

**Village of Upper Nyack  
Zoning Board of Appeals Meeting  
Tuesday, December 19, 2017, 8:00pm**

***Minutes***

A meeting of the Zoning Board of Appeals of the Village of Upper Nyack was held on the above date and called to order at **8:04pm** by the Chairman, Thomas Englert.

**Other Board members present:** Stephen Lubeck, Michael Kuhling and Marion Shaw.

**Also present:** Robert P. Lewis, Village Attorney; Jillana Sinnott, Secretary.

**Others in attendance:** Robert Knoebel and Shouk Hasan.

**8:04pm:** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on December 12, 2017.

**8:04pm: Shouk Hasan and Sandhya Murthy, 207 Highmount Avenue, County Map No. 60.17-01-42. APPEAL #2017-10.**

Said property is located in Residential Zoning District R-4.

The APPLICANT submitted to the clerk the Certificate of Mail receipts of neighbor notification.

Request for variances from the Zoning Ordinance of the Village of Upper Nyack for **Article V, Section 19:1**; Minimum setback from rear yard line for construction of a rear deck on an existing single family residence.

The APPLICANT was represented by Robert Knoebel, Attorney and Shouk Hasan, Homeowner. The Applicant would like to build a deck on the newly constructed house. The terrain is very steep which makes the outdoor space unusable. The Applicant moved from NJ to have more room outside around the property. The house was purchased before it was built and the Applicant did not realize the backyard was so steep. The backyard is the majority of the property. They could build up the existing retaining wall to level out the property but after discussion with the builder it would make more sense to build a rear deck. A deck on the back of the house would not be intrusive and would be less visible to the neighbors.

The BOARD discussed the grade of the backyard. The deck will be 8' from grade. There was a discussion about the neighbor's view of the deck.

There were no comments from the public.

**MOTION:** Member Stephen Lubeck moved to close the public hearing; **SECOND:** Michael Kuhling; unanimously **APPROVED**.

The CHAIRMAN reviewed the five conditions for area variances (§17:4, c2) of the Village Zoning Ordinance.

There will be no undesirable change in the character of the neighborhood. The Applicant needs the variances as the backyard is a challenge to use, the request is a reasonable one. The requested variance is quite large. There will be no environmental impact. The variances were self-created as they bought the house and now would like a deck.

The Board reviewed the GML recommendations from the Rockland County Planning Board. There has been no response from the Village of Nyack or the NY State Department of Transportation from the submitted GML review.

**MOTION:** The Board moved to approve the following variance, **Article V, Section 19:1**; Minimum setback from rear yard line from 25' to 17.3' for a rear deck on an existing single family house for Hasan/Murthy, by Jay A. Greenwell, PLS, LLC revised on 10/9/17. The variance considered is only for the proposed rear deck, should the deck be removed the variance would be revoked.

**MOTION BY:** Stephen Lubeck

**SECOND:** Marion Shaw

**VOTE:** Unanimously **Approved**

**8:25pm: Approval of Minutes:** Member Stephen Lubeck moved to approve the Draft Minutes from September 19, 2017; **SECOND:** Marion Shaw; unanimously **APPROVED**.

There was no other business.

The meeting was adjourned at 8:31pm.

Respectfully submitted,

Jillana Sinnott, Secretary