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June 26, 2025

Via Hand Delivery

Zoning Board of Appeals – Village of Nyack  
Nyack Village Hall  
9 North Broadway  
Nyack, New York 10960

**Re: ZBA Application for Area Variance for 80 South Broadway, Nyack**  
**Applicant-Owner: Tim Murray**  
**Hearing Date: June 30, 2025**

Dear Honorable Board:

We represent the interests of Mr. Keith Taylor, the owner of the premises at 88 South Broadway, Nyack, New York 10960, which is located at the northwest corner of Cedar Hill Avenue and South Broadway in the Village of Nyack. We respectfully submit this correspondence in opposition to the above-referenced ZBA application for an area variance.

**A. Preliminary Statement**

The instant application cannot be viewed in isolation. It necessarily accompanies the Applicant's application, pursuant to Village Law § 7-725-b, for a special use permit authorizing the construction and use of a 4<sup>th</sup> story upon redevelopment of its property. Notably, in April 2025, the Applicant appeared before the Village Board and informally presented its desired 4<sup>th</sup> story while seeking an informal poll of the Village Board.

Under local law, the Village Board is the zoning authority that must authorize the 4<sup>th</sup> story upon finding, among other things, that [1] the proposed use is in harmony with such local law and [2] will not adversely affect the neighborhood if such requirements are met. When the Applicant appeared before the Village Board, its representative had a healthy back-and-forth with the Village Board Trustees. The Village Board Trustees inquired about whether the proposed use was in harmony with and complied in all other respects with the local zoning ordinance and whether the

***Mr. Taylor does not oppose redevelopment of the property for this use, which is consistent with zoning, but rather objects to the massive size of the proposed building, because it is an overdevelopment of the property. Mr. Taylor further objects to the Applicant's proposal to construct an over-sized four (4) story building on the lot, rather than constructing a three-story building in line with the existing buildings adjoining the site to the north, and to alter the parking requirements for the lot.***

The Applicant has submitted elevations and visual renderings of the proposed structure and a site redevelopment plan which all establish that this proposed project is out of character for this neighborhood and is an aesthetic affront to the neighborhood and to the Village as a whole, as well to Mr. Taylor's funeral home. The proposed project is contrary to the provisions of the Comprehensive Master Plan of the Village of Nyack of 2016. Chapter 10 of the plan concerns "Future Land Use Plan and Implementation" and notes that this area of the Village is designated as part of the Village's Downtown Core. This provision of the Comprehensive Master Plan states,

The primary development type here is envisioned as 2 or 3 stories of multifamily residential use over a ground floor of nonresidential use, up to 4 total stories or 48 feet, *with buildings positioned along the front lot line to facilitate a pedestrian oriented fabric* that is consistent with Nyack's historic downtown development. *Single-story buildings and large interruptions in the street wall are to be avoided.* (Emphasis added).

See Comprehensive Master Plan of the Village of Nyack of 2016, at page 184.

This project proposes a "large interruption in the street wall" along its entire length with South Broadway. Simply stated, this proposed project is ill-conceived and if implemented it will frustrate the entire aspirational concept set forth in the comprehensive plan. This project will discourage pedestrian access and pedestrian foot traffic on the Village sidewalks and streets in favor of constructing a vehicle parking lot along South Broadway. In addition to not being conducive to pedestrian foot traffic, it will be visually and aesthetically repugnant in stark contrast to the turn-of-the-century structures to the north and south of the site as well those across South Broadway.

### **C. The Proposed 4<sup>th</sup> Story Variance is Objectionable.**

The Applicant is proposing a building consisting of 4 stories. Yet, none of the buildings in the surrounding area are more than three stories in height. This site is close to the southern municipal boundary of the Village. All of the homes and buildings to the south are smaller in scale and are primarily residential in nature, many of which date to the turn of the 20th Century and are in excess of 100 years old. The proposed 4-story building in this location will be a visual affront to all of the residents and landowners to the south and west. It is also significant to note that the Pavion Apartment complex (located at 66 Cedar Hill Ave, Nyack, NY) is in close proximity to this

site and was developed to a height not exceeding three stories and without a large interruption in the street wall, even though it is not situated directly on Broadway like the Applicant's property. The proposed building will have elevator service and will need to place certain utilities on the roof of the building. Therefore, it is expected that an elevator room will be constructed on the roof which will extend above the roof of the 4th floor, increasing the visual impact of the height of the structure and making it even more imposing upon the significantly smaller structures around it. A four-story modern building on this site is incongruous with the historic neighborhood.

