

**Village of Upper Nyack
Zoning Board of Appeals Meeting
Tuesday, June 19, 2018, 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 8:00 pm by the Chairman, Thomas Englert.

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

Also present: Robert P. Lewis, Village Attorney; Joseph Scarmato acted as Secretary. Others in attendance: Kier Levesque, Miles Taylor, the applicant / owner and Lee Taylor.

8:04pm: The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on June 10, 2018.

8:07pm: Approval of Minutes: Member Joseph Scarmato moved to approve the Draft Minutes from April 17, 2018 as amended; SECOND: Stephen Lubeck; unanimously APPROVED.

8:10pm: Miles Taylor, 422 Glen Avenue, County Map No. 60.13-01-53. APPEAL #2018-02.
Said property is located in OB Zoning District.

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

Request the following variance from the requirements of the Zoning Ordinance of the Village of Upper Nyack for **Article V, Section 19:1**; Minimum setback from side yard lot line to legalize an existing side yard deck on an existing single-family residence located in the Office Business (OB) District.

The APPLICANT was represented by Kier Levesque, Architect. The property was the subject of a number of variances issued over the past 20 years to accommodate a pre-existing non-conforming residence located in the OB zoning district. Subsequent to the prior approvals, the owner expanded the deck beyond the amount permitted by the prior variance without a permit.

The BOARD discussed the pre-existing variances and how it will be expanded and the impact on the neighboring property determining that due to the change in elevation and fencing between the applicant's property and neighboring commercial/restaurant use, that the additional variance would not prove material in this case.

There were no comments from the public.

MOTION: Member Joseph Scarmato moved to close the public hearing; **SECOND:** Marion Shaw; unanimously APPROVED.

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

There will be no undesirable change in the character of the neighborhood. The variance requested is not substantial. There will be no environmental impact. Although the variance is self-created the additional variance would not prove material in this case due to the change in elevation and fencing between the applicant's property and neighboring commercial/restaurant use. The benefit to the Applicant outweighs the detriment to the community.

The Board reviewed the GML recommendations from the Rockland County Planning Board which deemed it for local determination.

MOTION: The Board moved to approve the Taylor site plan by Kier B. Levesque, RA last revised date June 19, 2018, for side yard deck ONLY and SUBJET TO the applicant removing two existing sheds, 121 SF and 41 SF located on the south west side, the following variance, **Article V, Section 19:1**; Expand preexisting variance of minimum setback of side yard line of 6.9' on the west side of the deck to 2.6' from the side yard lot line.

MOTION BY: Stephen Lubeck

SECOND: Joseph Scarmato

VOTE: Unanimously Approved

There was no other business.

The meeting was adjourned at 8:30pm.

Respectfully submitted,

Joseph Scarmato, Acting Secretary