concerns of the County Planning Board letter dated April 9, 2025, and how we can remedy the comments addressed in the letter.

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

**\*\*\*MOTION: Mr. Strieter made a motion to keep the public hearing open; seconded by Mr. Lynch. All in favor; the motion was carried.**

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Chairman Wright called for the next item on the agenda.

**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**

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

In the Matter of Application #24-11 of Richard Steinberg for area variances in connection with the proposed construction of a new two-story house and appurtenances providing lot width and lot frontage of 50 feet, whereas pursuant to the requirements of Chapter 215-94(D) Noncomplying Lots as applied to this property the minimum required lot width and lot frontage is 75 feet, on premises located at 7 Highview Avenue, Stony Point, New York, designated on the Tax Map as Section 20.07, Block 3, Lot 72 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 March 29, 2025; and

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

WHEREAS a public hearing was held on January 2, January 16, February 6, February 20, March 6, March 20, and April 3, 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 previously applied on behalf of the owner of the subject vacant lot at 7 Highview Avenue for variances in connection with the proposed construction of a new 2,360 square-foot two-story house. The lot is pre-existing, nonconforming in regard to lot width and lot frontage, providing 50 feet whereas the minimum required by Code is 75 feet.

This Board denied that application for the reasons set forth in a resolution dated October 19, 2023. Primarily, the Board was concerned with the size and configuration of the specific home being proposed. The Board felt that a home of the size and configuration proposed presented excessive bulk when considering the size of the lot, and felt it was too visually imposing on all sides to warrant a grant of the relief sought. The proposed home provided just 7 feet on the northwesterly side yard and the proposed home was 28 feet wide. The applicant also proposed no garage but instead proposed a driveway taking up nearly the entire front yard. The Board felt that the length of the house on the northwesterly side being just 7 feet from the side property line, even though it complied with Code in that regard, and the front of the house being 28 feet wide facing Highview Avenue, presented too much bulk for that neighborhood to handle. The applicant had admitted in the hearings that a smaller home with a different configuration could be built but never amended its application to reduce the size or address the concerns of this Board in that regard.

The applicant challenged the denial in an Article 78 proceeding in Supreme Court Rockland County, and by Decision and Order dated October 11, 2024, Hon. Hal Greenwald, J.S.C., denied the relief sought and upheld this

Board’s determination to deny the variances. The Court specifically noted in its decision that the applicant had not presented any alternative plan for any house of a reduced size or different configuration.

Following the Court’s decision, the applicant reapplied to this Board for the same variances, but this time reconfigured the proposed home to reduce the visual bulk of the home. The side set back on the northwest side increased to 13 feet from 7 feet, and the width of the home was reduced from 28 feet to 22 feet. The applicant also proposed to create a garage inside the proposed single-family home, thereby reducing the livable space of the home and reducing the driveway area in the front yard substantially. While the new proposed home still presents substantial imposing bulk, in light of the balancing test required by Town Law § 267-b.3 and the statutory five factors this Board must consider, this Board feels that the reduction in the bulk of the home warrants a different result from the prior denial.

As with the 2023 denial, the Rockland County Department of Planning reviewed the application pursuant to the NYS General Municipal Law and issued its review letter dated January 15, 2025. The applicant has complied with many of the comments issued, and to the extent it has not, those are overridden, or compliance is made a condition hereof.

The first comment questioned the computation of the FAR, and the building inspector confirmed it was accurate because the addition of the garage on the first floor reduced the FAR, and the FAR shown on the plans is accurate.

The second comment requires an updated review by the Rockland County Drainage Agency, and any required permits obtained. The plan will be reviewed by the town engineer, and the town engineer believes he requires review and approval by the RCDA; it will be referred. Additionally, in any event, such a review by the town engineer is made a condition hereof, as is a requirement to obtain any permits that may be required by the RCDA.

Comment 3 requires review by the Rockland County Department of Health to ensure compliance with the mosquito control laws, and that is made a condition hereof.

Comment 4 requires State DOT review, and compliance with any comments or concerns it may raise, and any required permits obtained. Compliance with this comment is made a condition hereof.

Comment 5 requires a review by the County Highway Department and compliance with any comments or concerns it may raise, and any required permits obtained. Compliance with this comment is made a condition hereof.

Comment 6 requires confirmation that only lot width and lot frontage variances are required here. The building inspector has confirmed.

Comments 7 and 8 are restatements of legal principles with which this Board will comply. All comments in paragraphs 9 through 9.5 are duly 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 the benefit to the applicant if the variances are granted outweighs the 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 reductions in the size and the changes in configuration of the home, this Board feels that there was insufficient evidence in the record before it that there will be a sufficiently undesirable change to the character of the community or detriment to nearby properties caused by the grant of the variances sought herein to warrant a denial. The changes to the configuration are sufficient to warrant this Board deviating from its prior determination on this parcel.
- (2) Although there are still reductions to the home that could be made, balancing the benefits the applicant seeks against the detriment to the health, safety, and welfare of the community, this Board feels that this factor does not require a denial of the relief sought.
- (3) The variances sought are substantial, but, all things considered and given the reductions and reconfiguration proposed, the Board does not feel the substantiality of the variances requires a denial of the relief sought, given the balancing test that must be applied.
- (4) No specific adverse environmental impacts were identified at the hearing.
- (5) The current owner did not create this lot, nor can they change the width or frontage, but they did acquire the property knowing that it did not comply with code and would require variances.

NOW, THEREFORE, BE IT RESOLVED that the County Planning findings pursuant to its GML review are overridden but only to the extent indicated and the application for area variances is hereby GRANTED on the conditions set forth below:

**CONDITIONS:**

- 1. Compliance with the plans dated last revised November 6, 2024.
- 2. The plan shall be reviewed by the Town Engineer, and if the Town Engineer believes it requires review and approval by the RCDA, it shall be referred, and the applicant must obtain any permits that may be required by the RCDA in any event.
- 3. Compliance with Comments 3, 4, and 5 of January 15, 2025, letter from the Rockland County Department of Planning.
- 4. The proposed dwelling shall be a single-family residence only.
- 5. 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-yes; Chairman Wright-yes;  
Mr. Lynch-yes; Mr. Strieter-yes; Ms. Davis-yes; Mr. Veras-yes**

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Chairman Wright called for a motion to go into Attorney/Client session.

**\*\*\*MOTION: Mr. Anginoli made a motion go into Attorney/Client session; seconded by Mr. Keegan. All in favor; the motion was carried.**

**TIME IN: 7:39PM  
TIME OUT: 8:00PM**

Chairman Wright called for a motion to come out of Attorney/Client session.

**\*\*\*MOTION: Chairman Wright made a motion to come out of Attorney/Client session; seconded by Mr. Keegan. All in favor; the motion was carried.**

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Chairman Wright called for a motion to close the meeting of April 17, 2025.

**\*\*\*MOTION: Mr. Anginoli made a motion to close the meeting of April 17, 2025; seconded by Mr. Strieter. All in favor; the motion was carried.**

Respectfully submitted,  
  
*Nicole Flannigan*  
Secretary  
Zoning Board of Appeals