At the April 2025 Village Board Meeting, the Village Board Trustees were concerned about setting a precedent for 4-story structures. There are no 4-story buildings in the area. There is no or little public benefit being created by the 4<sup>th</sup> story, beyond that which is mandated. The Fire Department and EMS object to the height, as their apparatus cannot service it. He majority of the Village Board Trustees was not in favor of a 4-story structure.

Additionally, the Rockland County Planning Department and the Village Engineer have expressed objection to the 4<sup>th</sup> story in their correspondence with the Village and its various departments and boards. These communications may not find the proper custodian and sometimes get overlooked. We annex their correspondence because it bears directly on the 4<sup>th</sup> story variance. *See Exhibit "B"*.

#### **D. The Proposed Parking Variance is Objectionable.**

Every night there are between 8 and 10 vehicles parked in the Property Owner's lot. Those vehicles are owned and used by residents in neighboring apartment buildings. Mr. Taylor has spoken with residents who have used the spaces. The parking spaces are rented at approximately \$200 per spot per month because the available street parking is limited close to the apartments. The Property Owner is frequently seen moving these vehicles when street fairs close the street, to park them on Cedar Hill in front of the Funeral Home. Should the parking variance be granted to accommodate the occupants of the property, the 8 to 10 vehicles, along with the additional guests of the Property Owner's redeveloped property will flood the local street parking, which will have an increased parking impact and adverse effect on the neighboring community.

The Applicant seeks a variance from the parking requirement to lessen the available parking for the occupants of his proposed redevelopment, and does so presuming he will be granted approval for a 4<sup>th</sup> story, which it appears more likely that he will not be granted any such approval. At the April 2025 Village Board Meeting, the Village Board Trustees addressed the parking issue. The Applicant proposes to create 18 units. He must satisfy the mandated parking requirement. To do so, four adjacent street parking spaces are being counted toward the parking requirement. Additionally, the Applicant proposes tandem parking for its residential units, with husband-and-wife parking one behind the other. These tandem spaces do not count toward his requirement, absent a variance. Yet, if this Board grants the variance, only the developer will benefit.

If parking for a proposed use complies with the requirements of a municipality's zoning law, it generally is arbitrary to reject a special permit application unless the impact of the use on parking would demonstrably have a significantly greater impact than unconditionally permitted uses. *See Robert Lee Realty Co. v. Village of Spring Valley*, 61 N.Y.2d 892 (1984). On the other hand, if a proposed special use permittee cannot satisfy the off-street parking requirements for such use, it must be denied; that is, unless a variance or waiver has been obtained. *See CBS Realty v. Noto*, 139 A.D.2d 645 (2d Dept. 1988). Here, the proposed use is far more than a mere replacement of an existing use and will generate an increased parking impact, by kicking out local resident who currently pay to park on the Applicant's property to instead park on the local streets. This will increase the burden on the neighboring community beyond unconditional uses.

#### **E. No Measures can Meaningfully Offset the Adverse Effects**

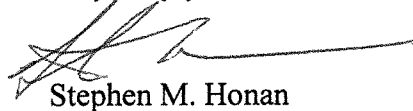
Even if the Property Owner establishes an entitlement to relief, a local zoning board is required to suggest measures to accommodate the proposed use while mitigating the adverse effects on the surrounding community to the greatest extent possible. *See Matter of Capriola v. Wright*, 73 A.D.3d 1043, 1045. However, the 4<sup>th</sup> story accompanied by an increased parking impact present conditions that cannot be mitigated without impact on the neighboring community.

#### **F. Conclusion**

In conclusion, had the informal poll taken of the Village Board Trustees at the April 2025 Village Board Meeting resulted in a positive vote on its special permit application, the Property Owner might represent to this Board that the "inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood." *Matter of Retail Prop. Trust v. Board of Zoning Appeals of Town of Hempstead*, 98 N.Y.2d 190, 195 (citation and quotation omitted). However, since the informal poll resulted in a negative vote, the Applicant instead seeks from the Zoning Board of Appeals permission to use its property in a manner inconsistent with the local zoning ordinance via an area variance, in a fashion that will have a significant increased parking impact and adverse effect on the neighboring community. *See Village Law § 7-725-b(3)*. There is too much negative impact involved to grant this application.

Thank you for your consideration of this correspondence.

