

**VILLAGE OF SOUTH NYACK  
Zoning Board of Appeals Minutes  
May 5, 2015**

**PRESENT:**

Roger Seiler – Chairman  
Bruce Forrest – Member  
Charles Cross - Member  
Frank Richards – Alternate Member

**ALSO PRESENT:**

Robert Knoebel – Attorney for Zoning Board  
David Majewski – Building Inspector  
Jill Schwarz – ZBA Secretary

**Mr. Seiler** called the meeting to order at 7:35 pm. There is one item on agenda. Before meeting commences Mr. Seiler acknowledges the passing of Kelsey Graham and his years of service. Public hearing begins.

- An appeal by Elliot Berkowitz for variances from Article XI, Section 110-11.1, Nonconforming Building and Uses and Table of Use and Bulk Requirements, Schedule 1, Page 3 of the Zoning Law of the Village of South Nyack for lot area required, street frontage, front yard setback, side yard setback, total side yard required. The premises known as 85 Depot Place in the Village of South Nyack, NY and identified on the Tax Map as Section 66.46-2-35 in an RG-6 Zoning District.

**Case #1:           85 Depot Place**  
**Appearing:       Jeffrey Small, Architect**

**Mr. Knoebel** addressed the notice of hearing. There are three different types of notices. Two were fulfilled, one needs to be completed. There was no published notice in newspaper announcing May 5 hearing. Public hearing will commence and date will be set for deliberation which will allow for publication to be completed.

**Mr. Seiler** asks if there is any objection to temporarily closing the public hearing tonight; go into deliberations based on what we know and the findings of fact. We will then re-open public hearing on May 14.

**Mr. Small** discussed the two proposed additions. The Planning Board approved with several conditions - lighting, replace tree, revise setbacks (should be to porch). Five variances are being requested - lot area, street frontage, front yard variance, side yard variance, total side yard. Additions will be in keeping with character of neighborhood and formally in keeping with adjacent houses. There will be a small footprint change. This lot has a pre-existing non-conformity. Mr. Small explains that the existing steps will be removed to build proposed deck; existing brick terrace will be removed, saved and reinstall further out. Tree will be removed and replaced. There will be one new window.

There is a discussion about the survey. The survey is old but the boundaries are up to date. In about 2000 house was renovated to remove old garage, build 1 car garage, remove asphalt to create back yard, build one story kitchen addition. Survey predates that. A revised drawing was submitted for ZBA after planning board meeting.

**Mr. Seiler** explained he had looked at house and noticed other houses have also had expansions. He noted areas on side that mudroom is on doesn't increase non conformity of front yard. It is not impinging more on neighbor than the rest of the house is.

**Mr. Cross** comments that everything being done is within existing framework on footprint of existing house. You can see on aerial shot, house brought into line with other houses on block.

**Mr. Seiler** states that regarding Seqra it is a negative declaration category.

**There were no objections from the public.**

**Mr. Cross** makes a motion to adjourn the public hearing.

**Mr. Richards** seconded motion.

**Board Vote:**

<b>Mr. Seiler</b>	Aye
<b>Mr. Cross</b>	Aye
<b>Mr. Forrest</b>	Aye
<b>Mr. Richards</b>	Aye
<b>Motion approved</b>	<b>4-0</b>

**Mr. Knoebel** suggests picking a date and putting it on record. At least three members of ZBA are needed.

**Mr. Seiler** states by consensus the public hearing will be adjourned to Thursday, May 14 at 2:00pm.

**Mr. Seiler** put in record that he spoke to a couple of neighbors who said they had no problem with proposed additions. They stated that many of the houses had similar expansions.

**Mr. Seiler** says that the Board will start on deliberations. Findings and facts are that there are a number of other houses with similar expansions, the proposal is keeping with the neighborhood, applicant has shown a number of benefits that they would receive from variance, no one has presented negatives. We will vote on it when public hearing is re-opened.

**Mr. Seiler** asks if the only notice necessary is newspaper.

**Mr. Knoebel** answers yes; the certified mail and affidavit of posting have been done.

**Mr. Forrest** made motion to approve minutes of January 6, 2015 as amended.

**Mr. Richards** seconded motion.

**Board Vote:**

<b>Mr. Seiler</b>	Aye
<b>Mr. Cross</b>	Aye
<b>Mr. Forrest</b>	Aye
<b>Mr. Richards</b>	Aye
<b>Motion approved</b>	<b>4-0</b>

**NEW BUSINESS:**

**Mr. Seiler** distributed handouts to be included in board members' packets.

The Board observed a moment of silence in memory of Kelsey Graham.

Adjourned 8:15pm

Respectfully submitted,

Jill Schwarz  
Zoning Board Secretary

Approved: \_\_\_\_\_