

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

June 24, 2013

Present: Catherine Friesen, Chair
John Dunnigan
Robert Knoebel, Sr.
Mary Ann Armano
Ellyse Berg
Roger Cohen (alternate)

In Memoriam:
Raymond O'Connell

The following resolution was offered by Member Armano, seconded by Member Berg, and carried based upon a review of the evidence presented at the public hearing held on June 24, 2013.

**BOARD OF APPEALS
VILLAGE OF NYACK, COUNTY OF ROCKLAND**

-----X
In the Matter of the Application of Ira Spiegel
(16 Depew Avenue) for area variances
from VON Code Section 360-4.3, (Dimensional Standards)
Table 4-1 for pre-existing front yards of 5 feet (south) and
4.2 feet (west) where 18 feet is required, a pre-existing
minimum lot size of 3834 feet where 5,000 square feet are required;
and a preexisting minimum lot width of 41.6 feet where 50 feet is
required.

-----X
The Zoning Board of Appeals held a public meeting on the 24th Day of June, 2013, and due deliberations having been made that day;

Now, upon said hearing and upon the evidence adduced thereat, it is hereby found and determined that:

FINDINGS OF FACT & CONCLUSIONS OF LAW

FIRST: Applicant Ira Spiegel petitions the Zoning Board for an area variance as set forth above.

SECOND: The ZBA, in reaching its Findings of Fact and Conclusions of Law has taken the

following factual testimony and evidence under consideration:

1. The application and supporting documents submitted;
2. Testimony of Robert Silarski, Architect, on behalf of the applicant;
3. ZBA members' knowledge of the site in question;
4. Site visits by all members of the ZBA;
5. Minutes of the Planning Board dated June 3, 2013, and the Architectural Review Board dated May 15, 2013;
6. Building Inspector's Plan Review Summary dated June 24, 2013;
7. There was no testimony from any member of the public.

THIRD: The site in question is a corner lot located in the TFR zoning district and is in a view corridor.

FOURTH: The Applicant proposes to construct an approximately 400 square foot one story addition to the rear of their single family dwelling. The existing dwelling is non-conforming with respect to minimum lot area, minimum lot width and minimum front yard setback, and the proposed construction will not change or increase these non-conformities.

FIFTH: Both the Nyack Planning Board and the Architectural Review Boards have issued positive recommendations to this Board in relation to the variance requests. In making its recommendation, the Planning Board found that characteristics of the proposed addition were reasonable in terms of "parking, screening, site lines and other Planning issues".

SIXTH: This area variance is exempt from review under SEQRA as it involves a one or two family home.

These Findings of Fact were moved and passed. (5-0)

CONCLUSIONS OF LAW:

On oral motion, the Zoning Board voted to consider the variances in an omnibus fashion.

The Zoning Board considered the factors set forth in Section 7-712-b of the Village Law of the State of New York as follows:

FIRST: That the proposed variances do not create an undesirable change in the neighborhood. (5-0)

SECOND: That no detriment to nearby properties will result from granting the variances. (5-0).

THIRD: That the Applicant has demonstrated that there are no other means by which he could achieve his purpose without the requested variances. (5-0)

FOURTH: That the variances are not substantial in light of the current conditions on the site.
(5-0)

FIFTH: That the hardship is self-created. (5-0)

The Board has weighed the findings of fact and the conclusions of law against one another as required under Section 7-712-b of the Village Law of the State of New York and finds in the interest of justice that the variance applied for should be granted with the following condition:

1. The directives of the Planning Board and Architectural Review Board are followed.

On a roll call, the vote was as follows:

Ayes: 5 (Friesen, Knoebel, Armano, Berg, Dunnigan)

Nays: 0

Abstain: 0

Catherine H. Friesen
CATHERINE H. FRIESEN, Chair
Zoning Board of Appeals, Nyack.