

Zoning Board of Appeals

15th Agenda

September 7th, 2023

NEW APPLICATION

Request of Alan Stoll - 173 Wayne Ave - App. # 23-03 (Area Variance)

1 Family - subdivide to build a new single-family house

Chapter 215, Article V Bulk Requirements, 215-15 A,
215 Attachment 14, Table of Bulk Requirements II, column 2 requires:
Minimum lot area required = 40,000sf
Lot area proposed = 23,411sf
Variance necessary = 16,589sf

Section: 15.01

Block: 4

Lot: 57

Zone: RR

Request of Samara Bibi - 191 W. Main St - App #23-05 (Use Variance)

Town of Stony Point Zoning Code Chapter 215, Article III. Districts; Maps
215-9 Compliance Required, A.

“No building shall be ... used for any purpose in any manner except in compliance with this chapter and all other applicable laws, together with all rules, requirements and restrictions appurtenant thereto”.
Previous use = (pre-date) mixed use, commercial on first floor with residence use on second floor
Existing use = (nonconforming) unlawful 3-family residential dwelling
Proposed use = (nonconforming) lawful 3-family residential dwelling
Variance necessary = Use Variance for Multi-family residential use

Town of Stony Point Zoning Code Chapter 215, Article XIV. Nonconforming Uses and Noncomplying Bulk
215-95. Additional requirements, B.

‘Change of use. Any nonconforming use may be changed to any conforming use or, on application to and with the approval of the Board of Appeals, to any use which the Board of Appeals deems to be more similar in character with the uses permitted in the district in which said change of use is proposed....”

Previous use = (pre-date) mixed use, commercial on first floor with residence use on second floor
Existing use = (nonconforming) unlawful 3-family residential dwelling
Proposed use = (nonconforming) lawful 3-family residential dwelling
Variance necessary = Use Variance for Multi-family residential use

Town of Stony Point Zoning Code Chapter 215, Article X. Site Development Plan Review
215-59 General requirements

“...For uses other than single-family detached residences, site development plan approval shall be required prior to the issuance of a building permit, certificate of occupancy or certificate of use for the construction of a new principal structure, or external alteration or addition thereto or for the construction of any accessory structure used for a use permitted by conditional use or special permit use or external alteration or addition thereto. Modification of parking layouts, lighting, required landscaping or other site elements shall be deemed an external alteration. No lot or parcel of land shall be used except in conformity with an approved site development plan, when required....”

Previous use = (pre-date) mixed use, commercial on first floor with residence use on second floor
Existing use = (nonconforming) unlawful 3-family residential dwelling
Proposed use = (nonconforming) lawful 3-family residential dwelling
Approval necessary = Planning Board Site Development Plan (due to change of use)

CONTINUED PUBLIC HEARING

Request of Richard Steinberg - 7 Highview Avenue - App. #23-04 (Area Variance)

1 Family Detached Dwelling - construct new 2 story house & appurtenances.

Chapter 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

Request of Jack Lieberman - 111 S. Liberty Drive - App. # 23-02 (Area Variance)

***NOTE: Due to the pendency of a completed SEQRA assessment, the ZBA is awaiting a finalizing finding from the Planning Board before additional action or input is taken. Therefore, the public hearing scheduled for September 7, 2023, will be adjourned to October 5, 2023. Accordingly, no public input will be received on this matter at the September 7, 2023, ZBA meeting.**

North Parking

Chapter 215 Article V Section 215-15A, attachment 16 Table of Bulk Requirements part II – use group 'H', column 7 requires minimum side yard of 20'. Proposed side yard = 5.4'. VARIANCE necessary = 14.6'.

West Side Driveway

Chapter 215 Article V Section 215-15A, attachment 16 Table of Bulk Requirements part II – use group 'H', column 7 requires minimum side yard of 20'. Proposed side yard = 6. VARIANCE necessary = 14'.

North retaining wall height

Chapter 215 Article VI Section 215-24C requires fence/wall setback equal to 2/3 the fence height where fence height exceeds 6'. Proposed wall = 8' high (requires 5.4' setback), 3' setback provided, VARIANCE necessary = 2.4'

Section: 20.11

Block: 2

Lot: 29

Zone: BU