

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

June 30, 2025

Present: Steven P. Knowlton, Chair
 Ellyse Berg
 Richard Gressle
 Jack Dunnigan
 Roger Cohen
 Miriam Rubington, Non-voting Alternate

Absent:

The following resolution was offered by Member Knowlton, seconded by Member Cohen, and carried based upon a review of the evidence presented at the public hearing held on June 30, 2025.

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

-----X
In the Matter of the application of New Cingular Wireless LLC (ATT) (32-38 High Avenue) for renewal of Special Permit from Article III, VON Code § 360-3.2D1(c)[21][a][iii] to permit collocation of a telecommunications facility previously granted in 2008 and renewed on in October of 2022.

-----X

The Zoning Board of Appeals held a public meeting on the 30th of June 2025 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:

The Chair polled the members of the board and there were no conflicts or recusals.

FINDINGS OF FACT & CONCLUSIONS OF LAW

FIRST: Applicant petitions the Zoning Board for the special permit renewal outlined 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. The testimony of Maximillian Mahalek, Esq. (Cuddy & Feder) for the Applicant;
3. ZBA members knowledge of the site in question;
4. Chief Building Inspector's notes and summary;
5. The Building Department inspection of the site in question;
6. Public comment: there was no public comment.

THIRD: The site in question is located in the TFR zoning district.

FOURTH: The Applicant wishes to renew a special permit as noted above.

FIFTH: Based on the Application and supplemental materials submitted, the Applicant has complied with the requests of the Chief Building Inspector and has met Code requirements. Additionally, there have been no material changes to the site since the October 2022 renewal. The Chief Building Inspector confirmed on inspection that the equipment and site are in a safe condition. Issues related to external cracking of some masonry will be handled by the Building Department.

SIXTH: Applicant wishes a renewal of the Special Permit for 2 years.

These Findings of Facts were moved and passed (5-0)

CONCLUSIONS OF LAW:

As this is a simple renewal of a Special Permit where no changes have occurred to the site or the site plan since the original grant of the Special Permit, the Zoning Board finds that in the interests of justice the Special Permit should be renewed with the following condition:

The Applicant shall contact the Building Department for a renewal of the Special Permit, if desired, in 2 years' time, on or about February of 2027. Failure to timely file shall result in a discontinuance of the Special Permit, and the Applicant shall be required to file an application for a new Special Permit, with all attendant documentation and pay all attendant fees.

On a roll call, the vote was as follows:

Ayes: 5

Nays: 0

Abstain: 0

Steven P. Knowlton, Esq.
STEVEN P. KNOWLTON, Chairman
Zoning Board of Appeals, Nyack.