

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

November 28, 2016

Present: Catherine Friesen, Chair
John Dunnigan
Mary Ann Armano
Ellyse Berg
Roger Cohen

In Memoriam:
Raymond O'Connell

The following resolution was offered by Member Berg, seconded by Member Cohen, and carried based upon a review of the evidence presented at the public hearings held on November 28, 2016.

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

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In the Matter of the application of Gisondi Family Ltd.
Partnership (142 Main Street) for an Area Variance from
VON Code Section 360-4.11E(1) for 2 parallel signs on the
façade of a building not facing the street

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The Zoning Board of Appeals held a public meeting on the 28th Day of November 2016, and due deliberations having been made this day;

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 Gisondi Family Ltd. Partnership petitions the Zoning Board for the Variances as set forth 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 submitted;
2. Testimony of Greg Sahagian, GS&S, on behalf of the Applicant;

3. ZBA members knowledge of the site in question;
4. Site visits by all members of the ZBA;
5. Positive recommendation from the ARB;
6. Testimony of members of the public: none.

THIRD: The site in question, 142 Main Street, is located in the DMU zoning district.

FOURTH: The Applicant seeks permission for the installation of two 1'8" by 12'4" parallel signs on the wall of a building not fronting a street and located in a parking lot. The signs will advertise "Main Street Commons."

FIFTH: The Architectural Review approved the application at its meeting held September 21, 2016.

SIXTH: This is a Type II action pursuant to SEQRA with no environmental impact.

The above Findings 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 proposed variance does not creates an undesirable change in the character of the neighborhood or a detriment to nearby properties. 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 4. (5-0).

SECOND: That the Applicant has demonstrated that there are no other means by which he could achieve his 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 paragraph 4. (5-0)

THIRD: 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 paragraph 4. (5-0)

FOURTH: That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. 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 4 and 6. (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 3. (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 with the following condition to which the Applicant has agreed: Applicant to follow directives of the ARB.

On a roll call, the vote was as follows:

Ayes: 5 (Friesen, Armano, Dunnigan, Berg, Cohen)

Nays: 0

Abstain: 0

/s/ Catherine H. Friesen
CATHERINE H. FRIESEN, Chair
Zoning Board of Appeals, Nyack.