

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

June 30, 2025

Present: Steven P. Knowlton, Chair
Jack Dunnigan
Ellyse Berg
Miriam Rubington, Non-voting Alternate
Richard Gressle
Roger Cohen

Absent:

Also Present: Chief Building Inspector Manny Carmona

The following resolution was offered by Member Dunnigan seconded by Member Berg and carried based upon a review of the evidence presented at the public hearing held on May 19, and June 30, 2025

**BOARD OF APPEALS
VILLAGE OF NYACK, COUNTY OF ROCKLAND**

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In the Matter of the of Dorothea Erichsen (52 Jefferson Street) for an amendment to the previous Zoning Board approval where :

Area Variance from Village of Nyack Code §360-3.2E(1)(g):

- a. Maximum Accessory Building Height where 12 feet is permitted, 14.5 ft existing and 17.8 ft approved as submitted, but requires approval for a height of 19' 2" due to an error on previous plans submitted.

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The Zoning Board of Appeals held a public meeting on the 19th day of May and 30th day of June 2025, and due deliberations having been made. The Chairman polled the members and determined there were no conflicts that would require recusal.

Now, upon said hearing and upon the evidence adduced thereat, it is hereby found and determined that:

FINDINGS OF FACT & CONCLUSIONS OF LAW

FIRST: Applicant petitions the Zoning Board for the amended variance listed above.

SECOND: The ZBA, in reaching its Findings of Fact and Conclusions of Law has taken the following factual testimony and evidence under consideration:

1. The application and supporting documents
2. The testimony of Dorothea Erichsen
3. ZBA members knowledge of the site in question;
4. Site visits by all members of the ZBA;
5. Chief Building Inspector's notes, testimony and summary;
6. Public testimony: Mr. Frantz Felix, in opposition.
7. Minutes of the Architectural Review Board dated April 14, 2025 approving the application as submitted.
8. The letters submitted by Mr. Felix in opposition to the variance and made a part of the record.

THIRD: This application was previously before this board on October 28, 2024.

FOURTH: At that time, the Applicant wished to raise the height of the roof of an already non-conforming accessory building (garage) to increase storage on the site. A new 6'6" high space would be constructed in order to achieve this goal. The Applicant also wishes to add a half-bathroom on the ground floor of the garage for her use when gardening, and to move an exterior stairway to expand her garden space. The requested variance was for a new building height of 17.8 feet.

FIFTH: Due to an error on the submitted plans, the requested variance has been amended to 19.2 feet.

SIXTH: The Architectural Review board approved this amendment without comment on the amended variance request.

SEVENTH: At the May hearing an abutting neighbor (Mr. Frantz Felix) raised objections to the prior, granted variances and to the Applicant's request for the amended height variance. His objections were based on multiple reasons, mostly stemming from the existing conditions on the site. The application was held open so that Mr. Frantz could submit letters and additional testimony, which is made part of the record. The ZBA also requested that the Chief Building Inspector inspect the site and report back to the Board. The Chief Building Inspector's May 21, 2025 letter setting out his inspection results is made a part of the record.

The above Findings of Fact were moved and passed (5-0)

CONCLUSIONS OF LAW:

The Zoning Board considered the factors set forth in Section 7-712-b(3)(b) of the Village Law of the State of New York as follows:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

FIRST: That the grant of the proposed amended variance does not create an undesirable change in the neighborhood. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing and based upon the factual findings set forth above in paragraphs SECOND through SEVENTH. (5-0)

SECOND: That no detriment to nearby properties will result from granting the amended variance. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing and based upon the factual findings set forth above in paragraphs SECOND through SEVENTH. (5-0)

THIRD: That the Applicant has shown that there are no other means by which it could achieve its purpose without the requested amendment. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing, and based upon the factual findings set forth above in paragraphs SECOND through SIXTH (5-0)

FOURTH: That the amended variances is not substantial in light of the current conditions on the site. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing, and based upon the factual findings set forth above in paragraphs SECOND through SEVENTH. (5-0)

FIFTH: That the hardship is self-created. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing, and based upon the factual findings set forth above in paragraph FIFTH (5-0)

The Board has weighed the findings of fact and the conclusions of law against one another as required under Section 7-712-b of the Village Law of the State of New York and finds in the interest of justice that the amended variance applied for should be GRANTED.

The Applicant agreed to the following conditions:

1. The directives of the Nyack Planning Board and the Nyack Architectural Review Board shall be followed.

On a roll call, the vote was as follows:

Ayes: 5

Nays: 0

Abstain: 0

/Steven P. Knowlton, Esq.

Chairman, Village of Nyack Zoning Board of Appeals