

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

May 19, 2025

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

Absent:

Also Present: Chief Building Inspector Manny Carmona

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

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

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In the Matter of the application of Emma Crouchen and Karina Magee (43 Summit Street)) for an Area Variance from Village of Nyack Code §360-4.3 Table 4-1 Dimensional Standards for a rear yard setback where 33.2 ft. existing, 24.11 ft. required, and 19.6 ft. proposed
-----X

The Zoning Board of Appeals held a public meeting on the 19th day of May, 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 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 Emma Crouchen, Applicant

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: no public comment

THIRD: The Applicant wishes to expand an existing back yard deck and make improvement to the stairway configuration for safety reasons, and to increase the usability of the structure. The current configuration of the deck is awkward and very small.

FOURTH: The site in question is in the SFR-1 zoning district. Like most plots in the Village of Nyack, it is non-conforming as to lot size. The Applicants have owned the property since 2023.

FIFTH: The part of the structure closest to the lot line will be the bottom of the stairway. The present configuration of the stairway is not code compliant and according to the Applicant, also unsafe for their young family.

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 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 FIFTH. (5-0)

SECOND: That no detriment to nearby properties will result from granting the 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 FIFTH. (5-0)

THIRD: That the Applicant has shown that there are no other means by which it could achieve its purpose without the requested 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 FIFTH (5-0)

FOURTH: That the variance 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 FIFTH. (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 SECOND, THIRD and FOURTH. (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 variance applied for should be GRANTED.

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