

# VILLAGE OF GREENWOOD LAKE

## ZONING BOARD OF APPEALS

## RESOLUTION OF APPROVAL

Joseph Sharkey – 3 Maple Street

Rear Yard Setback Variance

Adopted: InsertMeetingDate Insert Meeting Date InsertMeetingDate

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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 insertdateinsert dateinsertdate; 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 name lastname – 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**