Very truly yours,



Stephen M. Honan

cc: Village ZBA Clerk

## **EXHIBIT “A”**

# **VILLAGE BOARD OF TRUSTEES MEETING**

**April 10, 2025**

(Starts at 37:16)

**Joseph Rand, Mayor:** All right, um do we have the presentation prepared? Are you from Pilla's office? Dom's office? Okay.

**Joseph Carlin, Trustee:** Can I um, I'm sorry to be like this, but I kind of object to the fact that we're doing all of these presentations um, prior to having a uh public hearing and an official. This is off, you know, this is not uh according to proper order. Uh, I know that the um uh plans were given uh, both the 4 story and the 3 story, but it seems to me a little bit odd that we're doing it and there's not and they want a sense of the board which we gave them somewhat last time. Um, you know I, I, is this the way it's supposed to be? Dennis?

**Dennis Michaels, Village Attorney:** I sent an email out, I think you were included, may have been a while ago that there's there there is something in our zoning code that does allow this preliminary kind of informal um, maybe you weren't in the email but certainly went to the Mayor and to Andy and I, I think I sent it to the entire board, where I, I did point out because this question had been raised uh I think maybe by you um and I responded to it. Um, yes, there is a mechanism for it.

**Joseph Rand, Mayor:** I, you, I, Joe, your objection's noted um and you made it last time as well and I, I noted it then. I think it's a fair point to make that it's um, it's a little it's puts us in an awkward position because we're asked to make uh, an unofficial which you know is not going to be binding and so what does it actually mean? I think that I mean, I think I generally would lean in in favor of trying to be accommodating to you know, a long time uh property owner in the village as well as a local uh engineering and architecture firm to try to give to try to give them a certain amount of courtesy and and um and allowance to to see if we can give them the guidance that they've been asking for. Um, but I, but, your point's well taken and and I think you can you can um, you know, get rid of your opinion on it.

**Unknown:** On the record.

**Joseph Rand, Mayor:** Yea, it's noted.

**Pascale Jean-Gilles, Trustee:** And just to sorta add to Joe's point, um, I'm concerned that we will be setting a precedent for this.

**Joseph Rand, Mayor:** You know, I don't, here's the thing, I don't really mind the precedent of us saying to somebody before they go spend a quarter million dollars on work that we're not gonna prove 6 months later that we tell them hey, we're not gonna prove this under any circumstances. I don't, I don't mind that as a precedent. I'd like us to be a little bit friendly to the people that are tryna invest money in the village by telling them, giving them a heads up if it's not something that's going to be a go. That's the only reason to do this is to is to, I mean if we're all in if, if, if it's going to be like hey everybody loves it, and everybody's in favor of, then it's really not a problem. It's only if there is a problem that you do want to head it off now before they end up you know, we don't want to tease them into investing a lot of money and then pull the rug out from under them. So we try to give them a heads up now. I don't think that's a bad precedent to set.

**Donna Lightfoot-Cooper, Trustee:** And I have 2 minds about it because I understand on one hand not want wanting someone to invest all of that if we're not going for it, but at the other, on the other hand, it's nice to know how people are feeling that might be impacted by that in that particular area, you know, so, and I have 2 minds about it.

**Joseph Carlin, Trustee:** And that's why we need a public hearing about it. Yeah, that's why we need a public hearing.

**Pascale Jean-Gilles, Trustee:** Go head guys.

**Dennis Michaels, Village Attorney:** I found the provisions and I did put this in an email to y'all in our zoning code, it's 360-5.4 paragraph A, which is entitled optional pre-application meeting. I'm not gonna recite it to you and, and extend the meeting further than it needs to be. Uh, but, one phrase reads, quote, the purpose of the pre-application meeting is to provide an opportunity for an informal evaluation of an applicant's proposal to familiarize the applicant and the relevant decision making body with the applicable provisions of this chapter, eh, etcetera etcetera, any other issues that may impact the development application, it's optional, um, again I'm paraphrasing, but is recommended for applications that will likely require amendments to the zoning chapter, site development plan review, or subdivision. It eh reads on later down in another subsection in that same section, 360-5.4 um, that it can be with just the building inspector and it could also be with uh, certain uh members of the decision making bodies but not a quorum, and it says in some cases, and I'm quoting, depending on the character of the development the building inspector may schedule a pre application meeting before an entire board and, the final subsection in this section I cited says, quote, informal evaluation not binding, the informal evaluation provided during the pre-application meeting is not binding upon the applicant or the village but is intended to serve as a guide to the applicant in making the application. End quote.

