

**REGULAR MEETING  
ZONING BOARD OF APPEALS**

Nyack Village Hall  
Nyack, New York

24 May 2010

Present: Catherine Friesen, Chair  
Mary Ann Armano  
John Dunnigan  
Ellyse Berg

**In Memoriam:**  
Raymond O'Connell

Absent: Robert Knoebel, Sr.

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 24<sup>th</sup> May 2010

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

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In the Matter of the application of G. Nicholas Del Pizzo (35 Fourth Avenue) for Area Variances from VON Code 59-1.9E to permit alterations to a building that is non-conforming with respect to the following dimensional standards: existing lot area of 2600 square feet where 5000 square feet is required; lot width of 32.5 feet where 50 feet is required; front yard setback of 3.7 feet where 16 feet is required; minimum side yard of 3.7 feet where five feet is required, and to increase the non-conforming side yard setback, and from VON Code 59-4.2D to permit a FAR of .66, where .43 is permitted and .51 is existing.

-----X

The Zoning Board of Appeals held a public meeting on the 24<sup>th</sup> day of May, 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 Nicholas Del Pizzo, Applicant, and Kier Levesque, Architect, on behalf of Applicant;
3. ZBA members knowledge of the site in question;
4. Site visits by all members of the ZBA

**THIRD:** The site in question is located in the TFR zoning district. The Applicant purchased the property in 1986 pursuant to the local zoning regulations.

**FOURTH:** The Nyack Planning Board has issued positive recommendations to this Board in relation to the variance requests.

**FIFTH:** Applicant wishes to construct a second floor addition over an existing one story addition and a one story 143 square foot expansion of the existing one story addition. The purpose of the addition is to create a living space for the applicant's mother so that he can care for her.

**SIXTH:** The house is located in a view corridor, but the Board has determined that the proposed addition will not impact the view of the houses to the west of the site.

**SEVENTH:** The adjacent property to the east has a similar two story addition in the rear yard, as well as a garage, and other properties along the block have similar configurations.

These Findings were moved and passed 4-0.

#### **CONCLUSIONS OF LAW:**

A motion was made and passed to treat the variances together in an omnibus motion. 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. (4-0)

**SECOND:** That no detriment to nearby properties will result from granting the variances. (4-0)

**THIRD:** That the Applicant has demonstrated that there are no other means by which it could achieve its purpose without the requested variances. (4-0)

**FOURTH:** That the variances are substantial in light of the current conditions on the site. (4-0)

**FIFTH:** That the hardship is not self-created. (4-0)

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(s) applied for should be GRANTED with the following conditions:

The directives of the ARB and Planning Board be followed.

On a roll call, the vote was as follows:

Ayes: 4

Nays: 0

Abstain: 0

                  /s/                    
CATHERINE FRIESEN, Chair  
Zoning Board of Appeals, Nyack.