

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

May 19, 2025

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

Absent:

Also Present: Chief Building Inspector Manny Carmona

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 May 19, 2025

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

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In the Matter of the application of DBL Realty (12 Park Street Petrina Koblin) for an Area
Variance from Village of Nyack Code §360-1.9F *et. seq.* for a non-conforming rooftop sign.
-----X

The Zoning Board of Appeals held a public meeting on the 19th day of May, 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 variance 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. The testimony of Richard Sarajin, Esq. and Petrina Koblin
3. ZBA members knowledge of the site in question;

4. Site visits by all members of the ZBA;
5. Chief Building Inspector's notes, testimony and summary;
6. Public testimony: no public comment

THIRD: The Applicant wishes to maintain an iconic rooftop sign over a diner that has a long history in the Village of Nyack. While the history will not be repeated here, the recitation of the building's place and presence in Nyack as outlined in the "Narrative" submitted by the Applicant will be taken as true.

FOURTH: The sign in question is located on the roof of the diner located at 12 Park Street. The diner was transported to the site in 1947 and has been in active use since that time. The sign in question has been present on the building continuously since that time. According to the Chief Building Inspector, the sign is sound and secure and presents no danger.

FIFTH: The sign predates the current zoning code by decades, of which §360-1.9F(1) requires removal after 24 months of its enactment. Significantly, §360-1.9F(3) permits such signs if the sign is not removed for anything other than maintenance.

SIXTH: It is undisputed that this sign has been variously associated with the Village of Nyack and the unique diner structure to which it is attached.

The above Findings of Fact 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 grant of the proposed variance 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 SIXTH. (5-0)

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

THIRD: That the Applicant has shown 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 SECOND through SIXTH (5-0)

FOURTH: 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 paragraphs SECOND through SIXTH. (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 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.

On a roll call, the vote was as follows:

Ayes: 5

Nays: 0

Abstain: 0

/Steven P. Knowlton, Esq.

Chairman, Village of Nyack Zoning Board of Appeals