

VILLAGE OF SOUTH NYACK
Zoning Board of Appeals Minutes
May 1, 2018

PRESENT: Charles Cross – Acting Chairman
Dewitt Rulon – Alternate Member
Richard Rose – Member

ALSO PRESENT: Sokuna Mam – ZBA Secretary
Robert Knoebel – Attorney for Zoning Board

ABSENT: Richard Holt – Alternate Member
Roger Seiler – Chairman
Bruce Forrest – Member
Jeffrey Hirsch – Member

Mr. Cross called the meeting to order at 7:30 pm. This meeting was noticed to the public on April 17, 2018. The following public hearing was held.

An appeal by Living Christ Church from Article XI, Section 110-11.1(A) (1) (2) & Article XI 110.1 (B)(1) Nonconforming Building and Uses and Table of Use and Bulk Requirements, Schedule 1, Page 4 & Schedule 1 RG-6, Page 3 of the Zoning Law of the Village of South Nyack for an existing building to extend a nonconforming as to bulk and rear yard, side-yard and building height area variances for the construction of one (1) story addition with bathrooms to the main church building. The premises is located at 151 S Broadway, South Nyack, NY 10960 and is identified on the Tax Map as Section Block and Lot 66.54-2-21, in an R-O Zoning District. The premises is also located at 150 Piermont Ave., South Nyack, NY 10960 and is identified on the Tax Map as Section Block and Lot 66.54-2-22, in an R-G6 Zoning District.

Case # 1 – 151 S Broadway, South Nyack, NY 10960

Appearing: Kier Levesque, Architect
Lead Pastor Jeff Salvesen

Mr. Levesque is seeking variances for rear yard, side yard, building height and pre-existing nonconformity. The addition was approved by the Planning Board does not required variances. However, the existing building is nonconforming.

The Planning Board gave conditional approval and recommended to the Zoning Board with following:

- planting beds around the addition shown on drawings
- variances for pre-existing nonconforming
- variances for front yard setback for lot 21 & lot 22
- variances for rear yard for lot 21 & lot 22 at the zoning district boundary

- variance for existing height

Mr. Levesque explained that in 1988, the zoning boundary divided the lot into two.

There was a discussion about zoning districts in 1988.

Mr. Knoebel explained there were several instances where a zone boundary bisects properties.

Mr. Rose asked Mr. Levesque why the zoning district was not corrected in 1988.

Mr. Levesque commented that they haven't done work for a while that needed Zoning Board approval.

Mr. Cross explained any change of nonconforming lot/building will require Zoning Board's review.

Mr. Knoebel asked Mr. Levesque to explain the building heights.

Mr. Levesque explained that 8 roof points around the building make up the average height.

There was a discussion that there were no past variances for the church building.

Public Comments

Ms. Chek is concerned that the proposed addition is going to block her view.

Mr. Cross commented that there's no regulation in the zoning code in regards to views.

Ms. Jacobson said adding more bricks will look the like a city.

Mr. Levesque explained that he used the yellow marker to show the impact of the work on the elevation as view from the street. The point being that there will be no impact on the view the two neighbors that were concerned.

Mr. Rulon commented addition is conforming.

There was a discussion about the purposed mechanical room.

There was a discussion about Planning Board procedure.

Mr. Levesque explained the project to the Ms. Check and Ms. Jacobson.

There was a discussion about property value and taxes.

There was a discussion about proposed construction at the end of the summer and possibly in the fall/winter.

Mr. Levesque described the purpose of the addition. There's no bathroom on main floor. It's not accessible for handicap. The church is a service to the Village Board and the community. The current bathroom is not accessible to the handicap, because they would have to come outside of the church, wheel chair down the hill then get inside to use the restroom.

There was a discussion about fire exit and being on the front of the building.

There was a discussion about the slope, concrete pad and retaining wall.

Mr. Knoebel suggested that the Zoning Board take considerations of all the factors before making a determination.

Mr. Rulon noted that the addition will also accommodate storage. The addition is already approved. The property is in two zoning districts as a result of the 1988 zone change which resulted in the property being nonconforming. Because of the nonconformities, variances are needed for height, front, and rear yard setbacks.

Mr. Rose made a motion to close the public hearing

Mr. Rulon seconded

Board Vote:

Mr. Cross **Aye**

Mr. Rose **Aye**

Mr. Rulon **Aye**

Motion approved **3-0**

FINDINGS OF FACTS

Mr. Cross made a motion to grant variances for an existing building to extend a nonconforming use as to bulk and rear yard, side-yard and building height area variances for the construction of one (1) story addition with bathrooms to the main church building

- An undesirable change will not be produced in the character of the neighborhood nor a detriment created to nearby properties by granting of the area variance. The variances requested are all for existing conditions.
- Impact of the streetscape was discussed by the Planning Board including the planting and the appearance of the brick wall.
- The benefit sought by the applicant cannot be achieved by a method feasible for the applicant to pursue because the existing lot and building are nonconforming to bulk. The proposed bathroom will be handicap accessible. It's practical that the roofline matches
- The requested variances are not substantial.
- The effect if any on the increased population density will be zero, as this application is for variances for existing conditions.
- No potential for negative environmental impact.
- The alleged difficulty is not self-created for the front yard setbacks height, as all are existing and current conditions.
- Self-created because existing nonconforming building as to bulk.
- The addition was approved which does not required variances.
- Type II SEQR does not apply.

Board Vote:

Mr. Cross **Aye**

Mr. Rose **Aye**
Mr. Rulon **Aye**

Motion approved **3-0**

Mr. Rose seconded

Board Vote:

Mr. Cross **Aye**
Mr. Rose **Aye**
Mr. Rulon **Aye**

Motion approved **3-0**

**The Board postponed approval of minutes of the November 7, 2017 until the June 5, 2018 meeting.
The Board postponed approval of minutes of the December 5, 2017 until the June 5, 2018 meeting.**

Upon motion made by **Mr. Rulon** and seconded by **Mr. Rose**, and unanimously approved, the meeting adjourned at 8:10pm.

Board Vote:

Mr. Cross **Aye**
Mr. Rose **Aye**
Mr. Rulon **Aye**

Motion approved **3-0**

The next meeting is June 5, 2018

Respectfully submitted,

Sokuna Mam
Zoning Board Secretary

Approved: _____