

# VILLAGE OF GREENWOOD LAKE

## ZONING BOARD OF APPEALS

### RESOLUTION OF APPROVAL

Joseph Sharkey – 3 Maple Street

Rear Yard Setback Variance

Adopted: InsertMeetingDateInsert Meeting DateInsertMeetingDate

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**WHEREAS, the Zoning Board of Appeals (“ZBA”) of the Village of Greenwood Lake received an application from Joseph Sharkey, owner of property located at 3 Maple Street, Greenwood Lake, New York (the “Property”); and**

**WHEREAS, the Applicant seeks an area variance from the requirements of Village Code §120-13 relating to rear yard setback, where 30 feet is required and 24 feet is proposed, requiring a 6-foot variance, in order to construct a second-floor rear deck/balcony approximately ten (10) feet in depth; and**

**WHEREAS, the ZBA reviewed the application, site information, Short Environmental Assessment Form (Part 1), submitted materials, and heard from the Applicant during the duly noticed public meeting held on insertdateinsertdateinsertdate; and**

**WHEREAS, the ZBA determined that the proposed action is a Type II action under SEQRA and therefore requires no further environmental review; and**

**WHEREAS, the ZBA reviewed and considered the application in accordance with the five-factor balancing test set forth in New York Village Law §7-712-b(3), and made the following findings:**

**1. Undesirable Change / Detriment to Neighborhood:**

The proposed variance will **not** produce an undesirable change in the character of the neighborhood nor cause a detriment to nearby properties. Existing trees provide natural buffering, and the deck is modest in size.

**2. Feasible Alternatives:**

The benefit sought by the Applicant **cannot be achieved by a feasible alternative** that does not require a variance, as no reasonable alternate placement for the deck exists.

**3. Substantiality:**

The variance, amounting to approximately a **20% encroachment** into the required setback, is **not substantial**.

4. **Environmental or Physical Impacts:**

The proposed deck will **not result in adverse environmental or physical impacts** on the neighborhood or district.

5. **Self-Created Hardship:**

Any hardship is **self-created**, but this factor does **not** preclude the granting of the variance.

**WHEREAS, based on the foregoing findings, the ZBA concludes that the benefit to the Applicant outweighs any potential detriment to the health, safety, and welfare of the neighborhood or community.**

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**NOW, THEREFORE, BE IT RESOLVED, that the Village of Greenwood Lake Zoning Board of Appeals hereby GRANTS the requested rear yard setback variance of six (6) feet, permitting a setback of 24 feet where 30 feet is required, for the construction of a second-floor rear deck as described in the application; and**

**BE IT FURTHER RESOLVED, that this approval is conditioned upon the following:**

1. The Applicant shall **pay all outstanding and applicable fees** associated with this application.
  2. The Applicant shall **comply with all applicable Village, County, State, and Federal laws, regulations, and permitting requirements.**
  3. The project shall be **constructed in substantial conformity** with the plans and materials submitted to the ZBA.
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**On a motion by: NameNameName**

**Seconded by: NameNameName**

**Vote:**

- Jennifer Lyons, Chair – Aye
- Eric Kelm – Aye
- Kevin lastnamelast namelastname – Aye
- (Others absent)

**MOTION PASSED — VARIANCE GRANTED**

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**DATED: InsertDateInsert DateInsertDate**

**VILLAGE OF GREENWOOD LAKE ZONING BOARD OF APPEALS**

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**Jennifer Lyons, Chair**