

**VILLAGE OF SOUTH NYACK
Zoning Board of Appeals Minutes
September 17, 2019**

PRESENT: Roger Seiler – Chairman
Bruce Forrest – Member
Richard Rose – Member
Jeffrey Hirsch – Member

ALSO PRESENT: Sokuna Mam – ZBA Secretary
Robert Knoebel – Attorney for Zoning Board
Scott Fine, Building Inspector

ABSENT: Richard Holt – Alternate Member
Dewitt Rulon – Alternate Member
Charles Cross – Member

Mr. Seiler called the meeting to order at 7:36 pm. This meeting was noticed to the public on September 5, 2019. The following public hearings were held:

An appeal by Amos Dodi & Ann-Marie Dodi for re-approval of area variances for pre-existing nonconforming; lot area, street frontage, lot coverage, rear yard, side yard, and total side yard to construct a single family wood frame house on a vacant lot adjoining the Hudson River from the requirements of Article XI, Section 110-11.1A (1), Non-Conforming Buildings and Uses, and the Table of Uses and Bulk Requirements of the Zoning Law of the Village of South Nyack. The premises is located at 121 Piermont Ave., South Nyack, NY 10960 and identified on the Tax Map as Section 66.54 Block 2 Lot 3 in an in an RG-6 Zoning District.

Case # 1 – 121 Piermont Ave.

Appearing: Amos Dodi, owner

Mr. Dodi is seeking re-approval of area variances; pre-existing nonconforming; lot area, street frontage, lot coverage, rear yard, side yard, and total side yard that was granted August 1, 2017.

The following area variances granted on August 1, 2017

- The lot area required is 12,000sqft. and 3,909 sq.ft. is existing.
- The street frontage required is 60ft. and the 35ft. existing and proposed.
- The total lot coverage allowed is 50% and 54.42% was approved.
- The side-yard required 12ft and 3ft is proposed.
- The rear yard setback required is 20ft and 11ft 2in. is proposed.
- The total side yard required 25ft. and 7ft. 7in. is proposed.

Mr. Seiler explained that the applicant had to return to the Zoning Board of Appeals because the law states if the project is not completed within a year and in case the Zoning law changes, it must be resubmitted to the Zoning Board of Appeals for review.

The Zoning Board members reviewed the plans comparing the current and old plans.

There was a discussion about accuracy on the plans.

Mr. Seiler authorized the applicant to change the followings on the drawings because it was previously granted:

- lot coverage to 54.42%
- rear yard to 11ft 2in
- total side yard to 7ft 7in

There was a discussion about the previous buildings on the property.

Mr. Hirsch asked what happened over the past few years. Why didn't they build the place? He also asked if the owner is planning to live on this property or if it was an investment property.

Mr. Dodi explained his reasoning for the delay of the project including terminating the previous architect and searching for a new architect. He also explained that he's planning to live in the proposed house.

Mr. Rose requested the revised plans with corrected numbers should be submitted, but Mr. Seiler indicated that the correction could be documented in these minutes.

There was a discussion regarding that there's no expiration on site-plan approvals.

Mr. Knoebel explained that site-plan approval has not expired and drawings will be reviewed by the Building Inspector and Village Engineer.

Public Comments

Ellen Hilburg – 23 N Broadway, Nyack, NY; expressed her concerns about sewers connections.

Jamie Matusow – 119 Piermont Ave; expressed her concerns about Protection of Right to Sunlight.

Jay Matusow – 119 Piermont Ave; expressed his concerns about Protection of Right to Sunlight, drainage and driveway.

There was a discussion about protection of right to sunlight.

There was a discussion about the retaining wall which will be constructed according to the drawings to protect adjacent properties.

Mr. Rose suggested that the Dodi's and the contractors meet with the neighbors to talk to each other about the project.

Mr. Hirsch suggested the neighbors to communicate their concerns with the Building Inspector because as a resident he had expressed his concerns in regards other issues in the Village and the Building Inspector has been rather proactive and effective in remedying those situations.

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

Board Vote:

Mr. Seiler **Aye**
Mr. Forrest **Aye**
Mr. Rose **Aye**
Mr. Hirsch **Aye**

Motion approved **4-0**

Mr. Knobel suggested that as part of the record there are no changes in the dimensional requirements in the zoning law affecting this lot, which will impact for further review.

Mr. Seiler commented that the finding of the facts and conclusion from August 1, 2017 Zoning Board minutes applies to this meeting.

FINDINGS OF FACTS

Mr. Forrest made a motion to re-adopt the finding of facts and conclusion from the August 1, 2017 meeting and further note there are no substantial changes in the law affecting the dimensional requirements of this lot and with the following:

- updated correction with the following on the drawings:
 - 54.42 % lot coverage
 - 11ft 2in rear yard
 - 7ft 7in total side yard
- Building Inspector and Village Engineer review drawings with the following considerations:
 - plans for accuracy of retaining wall on the north side
 - to ensure there's no undermining of the adjacent properties
 - as shown on drawings, revision dated August 5, 2019, prepared by Anthony R. Celentano P.E.
- This is a Type 2 SEQRA action with no potential for negative environmental impact.

The premises is located at 121 Piermont Ave., South Nyack, NY 10960 and identified on the Tax Map as Section 66.54 Block 2 Lot 3 in an in an R-6 Zoning District.

Mr. Rose seconded

Board Vote:

Mr. Seiler **Aye**
Mr. Forrest **Aye**
Mr. Rose **Aye**
Mr. Hirsch **Aye**

Motion approved **4-0**

Old Business:

Mr. Forrest moved to approve May 8, 2019 Zoning Board of Appeals minutes.

Mr. Hirsch seconded

Board Vote:

Mr. Seiler **Aye**

Mr. Forrest **Aye**

Mr. Rose **Aye**

Mr. Hirsch **Aye**

Motion approved 4-0

Upon motion made by **Mr. Hirsch** and **Mr. Forrest** seconded, and unanimously approved, the meeting adjourned at 8:28pm.

Board Vote:

Mr. Seiler **Aye**

Mr. Forrest **Aye**

Mr. Rose **Aye**

Mr. Hirsch **Aye**

Motion approved 4-0

The next meeting is October 1, 2019

Respectfully submitted,

Sokuna Mam
Zoning Board Secretary

Approved: _____