

**Village of Upper Nyack
Zoning Board of Appeals Meeting
Tuesday, December 18, 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 **8:03 pm** by the Chairman, Thomas Englert.

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

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

Others in attendance: Orville and Sally Mann.

8:03pm: The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on December 11, 2018.

8:04pm: **Orville and Sally Mann, 659 North Broadway, County Map No. 60.06-01-02. APPEAL #2018-03.**

Said property is located in Residential Zoning District R-1.

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; Article V, Section 19:1; Minimum setback from rear lot line and Article III, Section 6:6; Disturbance of area with slope greater than 40% for a staircase to the river of an single-family residence located in the Residential Zoning District R-1.

The APPLICANT was represented by the Homeowners Orville and Sally Mann. They would like to build a staircase to the river as they may be selling in a few years and there is no access to the river currently on their property. The neighbor to the South has allowed them to access the river from their property but a new purchaser may not have a good relationship with that neighbor. The rear lot line variance is necessary because otherwise the staircase would be in the middle of the steep slope. The side lot line variance is required because the final platform would be perfectly flat being as far north as possible in case there was a need to add a boathouse at some point. The variance for the disturbance of the slope less than 2% is because of the staircase pilings for the steps that are elevated above the ground. The staircase will be made from pressure treated pine and left natural not painted.

The BOARD reviewed the GML from Rockland County Planning.

The BOARD discussed the plan and reviewed the variances requested.

There were no comments from the public.

MOTION: Member Joseph Scarmato moved to close the public hearing; **SECOND:** Stephen Lubeck; 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 of 1.13' requested is substantial but it is being done the least intrusive and most feasible way. There will be no environmental impact. Although the variances are self-created the applicant lives on the river and should be able to have a staircase to get to it. The benefit to the Applicant outweighs the detriment to the community.

MOTION: The Board moved to approve the Mann site plan by Martos Engineering last revised date October 29, 2018, for a staircase to the river, for the following variances, **Article V, Section 19:1**; Minimum setback from side lot line from 30 feet to 22.62 feet; **Article V, Section 19:1**; Minimum setback from rear lot line from 30 feet to 1.13 feet; **Article III, Section 6:6**; Disturbance of slope of greater than 40% to 135 square feet of disturbance.

MOTION BY: Joseph Scarmato

SECOND: Marion Shaw

VOTE: Unanimously Approved

There was no other business.

8:20pm: Approval of Minutes: Member Joseph Scarmato moved to approve the Draft Minutes from June 19, 2018 as amended; **SECOND:** Stephen Lubeck; unanimously APPROVED.

The meeting was adjourned at 8:30pm.

Respectfully submitted,

Jillana Sinnott, Secretary