

**TOWN OF STONY POINT**  
**ZONING BOARD OF APPEALS**  
**Minutes of May 1<sup>st</sup>, 2025**

**PRESENT:**

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

**ALSO PRESENT:**

Chris Pavlacka, Attorney  
John Hager, Building Inspector

**Chairman Wright:** Good evening. Welcome to the Stony Point Zoning Board of Appeals. I call this meeting of May 1, 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 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 any members of the public that would like to speak about this application. 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.**

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

In the Matter of Application #25-02, of Dilcia and Galo Barros, for a variance from the requirements of Sec. 215-9 of the Town Code to permit the reconstruction of an existing single single-family dwelling damaged by fire, and from the height requirement of Town Code Sec. 215-94.D(1) providing 28 feet 11 inches whereas 25 feet is the maximum permitted, on property located at 10 Major Andre Drive, Stony Point, New York, designated on the Tax Map as Section 20.15, Block 1, Lot 24 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 March 29, 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 April 17 and May 1, 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 own the subject parcel which for many years was improved with a single-family dwelling that was pre-existing non-conforming as to bulk in various ways, including frontage and lot width as well as in regard to the front and side yards. The home was damaged in a fire several years ago, and although the extent of the fire damaged less than 75% of its last full assessed value, the damage was nevertheless very extensive, including significant structural damage.

A permit was obtained for the reconstruction of the house on the original foundation in the same footprint as the damaged house, but due to the extensive and expensive nature of the construction work required as part of the project, more than a year went by. The work was not completed and the permit expired.

The current applicants purchased the property with the same intent, i.e., to construct a house on the same foundation and in the exact same footprint as the old fire-damaged house. Section 215-95(E) of the Code provides that a building with pre-existing, non-conforming bulk which is damaged to an extent less than 75% of the last full assessed value may be repaired without having to be brought into compliance with the current code, provided that a building permit is obtained within one year after such damage. The applicants herein seek a variance from this one-year requirement since more than a year has gone by with no current permit having been granted. Without the relief sought, no reconstruction would be permitted at all, or variances would be required for all of the preexisting nonconforming bulk. This is so even though the building will not be expanded at all beyond the original footprint of the fire-damaged home that was there for decades.

Additionally, although the owner does not intend to expand any of the existing nonconformities, he does seek to raise the height of the home to 28 feet 11 inches, but the maximum height permitted by code for a pre-existing non-conforming property is 25 feet. Accordingly, he seeks a height variance.

Rockland County Department of Planning reviewed the application pursuant to the New York State GML and issued a letter dated April 9, 2025. Each comment is either complied with or overridden.

Comment 1 requires this Board to consider the cumulative and regional impacts of permitting a building of this size on an undersized, non-complying lot. This Board has considered these potential impacts. It does not feel there will be any such impacts that would arise from permitting the reconstruction of a home on the exact same footprint as the one that had been in existence for many years and would have continued to exist had it not been for the fire. Having considered what the County is asking, this Board has therefore complied with this comment.

Comment 2 requires a review by the County Health Department to ensure compliance with the Mosquito Code. Compliance with this comment is made a condition hereof.

Comment 3 requires a review by the Rockland County Highway Department but this property is not on a County Road. This Board overrides this provision because it sees no reason to refer the matter to the County Highway Department. If County Highway permits are required by law, they must be obtained regardless of any referral from this Board.

Comment 4 asks that Helen Hayes Hospital be given the opportunity to review the proposal and that any required permits must be obtained. This Board overrides this provision because it sees no reason to refer the matter to a nearby hospital that is not a permitting agency.

Comment 5 questions which bulk requirements are applicable. The applicants provided an updated plan which included a bulk table correctly identifying Sec. 215-94.D(1) as the applicable provision. Nothing has changed in the underlying substance of the application, so this comment is either complied with or overridden.

Comment 6 required the lot coverage and FAR calculations to be on the bulk table. The provisions of Town Code Sec. 215-94.D(1) do not require compliance with lot area, lot coverage or FAR (floor area ratio) as has been verified by the Building Inspector.

Comments 7 and 8 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 applicants’ 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 applicants 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. The Board finds the extensive and expensive nature of the required repairs warrants granting relief from the one-year requirement to permit an “as of right” reconstruction under Sec. 215-95(E). This is particularly so given that the home will be in the exact same footprint as the home in existence for decades without any reported detriment or impact. In regard to the height variance, the Board sees no undesirable change or detriment in regard to the small height variance sought. There are other homes in the neighborhood of the same or similar height.
- (2) There was no evidence presented of any other feasible means to achieve the benefit sought without the variances requested.
- (3) The variances are not substantial.
- (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 variances is hereby approved on the conditions set forth below:

CONDITIONS:

- 1. Compliance with the plans submitted to this Board and dated last revised January 26, 2025, and the survey dated last revised April 30, 2025.
- 2. Compliance Comment 2 from the County Planning’s April 9, 2025, letter concerning review by the County Health Department to ensure compliance with the Mosquito Code
- 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.

Chairman Wright called for a motion to approve the application.  
**\*\*\*MOTION: Mr. Anginoli made a motion to approve the application.; seconded by Mr. Lynch. 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**

Chairman Wright called for a motion to close the meeting of May 1, 2025.

**\*\*\*MOTION: Mr. Anginoli made a motion to close the meeting of May 1, 2025; seconded by Ms. Davis. All in favor; the motion was carried.**

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