

VILLAGE OF SOUTH NYACK
Zoning Board of Appeals Minutes
October 6, 2015

PRESENT: Richard Holt – Acting Chairman
Bruce Forrest – Member
Charles Cross – Member
Frank Richards – Member

ALSO PRESENT: David Majewski – Building Inspector
Sokuna Mam – ZBA Secretary
Robert Knoebel – Attorney for Zoning Board

ABSENT: Roger Seiler – Chairman
DeWitt Rulon - Alternate Member

Mr. Holt called the meeting to order at 7:30 pm. There was one item on the agenda. The Public Hearing was noticed on September 26, 2015 in the Journal News.

- An appeal by Lisa Oswald for a variance from Article XI, Section 110-11.1, Nonconforming Building and Uses and Table of Use and Bulk Requirements, Schedule 1, Page 2 of the Zoning Law of the Village of South Nyack for a variance to permit minimum side yard setback. The premise is a single family dwelling located at 47 Elysian Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section 66.45-3-14, located in an RG-4 Zoning District

Case # 1: 47 Elysian Ave, South Nyack, NY 10960

Appearing: Lisa Oswald, Owner

Lisa Oswald proposed to build a small deck on her house. She explained that she needs a side-yard variance. The house is about 18 inches to 1 foot from the side-yard.

Mr. Richards discussed the framing is already there. This is not a significant variance to the existing house.

Mr. Knoebel referred to the conditions set by the Planning Board at the meeting of September 21, 2015. The Village Engineer requested correction regarding maximum lot coverage which was originally noted to exceed the required a maximum of 55%. The Village Engineer's recalculation showed existing 44% and proposed 47%, which is underneath the maximum. Plans showed existing wood landing and steps, which encroached side-yard, to be removed. The existing basement entrance is to remain. There is a notation in the plan indicating the location of shielded light fixtures and exterior wall outlet. The Planning Board made a positive recommendation to the Zoning Board of Appeals.

There were no comments from the public.

Mr. Richards moved to close public hearing.

Mr. Cross seconded.

Board Vote:

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

Now, upon said hearing and upon the evidence adduced thereat, it is hereby found and determined that:

FINDINGS OF FACTS

Mr. Richards noted the finding of facts:

- It is a narrow lot. The backyard is large enough to add the deck without needing variances.
- The deck can only be in one spot
- The applicant addressed the criteria for granting an area variance.
- The existing condition will not increase the non-conformity.

Mr. Cross made a motion to grant the variance to Lisa Oswald to permit side yard variance. The premise is a single family dwelling located at 47 Elysian Avenue, South Nyack, NY 10960 and identified on the Tax Map as Section 66.45-3-14, located in an RG-4 Zoning District. This is a Type 2 SEQRA action with no negative environmental impact.

Mr. Forrest Seconded

Board Vote:

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

OLD BUSINESS:

Mr. Forrest: Moved to approve August 4, 2015 Zoning Board of Appeals minutes.

Mr. Richards: Seconded

Board Vote:

Mr. Holt	Aye
Mr. Forrest	Aye
Mr. Richards	Aye

Mr. Cross **Aye**
Motion approved **4-0**

Meeting adjourned 7:50pm.

The next meeting is on January 5, 2016.

Respectfully submitted,

Sokuna Mam
Zoning Board Secretary

Approved: _____