

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

April 29, 2013

Present: Catherine Friesen, Chair
John Dunnigan
Robert Knoebel, Sr.
Mary Ann Armano
Ellyse Berg
Roger Cohen (alternate)

In Memoriam:
Raymond O'Connell

The following resolution was offered by Member Knoebel, seconded by Member Armano, and carried based upon a review of the evidence presented at the public hearing held on April 29, 2013.

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

-----X
In the Matter of the Application of Amelie Southwood
(16 Haven Court) for an area variance from VON Code
Section 360-4.3, (Dimensional Standards) Table 4-1
for a pre-existing side yard 4'6" where 7'5" are required
-----X

The Zoning Board of Appeals held a public meeting on the 29th Day of April, 2013, and due deliberations having been made that 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 Amelie Southwood petitions the Zoning Board for an area variance as 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 Kier Levesque, Architect, on behalf of the applicant;

3. ZBA members knowledge of the site in question;
4. Site visits by all members of the ZBA;
5. Minutes of the Planning Board dated April 1, 2013, and the Architectural Review Board dated March 20, 2013;
6. Building Inspector's Plan Review Summary dated April 29, 2013; and
7. There was no testimony from any member of the public.

THIRD: The site in question is located in the TFR zoning district near the corner of Haven Court and Rockland Place. The Applicant purchased the property in 2011 pursuant to the local zoning regulations.

FOURTH: The Applicant proposes to construct two additions to a single family dwelling in order to expand an existing sun porch and kitchen on the first floor, to extend the bathroom on the second floor over the kitchen addition, to extend the rear porch and to construct a rear yard shed. The existing dwelling is non-conforming with respect to its side yard setback (4'6" where 7'5" is required) and the proposed construction will not change or increase this non-conformity.

FIFTH: Both the Nyack Planning Board and the Architectural Review Boards have issued positive recommendations to this Board in relation to the variance request. In making its recommendation, the Planning Board found that the proposed construction continues the existing condition, appears to have no adverse impact on the surrounding properties and is appropriately sized for the conditions.

SIXTH: This area variance is exempt from review under SEQRA as it involves a one or two family home.

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

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 variance 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 Applicants have demonstrated that there are no other means by which she could achieve her 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. (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 condition:

1. The directives of the Planning Board and Architectural Review Board are followed
2. Proof of mailing will be submitted to the Building Department by close of business Friday, May 3rd.

On a roll call, the vote was as follows:

Ayes: 5 (Friesen, Dunningan, Armano, Knoebel, Berg)

Nays: 0

Abstain: 0

Catherine H. Friesen

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