

**REGULAR MEETING  
ZONING BOARD OF APPEALS**

July 28, 2025  
Nyack, New York

Present: Steven P. Knowlton, Chair  
Jack Dunnigan  
Roger Cohen  
Ellyse Berg,  
Richard Gressle

Alternate:  
Abstain:

Absent: Miriam Rubington (non-voting)

The following resolution was offered by Member Knowlton, seconded by Member Berg, and carried based upon a review of the evidence presented at the public hearing held on July 28, 2025.

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

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In the Matter of the application of Berea Seventh Day Adventist Church (67 So. Broadway) for Area Variances from:

1. VON Code § 360-4.11E2 for a freestanding sign in a required front yard;
2. VON Code § 360-4.11E(10)(f) for the placement of special event, holiday and announcement signs on said freestanding sign;

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The Zoning Board of Appeals held a public meetings on the 28<sup>th</sup> day of July 2025 and due deliberations having been made; the Chairman polled the members and determined there were no conflicts that would require recusal.

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 petitions the Zoning Board for the variances listed 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
2. ZBA members knowledge of the site in question;
3. Site visits by all members of the ZBA;
4. Chief Building Inspector's notes and summary;.
6. There was no public comment, but members of the congregation, including Dr. Frances Pratt, were in attendance.

**THIRD:** The site in question is in the DMU-1 zoning district.

**FOURTH:** The Applicant wishes to replace a pre-existing freestanding sign that has been in the identical location for decades. The replacement sign while larger, is not substantially so.

**FIFTH:** The Applicant requires the sign to identify the church organization, and to inform congregants and members of the public of special events, holiday programs and announcements.

The above Findings of Fact were moved and passed (5-0)

Upon motion, the Zoning Board elected to deliberate on the variances in an omnibus fashion. (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 grant of the proposed variances does not create an undesirable change in the neighborhood. 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 SECOND, through FIFTH. (5-0)

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

**THIRD:** That the Applicant has shown that there are no other means by which it could achieve its purpose without the requested variances. 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 SECOND through EIGHTH. (5-0)

**FOURTH:** That the variances are 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 paragraphs SECOND through FIFTH. . (5-0)

**FIFTH:** That the hardship is not 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 SECOND through FIFTH (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 conditions, to which the Applicant has agreed:

The recommendations of the Nyack Architectural Review Board be followed.

On a roll call, the vote was as follows:

Ayes: 5

Nays: 0

Abstain: 0

s/Steven P. Knowlton, Esq.  
Steven P. Knowlton Chairperson  
Zoning Board of Appeals, Nyack.