**Joseph Rand, Mayor:** All right.

**Dennis Michaels, Village Attorney:** So whether or not the building inspector arranged this I cannot speak to that, um, but it was discussed um, offline um, maybe online.

**Joseph Rand, Mayor:** Alright, so that's been and that's been in the books for, I mean that's been in the books for a while. It wasn't added recently.

**Dennis Michaels, Village Attorney:** No, this is

**Joseph Rand, Mayor:** Okay. That's the only thing I would say is that we've had this on the books, I've been here five years since the first time it's happened; so it's not something that comes up very often, partly because we don't have big development projects coming up very often in the first place, so,

**Unknown:** Right.

**Joseph Rand, Mayor:** I, I mean, I don't mind I understand what you're saying that that and I understand Joe's point. I, I get it and I I I just think that sometimes you want to try to be a little accommodating. We we certainly have gotten, we're gonna get feedback from people who are objecting to it. Um, and um, let let them get their voices heard and I think it's been, it's been out there enough that people are aware that if they want to come in and say something about it, um, but the only other point I will make Joe, is that we did say at the last meeting that it would have been helpful to see the alternate design.

**Joseph Carlin, Trustee:** Right.

**Joseph Rand, Mayor:** Uh, which they did provide us in the 2 weeks that followed. So, that's why they're coming back to give us, I guess to get feedback on the various designs. So, why don't you

**Joseph Carlin, Trustee:** Okay.

**Joseph Rand, Mayor:** introduce yourself and, we'll get started.

**Sarah Murray:** Um, my name is Sarah Murray, I'm with Dominic Pilla's office, um, so I, I just want to touch obviously I understand the concerns about the procedure, and if we had our way,

**Joseph Carlin, Trustee:** Put, put the mic closer.

**Sarah Murray:** Sorry. We had it our way, this wouldn't be the procedure either. It puts everybody in a bad position where we don't have a um, a specific indication, we we don't have a formal vote until later on, but this is the best we can do and the best that we're trying to do for our client in



terms of getting some feedback before he spends a lot of money. It just, obviously this is, I don't think any anybody ideally would this is the situation that we're in, because of the way that the code is written, and the way that we have to um to go to the boards but, um, you know, we appreciate your time and we hope that we can get some some helpful feedback that we can take back to the client and be able to determine the best way to move forward. Um, so since the last meeting, we provided a package, um, that gives renderings for both the three story and the four-story options. Um, so um, I'm assuming everybody had a chance to take a look, um, and just to reiterate obviously that the four story option the 4<sup>th</sup> floor is set back, um, because of the way that this site is situated from the rear of the property we believe that it really reads more like a three story than the four story, um, 4th floor building. And then from the street with the setback, um, from the street also, in addition to the setback of the 4<sup>th</sup> floor itself, we feel this is not, um, you know, overly imposing, uh, for the people that are passing on the public way. Um, in comparison, we provided the renderings for the three story, um, you can see obviously a much bigger footprint. Here, um, we lose the whole front setback and that all becomes solid building. Um, uh, we've provided it's kind of the Birds Eye view, as the first couple of images where you can kind of get a sense of how how large the footprint is for the three-story option, and then we also have some renderings from the streets you can understand, um, you know, how this is read from a pedestrians' point of view you. Um, you know, as we mentioned in the the the last meeting, we we feel that the setback, um, you know provides a way of kind of transitioning from this district into the residential district. Um, and it kind of opened it up as you move along the street. Um, and I have one more um, print out if I may just handout to the board?

**Joseph Rand, Mayor:** Sure.

**Donna Lightfoot-Cooper, Trustee:** Absolutely. Thank you.

**Sarah Murray:** Part of the discussion that we had during the last meeting was a concern that there are no other buildings within this block that have a fourth floor, um, I just thought this was a useful image, um, we see that there are actually

**Unknown:** Can we see what image?

**Dennis Michaels, Village Attorney:** Sorry?

**Unknown:** Can we see what image?

**Dennis Michaels, Village Attorney:** Sure, do do you another copy for him?

**Joseph Rand, Mayor:** There you go.

**Unknown:** The date is a different plan.

**Joseph Rand, Mayor:** Well, this is just a different picture. Not a different plan. This one, um, you're showing the fact that you're your pointing attention to the fact that there are there are fourth story uh, add-ons to the additions made to three of those buildings.

