

**REGULAR MEETING  
ZONING BOARD OF APPEALS**

Nyack Village Hall  
Nyack, New York

August 29, 2016

Present: Catherine H. Friesen, Chair  
Mary Ann Armano  
John Dunnigan  
Ellyse Berg  
Roger Cohen (alternate)

**In Memoriam:**  
Raymond O'Connell

Absent:

The following resolution was offered by Member Berg, seconded by Member Armano, and carried based upon a review of the evidence presented at the public hearings held on August 29, 2016.

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

-----X

In the Matter of the application of Vikram Dokahle  
(316 Main Street) for an area variance from  
VON Code §360-4.11G(2) to permit LED signage

-----X

The Zoning Board of Appeals held a public meeting on the 29<sup>th</sup> Day of August, 2016, and due deliberations having been made that 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, Vikram Dokahle on behalf of CT&T Distribution, Inc., petitions the Zoning Board of Appeals for the variance noted 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 Harsha Kumar on behalf of the Applicant;
3. ZBA members knowledge of the site in question and site visits by all members of the

- ZBA;
4. Positive recommendation from the ARB dated July 20, 2016
  5. There was no testimony from members of the public.

**THIRD:** The site in question is located in the CC zoning district. A Mobil gas station is operated on the site, which is owned by James Miner. CT&T Distribution Inc. has been hired by the Mobil station to install the proposed signage.

**FOURTH:** The Applicant seeks to replace an existing sign with signage containing more energy efficient, aesthetically appealing and convenient LED pricing numbers. The existing support structure and location of the sign will not be changed, and both the total surface area of the sign and its dimensions, which comply with the zoning code, will remain the same. The Applicant also wishes to install LED lighting to make the prices more visible to motorists and to enhance worker safety.

**FIFTH:** The ARB approved the application and issued a positive recommendation with respect to the grant of the necessary variance at its meeting on July 20, 2016.

**SIXTH:** This is a Type II regulatory action under 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 create 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 paragraphs 3, 4, 5 and 6. (5-0).

**SECOND:** That the Applicant has demonstrated that there are no other means by which it could achieve its 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 paragraphs 3 and 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 3 and 4. (5-0)

**FOURTH:** That the proposed variance will not 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, 5 & 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 paragraphs 3 and 4. (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 variances applied for should be GRANTED with the following condition:

1. The directives of the Architectural Review Board are followed, including that the replacement sign be the same size as the original.
2. Proof of the owner's permission to make the application shall be submitted to the Building Department by Friday, September 9<sup>th</sup>.
3. Proof of mailing shall be submitted to the Building Department (if not already provided) by Friday September 9<sup>th</sup>.

On a roll call, the vote was as follows:

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

Nays: 0

Abstain: 0

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