

VILLAGE OF SOUTH NYACK
Zoning Board of Appeals Minutes
August 2, 2016

PRESENT: Richard Holt – Sub-Chairman
Bruce Forrest – Member
Frank Richards – Member
DeWitt Rulon - Alternate Member

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

ABSENT: Roger Seiler – Chairman
Charles Cross – Member

Mr. Holt called the meeting to order at 7:33 pm. This meeting was noticed to the public on July 23, 2016. There was one item on the agenda.

An appeal by Joel Celestin from Article XI, Section 110-11.1, Nonconforming Building and Uses and Table of Use and Bulk Requirements, Schedule 1, Page 4 of the Zoning Law of the Village of South Nyack for installation of stair landing, porch, egress windows. The premise, a two family dwelling, is located 54 Brookside Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.53-2-69.1 located in an RG-4 Zoning District.

Case # 1: 54 Brookside Ave, South Nyack, NY 10960

Appearing: Joel Celestin, Owner

Mr. Celestin is seeking approval for variances. He proposed to demolish downstairs landing, repair and replace stairs and landing. He must provide a safe entry to upstairs apartment. The bulk table requirement shows preexisting nonconforming.

Mr. Knoebel reviewed 110:11.1 in the village zoning code. Any changes in the bulk: frontage, total, and side yard need variance. Existing nonconforming needs to go to the Zoning Board of Appeals. A change less-dense/less-intense use as determined by the Building Inspector.

Mr. Richards was concerned that the owner did not address the criteria.

There was a discussion about an answer on short assessment form.

Mr. Celestin addressed the criteria in the narrative.

There are no members of the public present.

Mr. Forrest made a motion to close the public hearing
Mr. Richards seconded

Board Vote:

Mr. Holt	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Motion approved	3-0

Public hearing closed 7:36pm

FINDINGS OF FACTS

Mr. Holt noted:

- This lot has a pre-existing non-conformity.
- The requested variance is not substantial.
- The criteria for the variances have been addressed.
- The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance.
- The alleged difficulty was not self-created as the property was purchased with the existing stair structure.
- There is no undesirable change that will be produced in the character of the neighborhood nor a detriment created to nearby properties.
- The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- The effect of any increased population density which may be produced upon available services is not significant.
- 110:11.1 in the village zoning code. Any changes in the bulk: frontage, total, and side yard need variance. Existing nonconforming needs to go to the Zoning Board of Appeals. A change less-dense/less-intense use as determined by the Building Inspector.
- This is a Type 2 SEQRA action with no potential for negative environmental impact.

Mr. Rulon made a motion to grant variances nonconforming bulk to Joel Celestin for 54 Brookside Ave. as shown on the plans by Kier Levesque dated May 17, 2016. The premise, a two family dwelling, is located 54 Brookside Ave., South Nyack, NY 10960 and identified on the Tax Map as Section Block and Lot 66.53-2-69.1 located in an RG-6 Zoning District.

Mr. Richards Seconded

Board Vote:

Mr. Holt	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Motion approved	3-0

OLD BUSINESS:

Approval of June 6, 2016 minutes are postponed until the September 6, 2016 meeting.

Board Vote:

Mr. Holt	Aye
Mr. Forrest	Aye
Mr. Richards	Aye
Motion approved	3-0

Upon motion made by Mr. Forrest, seconded by Mr. Richards, and unanimously approved, the meeting adjourned at 7:45pm.

The next meeting is September 6, 2016

Respectfully submitted,

Sokuna Mam
Zoning Board Secretary

Approved: _____