**Sarah Murray:** Right, penthouse additions on a number of other buildings on the street. Just for reference, for the boards, they understand that this is not the only building that has 4 stories obviously, those ones are right at the um, the front property line, so you don't really read them from the street, but that's not to say that they that they aren't there, there are, there's a fourth floor on a number of buildings within the block.

**Joseph Carlin, Trustee:** Well, not a full floor. Anyway, go on.

**Joseph Rand, Mayor:** It's a fourth floor in three of the buildings.

**Sarah Murray:** Yeah, it's a penthouse fourth floor, right?

**Joseph Rand, Mayor:** It's not, its not, he was gonna say its not the full width of the building would be the point. Um

**Sarah Murray:** Correct, yes.

**Joseph Rand, Mayor:** Um, can I draw your attention to um, it could be one of the, one of the, it's the um one of the drawings of the three-story building? Oh, I'm sorry. I don't mean to cut you off. Am I okay to ask you a question?

**Sarah Murray:** Nope, your yea you're good.

**Joseph Rand, Mayor:** Um, it's the South Broadway looking Southeast three-story option. One of the things that Joe and I both noticed, um, is that we are looking at it over there is that the right one? it says, it's on the bottom left. It says South Broadway looking Southeast. Or sorry looking southwest, looking southwest.

**Donna Lightfoot-Cooper, Trustee:** And it says three story option?

**Joseph Rand, Mayor:** Three story option. Yes. If you can see, um, in the in the um, rendering by where the tree is in the center of the picture, um, you can see that the, the front of the building at the first, like at the top of the first story jets out a little bit. It doesn't seem, it seems to jet out more than it does at the ground level though the ground level I guess maybe it does as well. And it looks

like there's a um, that the the it doesn't it doesn't sit flush with the other buildings on, on um, on Broadway, it's it's like another it's a foot or two ahead of it. You see what I'm talking about?

**Sarah Murray:** Yes, correct. So, the front property line is actually, um, further towards the street than the face of the adjacent buildings. That's why you're seeing that. Um, so, I'm not sure the exact setback on these buildings.

**Joseph Rand, Mayor:** But you're saying this complies with the setback, but it's also it's closer to the street than the other buildings are.

**Sarah Murray:** Yes, I'm saying we're coming all the way to the front property line whereas the adjacent buildings are set back from the property line

**Joseph Rand, Mayor:** Okay.

**Sarah Murray:** By 30 feet or something like that I don't have the exact dimensions.

**Pascale Jean-Gilles:** So, what's the set? What's the setback on that area?

**Joseph Rand, Mayor:** What's the required setback on the area?

**Sarah Murray:** There's no required setback.

**Joseph Rand, Mayor:** There's no required setback.

**Pascale Jean-Gilles:** No?

**Joseph Rand, Mayor:** Um, the um, oh, so there's I'm sorry, there has to be there you're saying that beyond the sidewalk there's no setback.

**Sarah Murray:** Yes, the front the front um

**Joseph Rand, Mayor:** Up to the, you can go up to the property line. Okay, you can go up to the property line.

**Sarah Murray:** Yes. Which is what's shown in our rendering.

**Joseph Rand, Mayor:** Okay,

**Sarah Murray:** The adjacent buildings are a setback.

**Joseph Rand, Mayor:** Anybody have other questions or comments?

**Joseph Carlin, Trustee:** So, we're not going to be able to uh, I mean we could say what our preferences whether it's a four story or a three story, but this three story has not yet been vetted by the planning department, or the uh, architectural review board. This is just an idea that you're setting out here, correct?

**Sarah Murray:** Correct, but the building shown is as of right, so, there's no

**Joseph Carlin, Trustee:** Okay, well, you say as of right now, but that has to go through the uh, planning department, the planning uh,

**Sarah Murray:** Of course. Yup.

**Joseph Carlin, Trustee:** You know, the I'm just I'm just saying this is what you're saying, but it it's not a hundred percent verified. That's what I want to say, but this is your rendition of what you envision a three-story building would look like.

**Sarah Murray:** Correct.

**Joseph Carlin, Trustee:** Okay, but there are, I have questions about it but I don't want to get technical because obviously you have to present that to the uh, planning board, the architectural review board, the building inspector has to view the plans and so forth so, but in terms of the rendition, what it looks like, this is probably close to what a three story building would look like, correct?

**Sarah Murray:** Correct. Yes.

**Joseph Carlin, Trustee:** Okay.

**Joseph Rand, Mayor:** And the three-story building and the four-story building uh Dom said last week have the same um, roughly the same square footage interior.

