

VILLAGE OF SOUTH NYACK
Zoning Board of Appeals Minutes
May 14, 2015

PRESENT:

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

ALSO PRESENT:

Robert Knoebel – Attorney for Zoning Board
Jill Schwarz – ZBA Secretary

Mr. Seiler called the meeting to order at 2:05 pm. ZBA is reconvened to continue its consideration of the following:

- 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.

Mr. Seiler stated that at the May 5, 2015 meeting, the ZBA heard from the applicant. No members of the public were present.

Mr. Knoebel noted this meeting was noticed as a public hearing. No members of the public are present. The applicant was not present.

Mr. Richards noted the findings of facts.

Findings of Facts:

- New drawing, page C 1.1 dated 4/20/15, showed corrected rear yard setback.
- The site plan better reflects actual conditions. Survey predates renovations done in approximately the year 2000.
- The change of the footprint is not substantial.
- The renovation is in keeping with the neighborhood.
- The applicant has shown that these benefits cannot be achieved by another method.
- This lot has a pre-existing non-conformity.
- The criteria for the variances have been addressed.
- In the balancing of the benefits, there is a greater benefit to the applicant if the variances are granted than to the village if they were denied.

Mr. Richards makes a motion to grant the variances to Elliot Berkowitz for lot area, street frontage, front yard setback, side yard setback and total side yard. The premises is located at 85 Depot Place, South Nyack, New York 10960 and identified on the Tax Map as Section 66.46-2-35 in a RG-6 Zoning District. This is a Type 2 SEQRA declaration with no negative environmental impact.

Mr. Cross seconds the motion.

Board Vote:

Mr. Seiler	Aye
Mr. Cross	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Motion approved	4-0

Old Business:

Mr. Forrest made motion to approve minutes of May 5, 2015 as amended.

Mr. Richards seconds the motion.

Board Vote:

Mr. Seiler	Aye
Mr. Cross	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Motion approved	4-0

Mr. Seiler makes motion to adjourn.

Mr. Cross seconds the motion.

Board Vote:

Mr. Seiler	Aye
Mr. Cross	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Motion approved	4-0

Meeting adjourned 2:10pm.

Respectfully submitted,

Jill Schwarz
Zoning Board Secretary

Approved: _____