

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

July 27, 2009

Present: Steven P. Knowlton, Chair
Mary Ann Armano
John Dunnigan
Robert Knoebel, Sr.
Ellyse Berg

In Memoriam:
Raymond O'Connell

The following resolution was offered by Member Armano, seconded by Member Dunnigan, and carried based upon a review of the evidence presented at the public hearing held on July 27, 2009.

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

-----X

In the Matter of the application of Laura Schwab (47 Washington Street)for Area Variances from VON Code 59-19A (Lot and Bulk Table) to permit Lot coverage of 35.0 where 28% is the maximum and 30% is pre-existing; and a rear yard setback of 22.3 feet where 29 feet is the minimum.

-----X

The Zoning Board of Appeals held a public meeting on the 27th day of July 2009, and due deliberations having been made this 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 petitions the Zoning Board for the variances noted 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 Laura Schwab, Applicant;
3. ZBA members knowledge of the site in question and site visits by all members of the ZBA;
4. Positive recommendations to this Board from the ARB and Planning Board

THIRD: The site in question is located in the R-1 zoning district. The Applicant purchased the property in December 2008 pursuant to the local zoning regulations.

FOURTH: The Nyack Planning Board has issued a positive recommendation to this Board in relation to the variance requests. Both boards have issued recommendations that the Applicant has complied with and that have been illustrated on new drawings submitted this evening. Applicant must return to the ARB for approval.

FIFTH: Applicant wishes to construct a deck on the rear of her home. Many of the structure in the immediate vicinity of the Applicant's have decks or rear porches.

SIXTH: The application poses no screening or landscaping issues. No significant vegetation is to be removed.

SEVENTH: Applicant wishes to enjoy her rear yard, the river views and increase the value of her property.

CONCLUSIONS OF LAW:

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 does not create an undesirable change in the neighborhood. 5-0

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

THIRD: That the Applicant has demonstrated that there are no other means by which it could achieve its 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 variances applied for should be GRANTED with the following conditions:

Directives of the ARB and Planning Board are to be followed.

On a roll call, the vote was as follows:

Ayes: 5

Nays: 0

Abstain: 0

s/ Steven P. Knowlton

STEVEN P. KNOWLTON, Chairman
Zoning Board of Appeals, Nyack.