



Village Of Nyack

Incorporated February 27, 1883



Asst Building Inspectors

Paul Rozsypal

Fire Inspector

David Smith

Code Enforcement Officer

Richard J. Siddi

Benjamin C. Wolford

BUILDING DEPARTMENT

9 North Broadway

Nyack, New York 1096-2697

(845) 358 - 4249 / FAX: (845) 358 - 0672

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buildingdepartment@nyack.gov

MANNY A. CARMONA

Chief Building Inspector

FORM LAST REVISED: 01/01/2025

ZONING BOARD OF APPEALS REVIEW APPLICATION

☒ Formal Application

☐ Pre-application Meeting (pursuant to §360-5.4A)

Project Street Address: 80 S. Broadway

Application Date: 5/29/2025

Project Name: 80 S. Broadway

Tax Map Designation: Section 66.46 Block 1 Lot 39 Property Classification: COMMERCIAL (GAS STATION & DELI)

Project Location: On the WEST side of SOUTH BROADWAY approximately, 70 feet from the intersection of SOUTH BROADWAY and CEDAR HILL AVE in the Village of Nyack.

Acreage of Parcel 0.28 Ac. Zoning District DMU-1

Area of Disturbance 0.28 Ac. SWPPP: ☒ Yes ☐ NO Wetlands: ☐ Yes ☒ NO

Floodplains: ☐ Yes ☒ NO Natural Drainageways: ☐ Yes ☒ NO Slope > 25%: ☐ Yes ☒ NO

View Protection Overlay District: ☐ Yes ☒ NO

Water District NYACK WATER DEPARTMENT Sewer District ORANGETOWN ENV. MGT. -ENGINEERING

Project Description: (please attach a narrative summary). SEE ATTACHED PROJECT NARRATIVE

CONTACT INFORMATION

	NAME/ADDRESS	PHONE #/ E-MAIL	LICENSE #
Applicant	DOMINICK R. PILLA 143 MAIN STREET, NYACK, NY 10960	(845)727-7793 DOB@DRPILLA.COM	P.E. 074213
Property Owner	TIM MURRAY 80 S BROADWAY, NYACK, NY 10960	(845) 300-2773 murraytim428@gmail.com	
Architect	DOMINICK R. PILLA 143 MAIN STREET, NYACK, NY 10960	(845)727-7793 DOB@DRPILLA.COM	R.A. 027028
<input checked="" type="checkbox"/> P.E. <input type="checkbox"/> P.L.S.	DOMINICK R. PILLA 143 MAIN STREET, NYACK, NY 10960	(845)727-7793 DOB@DRPILLA.COM	P.E. 074213
Landscape R.A.	N/A		

Your application is hereby disapproved by the Chief Building Inspector. You may appeal to the Zoning Board of Appeals for review, approval, or approval with modifications to be issued a permit by the Chief Building Inspector.

§360-5.4B. Application Submittal. (5) Fees and Costs.

☒ All Others \$500.00 Receipt #/Date _____

☒ **Public Hearing** \$150 Receipt #/Date _____ ☐ **Escrow:** \$ _____

(b) Recovery of consultant costs. In addition to the development fee, an applicant shall pay all costs billed by the Village for expenses incurred in review of an application, including fees from consultants hired to assist in the review. Escrow funds may be required, at the discretion of the Chief Building Inspector.

(c) Outstanding fees and costs. All fees and costs shall be paid by the applicant prior to scheduling of hearings and/or meetings for any development application. No new applications shall be accepted by the Village until all previous fees and costs associated with an applicant are paid in full by the applicant.

(6) Outstanding municipal violations. Applications for review and approval of any project shall not be deemed complete while there are outstanding municipal violations pending against the owner, owner's agent, or other entity making such application, where such municipal violations are outstanding against all or part of the premises which is the subject of the application.

☒ **No Violations** ☐ **Violations Pending (see attached)**

§360-5.4C. Determination of application completeness. After receipt **one set** of complete submittal of the development application, the Chief Building Inspector shall determine whether the application is complete and ready for review.

(1) If the application is determined to be complete, the applicant will be notified of the additional number of copies required to be submitted for the application to then be processed according to the procedures set forth in this code. An application will be considered complete if it is submitted in the required form, includes all required information and supporting materials, and is accompanied by the applicable fee. The determination of completeness shall not be based upon the perceived merits of the development proposal.

(2) If an application is determined to be incomplete, the Chief Building Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future resubmittal. The inclusion of false information in an application is grounds for determination that the application is incomplete.

§ 360-5.2B(1)(a) Decision-making body pursuant to § 7-712 of the Village Law of the State of New York.

§ 360-5.2B(2) Powers and duties. The Zoning Board of Appeals shall have the following powers and duties:

☒ (c) ☒Area ☐Use variances in accordance with the provisions of §360-5.4 & §360-5.10

Decision-making authority & Public Hearing pursuant to §360-5.1, Table 5-1

☐ (e) Upon the granting of a variance or special permit, to **impose such reasonable conditions** and restrictions as are intended to mitigate the impacts of such variance or special permit on the surrounding neighborhood and are directly related to and incidental to the proposed use of the property.

Conditions: _____

☐ (g) Retain ☐Counsel ☐Clerks ☐Secretary ☐Engineers ☐Architects
☐Landscape-Architects ☐Historic-Preservationists ☐Planners ☐Other _____
to assist the Board in the conduct of its official business.

