

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

September 27, 2010

Present: Catherine Friesen, Chair
John Dunnigan
Robert Knoebel, Sr.
Ellyse Berg

In Memoriam:
Raymond O'Connell

Absent: Mary Ann Armano

The following resolution was offered by Member Berg, seconded by Member Knoebel, and carried based upon a review of the evidence presented at the public hearing held on September 27, 2010.

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

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In the Matter of the application of NW Sign Industries
(155 Main Street) for Area Variances from
VON Code Section 59-25.11G(11) to
permit two internally illuminated signs.

-----X

The Zoning Board of Appeals held a public meeting on the 27th day of September, 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 NY Sign Industries, Inc., has appeared before the Zoning Board of Appeals for an Area Variance from VON Code Section 59-25M to permit two internally illuminated signs.

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 Lawrence Schwartz on behalf of the Applicant.
3. ZBA members knowledge of the site in question; and

4. Site visits by all members of the ZBA.

THIRD: The site in question is located in the DMU zoning district, and the Applicant has provided proof that the owner of the property, Wells Fargo Corporate Properties, consents to the application.

FOURTH: The Applicant seeks to replace an existing parallel “Wachovia” sign with one stating “Wells Fargo”, and represents that illumination is necessary to light the building sign during inclement weather and darker days. The Applicant also seeks to replace a free standing sign in the rear of the lot abutting Burd Street with an internally illuminated “Wells Fargo” sign.

FIFTH: The Nyack Architectural Review Board has issued a negative recommendation to this Board in relation to the variance request for both internally illuminated signs. The ARB requested that the freestanding sign not be illuminated and that the parallel sign be backlit rather than internally illuminated.

SIXTH: No other internally illuminated signs currently exist on the relevant stretch of Main Street except the existing Wachovia parallel sign which the applicant seeks to replace.

SEVENTH: The freestanding sign on Burd Street is in a dark area with no significant residential presence and the applicant represents that there is no practical way apart from internal illumination to light the sign.

EIGHTH: The interior illumination of the freestanding sign will not change from the existing illumination of the “Wachovia” sign, and the hours of operation of the lighting will also remain the same (dusk to midnight).

These Findings of Fact were moved and passed 4-0.

CONCLUSIONS OF LAW:

Upon motion, the Zoning Board elected to consider each requested variance separately.

The Zoning Board considered the factors set forth in Section 7-712-b of the Village Law of the State of New York **with respect to the parallel sign** as follows:

FIRST: That the proposed variance does create an undesirable change in the neighborhood. (4-0)

SECOND: That no detriment to nearby properties will result from granting the variance. (4-0)

THIRD: That the Applicant has not demonstrated that there are no other means by which it could achieve its purpose without the requested variances (4-0)

FOURTH: That the variance is not substantial in light of the current conditions on the site (4-0)

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 DENIED.

The Zoning Board considered the factors set forth in Section 7-712-b of the Village Law of the State of New York **with respect to the freestanding sign on the rear of the lot abutting Burd Street** as follows:

FIRST: That the proposed variance does not create an undesirable change in the neighborhood. (4-0)

SECOND: That no detriment to nearby properties will result from granting the variance. (4-0)

THIRD: That the Applicant has demonstrated that there are no other means by which it could achieve its purpose without the requested variances (4-0)

FOURTH: That the variance is not substantial in light of the current conditions on the site (4-0)

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 with the following conditions to which the applicant has agreed:

- (1) The directives of the Architectural Review Board shall be followed;
- (2) The wattage does not change from the existing sign;
- (3) The hours of operation of the lighting are limited as follows: dusk to midnight.

On a roll call, the vote was as follows:

Ayes: 4

Nays: 0

Abstain: 0

/s/

CATHERINE H. FRIESEN, Chair
Zoning Board of Appeals, Nyack.