

**REGULAR MEETING  
ZONING BOARD OF APPEALS**

Nyack Village Hall  
Nyack, New York

June 28, 2010

Present: Catherine H. Friesen, Chair  
Mary Ann Armano  
Ellyse Berg  
John Dunnigan  
Robert Knoebel, Sr.

**In Memoriam:**  
Raymond O'Connell

The following resolution was offered by Member Armano seconded by Member Knoebel, and carried based upon a review of the evidence presented at the public hearing held on June 28, 2010.

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

-----X

In the Matter of the application of Edward Meehan (200 High Avenue) Piermont Avenue for an Area Variance from VON Code Section 59-3.2E 8(b) to permit placement of a pool within twenty (20) feet of the east and west property lines.

-----X

The Zoning Board of Appeals held a public meeting on the 28th day of June, 2010, 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:** Applicants petition the Zoning Board for the Area Variance 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 Edward Meehan, Applicant.
3. ZBA members knowledge of the site in question including site visits by members of the board;

4. The positive recommendation of the Planning Board in relation to the grant of the variance;

**THIRD:** The site in question is located in the TFR zoning district. The Applicant purchased the property in 1991 pursuant to the local zoning regulations.

**FOURTH:** The lot on which the pool will be located is surrounded to the north, west and east by residential properties, and the pool will be placed so that it is approximately 10 feet from the east property line and 12 feet from the west property line. The pool will be surrounded by a six foot wooden fence adequate to screen it from the view of the surrounding properties, and the applicants will meet New York State law requirements for protective fencing around the pool. The installation of the pool and the deck will not result in the removal or disruption of any significant trees.

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

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

A motion was made and passed to treat the side yard conditions 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 variance does not create an undesirable change in the neighborhood (5-0).

**SECOND:** That a detriment to nearby properties will not 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 variance applied for should be GRANTED, with the following conditions, to which the applicant has agreed.

- (1) Directives of ARB & Planning Board be followed, including but not limited to conditions imposed with respect to overhead lighting.

On a roll call, the vote was as follows:

Ayes: 5

Nays: 0

Abstain: 0

          /s/          

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