

VILLAGE OF RYE BROOK
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, application has been made to the Zoning Board by **Pat Lovallo** for (1) a 3.1 foot single side yard setback variance from Village of Rye Brook Zoning Code §250-23.F.(2)(a); (2) a variance from Village of Rye Brook Zoning Code §250-6.G.(1)(c)(1) for 2 off-street parking spaces; and (3) an 18 foot front yard unenclosed off-street parking setback variance from Village of Rye Brook Zoning Code §250-6.G.(1)(d)(2), in connection with the proposed legalization of the conversion of the attached garage to living space, and legalization of the side roofed patio, on property located at 4 Argyle Road, in an R-7 zoning district on the south side of Argyle Road, approximately 80 feet from the intersection of Argyle Road and North Ridge Street. Said premises being known and designated on the tax map of the Village of Rye Brook as **Parcel ID# 135.51-1-76**; and

WHEREAS, a duly advertised public hearing was held on July 2, 2013, at which time all those wishing to be heard were given such opportunity; and

WHEREAS, the proposed action is a Type II action pursuant to the New York State Environmental Quality Review Act and accordingly, no further environmental review is required; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 250-13(G)(2)(b)[2][a]-[e] of the Rye Brook Code, finds with respect to the single side yard setback variance:

- 1) The variance [WILL/WILL NOT] create an adverse impact to the character of the neighborhood;
- 2) The benefit the applicant seeks [CAN/CANNOT] be achieved through another method, feasible for the applicant to pursue, that does not require a variance;
- 3) The variance [IS/IS NOT] substantial;

- 4) The variance [WILL/WILL NOT] create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 5) The need for the variance [IS/IS NOT] self-created; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 250-13(G)(2)(b)[2][a]-[e] of the Rye Brook Code, finds with respect to the off-street parking space variance:

- 2) The variance [WILL/WILL NOT] create an adverse impact to the character of the neighborhood;
- 2) The benefit the applicant seeks [CAN/CANNOT] be achieved through another method, feasible for the applicant to pursue, that does not require a variance;
- 6) The variance [IS/IS NOT] substantial;
- 7) The variance [WILL/WILL NOT] create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 8) The need for the variance [IS/IS NOT] self-created; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 250-13(G)(2)(b)[2][a]-[e] of the Rye Brook Code, finds with respect to the front yard unenclosed off-street parking setback variance:

- 3) The variance [WILL/WILL NOT] create an adverse impact to the character of the neighborhood;
- 2) The benefit the applicant seeks [CAN/CANNOT] be achieved through another method, feasible for the applicant to pursue, that does not require a variance;
- 9) The variance [IS/IS NOT] substantial;
- 10) The variance [WILL/WILL NOT] create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 11) The need for the variance [IS/IS NOT] self-created.

NOW, THEREFORE, BE IT RESOLVED, that the said application for the single side yard setback variance is hereby [GRANTED/DENIED]; said application for the off-street parking space variance is hereby [GRANTED/DENIED]; and said application for

the front yard unenclosed off-street parking setback variance is hereby [GRANTED/DENIED], on the following conditions:

1. _____; and
2. _____;

Dated: July 2, 2013

Don Moscato, Chairman

Chairman Moscato called the roll:

Andrew Kaminsky	Voting: ___ Aye ___ Nay ___ Abstain ___ Absent
Don Moscato	Voting: ___ Aye ___ Nay ___ Abstain ___ Absent
Jeffrey Richman	Voting: ___ Aye ___ Nay ___ Abstain ___ Absent
Joel Simon	Voting: ___ Aye ___ Nay ___ Abstain ___ Absent
Steven Berger	Voting: ___ Aye ___ Nay ___ Abstain ___ Absent

___ **Ayes**
___ **Nays**
___ **Abstain**
___ **Absent**