**Sarah Murray:** Correct. Roughly, yea. Um, I don't have the exact

**Joseph Rand, Mayor:** And the same number, well, roughly the same square footage, roughly the same number of units.

**Joseph Carlin, Trustee:** Yea, it

**Sarah Murray:** Correct. Same number of units. Roughly the same square footage, yes.

**Joseph Rand, Mayor:** It's also 18 units.

**Joseph Carlin, Trustee:** Yeah, it it seems that the three story is a lot bigger in terms of the volume space than the, your four story. So, I got a you know, that's why we need to see what the uh, you know, the various plans, what the floor area ratios, the uh, lot size, you know, all of that.

**Joseph Carlin, Trustee:** What's that?

**Sarah Murray:** That would all be reviewed by the planning board.

**Joseph Carlin, Trustee:** Right, right, right. That's what I mean.

**Sarah Murray:** So, this is, obviously, this is not as developed as the 4-story option now, I don't have all of those answers for you today, but it's really just provided as a point of comparison and discussion so that we can um, hopefully get a little bit more feedback about about what the preference would be in terms of three verses four.

**Donna Lightfoot-Cooper, Trustee:** And I um, a question is so the fourth story, is it predominantly for green space? You know, for the tenants to kind of

**Joseph Rand, Mayor:** That would be the top, that would be the roof.

**Donna Lightfoot-Cooper, Trustee:** The top, the roof.

**Sarah Murray:** The main roof it's um, 50% green roof and then the other portion is either mechanical or terrace um, space that's occupiable by the residents.

**Donna Lightfoot-Cooper, Trustee:** And if you didn't have that for to do that with, would that make a difference in the plan? Like, you would still have the roof, so if you didn't have

**Joseph Rand, Mayor:** No, three story building.

**Donna Lightfoot-Cooper, Trustee:** The three story, yea.

**Sarah Murray:** Yeah, this isn't shown in this drawing, but there would still be most likely a roof terrace and a green roof as well. Yes.

**Donna Lightfoot-Cooper, Trustee:** Okay. Okay.

**Sarah Murray:** In both options. Yea.

**Donna Lightfoot-Cooper, Trustee:** Okay, thank you.

**Joseph Rand, Mayor:** Uh, do you have anything else you want to add? Does anybody have any questions? For someone from the, all right, I know we have somebody probably want to speak from the uh, oh go ahead. You have a question?

**Pascale Jean-Gilles:** Uh, yea, actually uh, I guess it's kind of a question but also a comment. I know last we talked about this project, um, my concern was that there wasn't much there in terms of a public benefit. Um, has that been reconsidered to add more of a public benefit?

**Joseph Rand, Mayor:** To the four story.

**Sarah Murray:** Yea, understood. Um, unfortunately we're we're pretty limited in terms of providing uh the clearances to get in access to the below grade parking, the parking that's provided on the ground floor, so, we're trying to do the best with the square footage that we have available. Um, so there I don't think there's really much else that we would be able to feasibly add with this option in terms of additional public benefit features. Um, I think the only other thing that I would mention is um, at the basement level parking we have um, you know, we've provided enough parking as required by zoning, but we also have additional um tandem parking spaces that are um, proposed in the celler. So, while they don't count towards are uh, required parking as per planning, we do also have additional parking available to the tenants that we're able to offer. Um, so, those essentially tandem being you park back-to-back, so for like 2 bedroom units things like that, we'll be able to give additional parking spaces, so that should provide additional parking above and beyond what's actually technically required while we we cannot count that in our our calculations I just want to mention that that is also part of the project.

**Pascale Jean-Gilles:** And, what about units, in terms of affordability, workforce housing?

**Sarah Murray:** Um, we would certainly be willing to add an additional um, affordable unit.

**Pascale Jean-Gilles:** Just one additional, or would we look at possibly more? I say that because

**Sarah Murray:** Uh, at this time I I can, I can offer one. I would have to discuss with the client further if there were to be a request for more than one unit and above and beyond what's already been provided.

