

**REGULAR MEETING  
ZONING BOARD OF APPEALS**

Nyack Village Hall  
Nyack, New York

26 January 2009

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

**In Memoriam:**  
Raymond O'Connell

The following resolution was offered by Member Knowlton, seconded by Member Dunnigan, and carried based upon a review of the evidence presented at the public hearing held on 26 January 2009

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

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In the Matter of the application of Scott Cantor (120 Fifth Avenue) for an Area Variance from VON Code 59-19A to permit total side yard of 18 feet where 24 feet is required.

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The Zoning Board of Appeals held a public meeting on the 26<sup>th</sup> day of January, 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 variance 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 Scott Cantor, Applicant
3. ZBA members knowledge of the site in question;
4. Site visits by all members of the ZBA
5. Testimony of Arthur Auer, in favor of the application

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

**FOURTH:** The Nyack Planning Board and the Nyack Architectural Review Board have issued positive recommendations to this Board in relation to the variance request.

**FIFTH:** Applicant wishes to extend an existing sunroom.

**SIXTH:** The sunroom is a pre-fabricated structure that will be assembled on site and placed upon an existing foundation.

**SEVENTH:** Existing slope of the property prevents expansion to the rear.

**EIGHTH:** Purpose of the expansion is to add living space and to provide for a possible home office.

These Findings were moved and passed 4-0.

#### **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. 4-0

**SECOND:** That no detriment to nearby properties will result from granting the variance. 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 variance is not substantial in light of the current conditions on the site. 4-0

**FIFTH:** That the hardship is 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 Boards be followed.

On a roll call, the vote was as follows:

Ayes: 4

Nays: 0

Abstain: 0

*s/ Steven P. Knowlton*

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