

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

September 28, 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 Knoebel, seconded by Member Berg, and carried based upon a review of the evidence presented at the public hearing held September 28, 2009 .

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

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In the Matter of the application of Gregory Talenfeld and Melanie Rock (8 Aldine Place) for an Area Variance from 59-33C to permit an increase in a pre-existing non-conformity (front yard setback) by adding additional floor area.

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The Zoning Board of Appeals held a public meeting on 28th of September, 2009, and due deliberations having been made this day;

Due to the untimely death of the Chief Building Inspector and no appearance by the Building Department at the hearing, the Applicant was given the opportunity to adjourn until the October hearing. The Applicant declined.

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 area variance as 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 Jeffrey Hall for the Applicant

3. Site visits by all members of the ZBA
4. ZBA members knowledge of the site in question
5. Positive recommendation for both the variance from the Planning and Architectural Review boards
6. Testimony of no members of the public

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

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

FIFTH: The applicants seek to add additional floor area to their present dwelling. The lot in question is unusual in both lot area (18,287) and location, being in Aldine Park. The front yard setback borders on a street, which is totally encompassed by Aldine Park, an enclave of homes. The street is a non-through traffic thoroughfare utilized only by residents of the Park and their visitors.

SIXTH: The new construction would increase the lot coverage of the building, which stands now at 10% to 15.6%.

SEVENTH: Applicants wish to expand their home to add a porch to gather views of the river to the East.

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 variance. 5-0

FOURTH: That the variance is not substantial in light of the current conditions on the site. 5-0

FIFTH: That the hardship is self-created. 3-2

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:

On a roll call, the vote was as follows:

Ayes: 5

Nays: 0

Abstain: 0

That the directives of the Planning Board and Architectural Review Board be followed.
Grant is conditional upon confirmation of notice by the Building Department.
(Confirmed 9/29/09)

s/Steven P. Knowlton

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