

**Village of Upper Nyack  
Zoning Board of Appeals Meeting  
Tuesday, January 15, 2019, 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 **8:03 pm** by the Vice Chairman, Stephen Lubeck.

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

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

**Others in attendance:** Thomas Gaffney.

**8:03pm:** The Vice Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on January 8, 2019.

**8:04pm:** **Thomas Gaffney, 121 Castle Heights Avenue, County Map No. 60.17-02-37. APPEAL #2018-05.**

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 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 rear yard lot line for a deck on a single-family residence located in the Residential Zoning District R-1.

The APPLICANT was represented by the Homeowner Thomas Gaffney. The house was recently bought and the only way to be in the yard because of the slope of the yard is with the addition of a deck. There is a small 4x10 existing patio now. It will be an uncovered deck in the rear of the house. There are approximately 150 feet of woods behind them to the next house. The elevation of the deck is about 12 inches. The need for a variance is because the house takes up the envelope allowed.

The BOARD discussed the plan and reviewed the variance requested.

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 substantial but the house takes up the envelope and it is a small lot. There will be no environmental impact. Although the variance is self-created by the applicant the only option to build a deck would be with the variance. The benefit to the Applicant outweighs the detriment to the community.

**MOTION:** The Board moved to approve the Gaffney site plan by Jay A. Greenwell, PLS. last revised date October 29, 2018, for a deck, for the following variances, **Article V, Section 19:1**; Minimum setback from rear lot line from 25.5' to 10.8'.

**MOTION BY:** Joseph Scarmato  
**SECOND:** Michael Kuhling  
**VOTE:** Unanimously Approved

There was no other business.

**8:10pm:** Approval of Minutes: Member Joseph Scarmato moved to approve the Draft Minutes from December 18, 2018 as amended; **SECOND:** Marion Shaw; unanimously **APPROVED**.

The meeting was adjourned at 8:15pm.

Respectfully submitted,

Jillana Sinnott, Secretary