

June 3, 2025

Village of Nyack
Zoning Board of Appeals
9 N Broadway, Nyack, NY 10960

Re: 80 South Broadway
Nyack, NY 10960

Subject: Area Variances Narrative

This narrative is being provided as a supporting document to ZBA application. It includes narrative regarding the factors enumerated under Village Law § 7-712-b, Subdivision 3(b), of the State of New York.

1. CHARACTER OF THE NEIGHBORHOOD *(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.)*

The requested variance for (4) stories within 40' will not exceed the allowable height limit measured in feet in DMU-1 district. The variance is requested to permit the building to have a substantially more compact footprint, allowing it to be set back over 37' from its front property line. Additionally, to minimize visual impact, the fourth floor is recessed 6 feet from the front façade.

Importantly, the proposed building height is consistent with the goals outlined in the Village of Nyack's Comprehensive Plan. Specifically, Chapter 4 of the Master Plan supports increasing the maximum allowable height in the DMU zone from three stories (40 feet) to four stories (48 feet).

2. FEASIBLE ALTERNATIVES *(Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.)*

While it would be possible to construct a three-story building, the required building layout to accomplish this within the allowable 40-foot height limit would necessitate utilizing the full lot area, leaving no room for on-site surface parking or public open space. In contrast, the proposed four-story design enables a more compact building footprint, making it possible to provide both a landscaped pedestrian plaza adjacent to the sidewalk as well as surface parking. This approach enhances the streetscape and significantly improves the pedestrian experience along the building's frontage.

3. PERCENTAGE OF VARIANCE *(Whether the requested area variance is substantial.)*

While the request for (4) stories where (3) stories are allowed could be considered substantial, we believe that the facts that both the (3) story and the (4) story versions of the building would be the same height

and that neither version would exceed the 40' height limit will, when combined with the (4) story version's more compact footprint, effectively neutralize the argument as to whether or not the requested variance is substantial. Furthermore, because of the site's slope, the rear (west) elevation presents as only three stories, with the ground level fully below grade.

4. *ADVERSE EFFECT OR IMPACT* *(Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district)*

The requested variance for (4) stories within a 40' height limit where (3) stories are allowed will have no impact on the building's effects on traffic, parking, population and Village services, since the granting thereof will not change the height nor the number and type of units in the building.

5. *DIFFICULTY IN MEETING CODE REQUIREMENT NOT SELF CREATED.* *(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.)*

While it can be argued that the situations requiring the requested variances were self-created, we believe that, for the reasons laid out in items 1–4 above, granting these variances will have a positive effect on the immediate vicinity that negates the issue of whether or not the difficulties were self-created. The project will enhance the built environment and contribute positively to the immediate neighborhood.

We are committed to creating a vibrant, sustainable development that aligns with the goals of the community. We look forward to discussing this project and addressing any questions or concerns.

Sincerely,



Dominick R. Pilla, P.E., C.E., S.E., R.A