**Pascale Jean-Gilles:** Okay.

**Joseph Carlin, Trustee:** On on on the three story, you talked about the parking that you would be underground parking, tandem parking, you can't offer that uh with the three uh three story? I mean you're gonna have

**Sarah Murray:** It would be, I mean so the the basement level is the full footprint of the property so, the parking will be very similar with, again it's not as developed as the four-story option, just you know

**Joseph Carlin, Trustee:** But it's not like your, it's not

**Sarah Murray:** But it would be similar.

**Joseph Carlin, Trustee:** It's not like a four-story building would have more underground parking.

**Joseph Rand, Mayor:** It, I mean, listen, look, the building is, what's gonna be different is the fact that the square footage on the fourth story gets brought up to the front which is why the building which is why the building seems bigger. It seems bigger because it's a story lower, and so the, it flattens it out. So, you take a four-story building, and instead you flatten it out, it's gonna go a little wider on the ground. Um, other than that, I think it's roughly the same building. I know you've set some of the interiors because of the way that you lose some of the angles that you might lose on a four-story building, um, and with the setback so the the, Dom had indicated that the the interior units might not be as dynamic as they might be in the sort of the more modern, modern architecture.

**Sarah Murray:** Right. Since, since the footprint of the building does get so large, you end up you know, if you have units in the front and units in the back, in order to provide light and air, the units become quite deep so, as you get you know, further away it's not quite as bright. So, we prefer the four-story option because it gives better light and air to um those

**Joseph Rand, Mayor:** Okay.

**Sarah Murray:** tenants but um yea.

**Joseph Rand, Mayor:** I think one of I think what what um, the deputy mayor was suggesting was that, would would there is there an additional public amenity, i.e., additional would would the with the um, applicant consider additional um affordable units, and or the other public amenity I could sue would be the park the public parking that the parking on the setback parking that's on the four story of the four the four spaces that are there on the drawing, which I understood were going to

be used for the tenants of the building, um, if that was you know, open perhaps for you know, our our one hour parking but open to the public the way it is opened by the fresh market, might be something else that would be considered because then it would be open to the public, so it would be a public amenity as opposed to a private amenity for the shops that are in the building, but by making it a one hour limit, or something like that, it would there would be a lot of turnovers so the businesses there would benefit because the street parking is 3 hour limits, so it's more likely to get people squatting for longer periods of time. I was just I know um, Pascale and I talked about that, so, I just want to make sure I mentioned that as being something that as a public amenity could be considered. Um, the um

**Sarah Murray:** Can I

**Joseph Rand, Mayor:** Yea.

**Sarah Murray:** Can I just

**Joseph Rand, Mayor:** Sure.

**Sarah Murray:** make a quick point? So, I, that would definitely be something that our client would very much like to be able to provide. I think the way that the code is written, in terms of you know, we we can't count those tandem parking spaces.

**Joseph Rand, Mayor:** No, not the, I'm not talking about the basement spaces. I'm talking about the four that are in front of the building.

**Sarah Murray:** But I just, technically, those four parking spaces in the front have to count towards our um, minimum number of parking spaces as per zoning since we cannot count the tandem spaces.

**Joseph Rand, Mayor:** Okay.

**Sarah Murray:** So, technically speaking,

**Joseph Rand, Mayor:** Technically the tenants

**Sarah Murray:** It cannot, so I think it would be a matter of having additional discussions with the planning board

**Joseph Rand, Mayor:** To make sure they're okay with that.



**Sarah Murray:** With the uh, variance, in order to to be able to call those tandem spaces part of our count so that we can then officially designate the ground floor. But that's certainly something that

**Joseph Rand, Mayor:** That's interesting.

**Sarah Murray:** we would prefer.

**Joseph Rand, Mayor:** Thank you, thank you for pointing that out. It's very it's very thoughtful. Um, anything else? All right. So, lets I know we had someone that wanted to come speak for the, for the neighbor?

