

**REGULAR MEETING  
ZONING BOARD OF APPEALS**

Nyack Village Hall  
Nyack, New York

October 25, 2010

Present: Catherine H. Friesen, Chair  
Mary Ann Armano  
John Dunnigan  
Robert Knoebel, Sr.  
Ellyse Berg

**In Memoriam:**  
Raymond O'Connell

The following resolution was offered by Member Armano, seconded by Member Berg, and carried based upon a review of the evidence presented at the public hearing held on October 25, 2010.

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

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In the Matter of the application of Sabrina Feldman,  
(4 Park Street) for an Area Variance from VON Code  
Section 59-5.11E to permit a locked glass display case  
On the exterior of the building

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The Zoning Board of Appeals held a public meeting on the 25<sup>th</sup> day of October, 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 Sabrina Feldman, has appeared before the Zoning Board of Appeals for an Area Variance from VON Code Section 59-5.11E to permit a locked glass display case which is not listed as a permitted sign in a non-residential district.

**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 the Applicant
3. ZBA members knowledge of the site in question;

4. Site visits by all members of the ZBA;
5. There was no public testimony.

**THIRD:** The site in question is located in the DMU zoning district and is leased by the Applicant. The Applicant has submitted proof to the Building Department that the owner of the property consents to the installation of the sign.

**FOURTH:** The Applicant seeks to install an unlit black-framed extra large outdoor enclosed poster swing case that is 67” high in total (60” of which is bulletin board), by 36” wide, by 2” deep, in order to advertise and enhance the sales of her realty business. The case will be installed in an existing window with an existing window sill that protrudes 2.25”.

**FIFTH:** The Nyack Architectural Review Board has issued a positive recommendation to this Board in relation to the variance request.

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 of the Village Law of the State of New York as follows:

**FIRST:** That the proposed variance does not create an undesirable change in the neighborhood. (5 - 0)

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

**THIRD:** That the Applicant has demonstrated that there is no other means by which it could achieve its purpose without the requested variance. (5-0)

**FOURTH:** That the variance is not substantial in light of the current conditions on the site (5-0)

**FIFTH:** That the hardship is self-created. (4-0)

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

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