Application’s conformance: This application ☐conforms ☒ **does not conform** to the Local Zoning and Planning Law of the Village of Nyack. **Applicant is seeking area variance approval for number of story and parking requirement.**

	<u>Required</u>	<u>Proposed</u>
• Building Height (stories)	3	4
• Parking Spaces	21	18

360-2.4B(2)(b) Applicant went before the Village Board of Trustees on 3/27/2025 and 4/10/2025 seeking a special permit approval for building height increase to four stories. No decision was made by the Village Board of Trustees.

§ 360-5.10 Variances.

A. Purpose and applicability.

(1) The variance process is intended to provide limited relief from the requirements of this chapter subject to terms and conditions to be fixed by the Zoning Board of Appeals as will not be contrary to the public interest. The Zoning Board of Appeals may authorize, upon appeal in specific cases, a variance when, owing to exceptional and extraordinary

circumstances, the strict application of the terms of this chapter will create a practical difficulty or unnecessary hardship on the use of the land.

(2) It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general. In addition, the needs or desires of a particular party shall not, either alone or in conjunction with other factors, afford any basis for the granting of a variance. Nor shall the fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair, or the fact that the property is unimproved be deemed sufficient for approval of a variance.

(3) In all cases where the Zoning Board of Appeals grants a variance from the strict application of the requirements of this chapter, it shall be the duty of such Board to attach conditions and safeguards as may be required in order that the result of its action may be as nearly as possible in accordance with the spirit and intent of this chapter.

(4) An "area variance" is required for an application involving a deviation from an area requirement provided in this chapter.

B. Procedures.

(1) Step one: Application submittal. Applicable.

(2) Step two: Determination of application completeness. Applicable.

(3) Step three: Application referral, review and staff report. Applicable, with the following modifications:

(a) If, in the opinion of the Building Inspector, any application submitted does not comply with the provisions of the chapter, the Building Inspector shall return one copy of the plans, along with a copy of the disapproval to the applicant, and forward one copy of the application to the Chairman of the Zoning Board of Appeals.

(b) Within 20 days after the date of the written disapproval by the Building Inspector of any such application, the applicant may appeal to the Zoning Board of Appeals from such ruling by serving upon the Village Clerk, in duplicate, a written notice of appeal addressed to the Building Inspector and to the Zoning Board of Appeals, of the taking of such an appeal from such decision specifying the grounds of the appeal. Such service upon the Village Clerk shall be deemed proper service upon the Building Inspector and upon the Zoning Board of Appeals. The Village Clerk shall immediately forward to the Building Inspector and to the Chairman of the Zoning Board of Appeals said due notice of appeal.

(c) At least 14 days before the date of any public hearing the Zoning Board of Appeals shall transmit to the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing as required below. The Planning Board and Architectural Review Board may submit to the Zoning Board of Appeals an advisory opinion on said appeal or application at least 48 hours prior to the hearing.

(d) If an application for a variance is for property located in an area covered by with §§ 239-l and 239-m of the General Municipal Law it shall be referred to the Rockland County Planning Board in accordance with that law.

(4) Step four: Public notice. Applicable as set forth in § 360-5.4E, Table 5-2, with the following modifications:

(a) Published notice shall be published at least 10 days before the date of the public hearing and no more than 45 days after the filing of such appeal or application.

(b) Mailed notice shall be by certified mail with return receipt requested.

(c) If the land involved in an appeal or application lies within 500 feet of the boundary of any other municipality, the applicant shall also transmit to the Municipal Clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the Village.

(5) Step five: Public hearing. Applicable, with the following addition: A public hearing is required for any variance application. Such hearing shall be held within 45 days of receipt of a complete

(6) Step six: Decision and findings. Applicable, with the following modification: The Zoning Board of Appeals shall decide upon the appeal or variance within 62 days following the close of the public hearing.

C. Criteria.

(1) Area variances.

(a) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. No such variance shall be granted unless the Board finds

that the factors enumerated under Village Law § 7-712-b, Subdivision 3(b), of the State of New York, on balance, weigh in favor of the granting of the variance:

[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 Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(b) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Nonconformities. Use variances granted by the Zoning Board of Appeals shall be deemed nonconforming uses. Building variances granted by the Zoning Board of Appeals shall be deemed nonconforming structures.

The following documents shall be provided:

■ Site Plan (bulk table).

■ Architectural Plans with elevations

■ SEQRA EAF ☐ Short Form ☐ Long Form

■ Narrative of the proposed project.

■ Affidavit that the proposed work and applicant are authorized by the property Owner (if other than the owner is making the application).

■ Public notice for hearing

■ GML

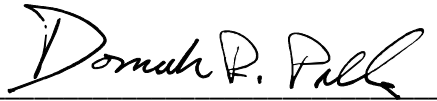
Date application e-mailed to applicant: 5/28/2025

Date application received by the Bldg. Dept: _____

Date application is determined to be complete: _____

Date of ZBA meeting: _____

DOMINICK R. PILLA



Applicant Print Name

Signature

BUILDING DEPARTMENT

§ 360-5.4E(3)(c). Posted notice. The applicant shall post notice on the property at least 10 days before the scheduled hearing date. Such notice shall be of a dimension, design and materials as required by the Building Inspector. Notice shall be posted every 20 feet along the front yard, and one additional notice shall be posted conspicuously on each side yard and rear yard property line.

Notice was posted on: _____

PUBLIC COMMENTS: ☐ Opened _____ ☐ Closed _____
Date Date

☐ APPROVED: _____ to _____
Date Vote Vote

REFERED: ☐ PB ☐ ZBA ☐ NO

☐ DISAPPROVED: _____ to _____
Date Vote Vote

FOR THE FOLLOWING REASONS: _____

MANNY A. CARMONA
Chief Building Inspector