**Donna Lightfoot-Cooper, Trustee:** Thank you.

**Joseph Rand, Mayor:** Thank you very much for your presentation.

**Donna Lightfoot-Cooper, Trustee:** Yes.

**Stephen Honan:** Well good evening Mr. Mayor, Uh, members, trustees, my name is Stephen Honan and uh, I represent uh, Mr. Taylor who is the next-door neighbor who lives just basically South of the site. And uh, I realize that uh, this matter is before the planning board, was referred uh, to your board. Uh, for the limited purposes of looking at the uh, requested fourth floor of the structure. And um, I, I did take a look at the uh, the submission, the submission of um Mr. Pilla's office today with respect to the the increased height. Quite frankly I have never seen this uh, uh, rendering before. Um, I think it's important to keep in mind though that this is a bird's eye view of of um, South Broadway and something that if you're a pedestrian on the street, uh, at the human level, um, first of all you don't appreciate that building's far from this area have an extra um, looks like uh, rooms on top that technically make it a fourth floor. Um, the general area though is a really a transitional area from where the village boundary is to just outside the village where South Nyack used to be, the old South Nyack Village. So, and, and that area there is all uh single family homes, uh, lower density, and much lower height. Uh, to allow a building on the edge of of the village to go four stories, and then have the mechanicals on top for the elevator roofs and other thing, and also the green roof roofs. Um, you're basically not in a transitional area anymore, you're now in a uh, you're you're building a monument there. Um, I think it's also very telling that all of the consultants that have looked at this, have basically come to the same conclusion, that it's an overdevelopment of the area, that this is out of scale for the other buildings in the area. I mean this there's a one story right across the street from it. Um, my client wants to see development, but he wants to see a responsible development. And I, I can't blame the the the applicant and and the engineer that is coming before this board looking to maximize their square footage and maximize their projects. Um, at the end of the day, it it's more costly, it it's more beneficial and a cost wise

to to maximize that. Um, and uh, you as the board in the village though, must balance that with the the benefit to the community. And the the sheer scale of this development, I think it tips the balance way out of favor for the village. It it's a great benefit for the developer, very poor uh, benefit for the the village. And the, the code the village code, and I know we get into all the uh, violations of the um, comprehensive plan that this village spent a lot of money and a lot of time going over. And, um, and basically made a Pavion development comply with as far as maintain the the the frontage of the buildings, certain uh, sidewalk width, a reduced height of only three stories. Uh, it's telling that the photograph here does not show the Pavion, which is right next door, immediately to the West. Um, eh, and quite frankly uh, um, a four story with mechanicals on top, will completely block the view of all the Pavion people looking East toward the river. Um, however, the code, and I, I don't want to take too much of your time because I know your familiar with it, but the code provision of 360-2.4B, um, uh, subparagraph A, has the special public benefit features that the board should consider and you you have been going over them but when I read few, through them before coming here this evening, um, I didn't see any real compelling specific benefit to the to the village by this uh, development. Uh, item number one, affordable workforce housing units I believe there was too much proposed for this, but two was required. So, it's going to have to be well in excess of two to to make it any kind of benefit to the to the village. Um, item number two, housing units for senior citizens uh, with a priority towards the village senior citizen residents

**Joseph Rand, Mayor:** Uh, I think we we're yeah, we're familiar. I mean, I know there's we I think we already made the point that that that Pascal made about the fact that the you know, it's not it's not a large development in the sense that it has the capacity to do some things that we would normally think of as being in the public benefit, but it's done some of the things and not others, but not all the things are meant to be ticked off. You're not supposed to do workforce or housing, and senior housing, and a public park, and you can do, you can pick from among those. It's not supposed to be a check off every box.

**Stephen Honan:** No, and I understand that, but but I I was looking for just one that would that would stand out as being one that that compelling and and I didn't see that. With respect to any public park, I believe it was a uh, a suggestion of a fountain being put in. I don't know if that's still the only public benefit that they're they're um, suggesting. And um, I don't know that that really benefits the the village in any respect.

**Joseph Rand, Mayor:** I did I did want one of the things that we did ask the applicant to come back with this week, and they did bring the plans for the three-story building. And I was wondering if the, if you're client had any thought about the three-story building because my my impression is that the three story building is as would eh, if anything be more uh, eh, you know, the four-story building is blocking part of his property. I think the three-story building does the same thing.

**Stephen Honan:** Well, I think that the the location of it is also important. And the renderings I saw is that the building was brought up, but it's not um, it's not uh, along the same building line as the buildings to the North. And and they they varied that and I don't know why. And I believe the explanation was, well, our our property line goes out further. Quite frankly, I've looked at the deeds, but I believe all those all those buildings have um, the the same frontage as far as their their property line. However, many of those buildings when they were constructed, you have to have a certain width of sidewalk in order to make the uh, amenities amenities for a village and and make it pedestrian friendly. If you build it right to the side and you give people a four foot, a three foot sidewalk in this village, doesn't really do anything. You've got to basically maintain the the frontage of these buildings. And what what you did in the old days, what you did in New York City when they go out much further, they wouldn't allow you to develop that, but you could build a vault space. So, you you were able to use vault space and have basement's underneath the public sidewalk. But the whole idea is that your developing the city, or the village with a development uh, a preexisting development, but you want the the redevelopment to fit in with what's already there. And the plans here unfortunately, even the new renderings at at three stories, I think the height is is good and they're working in the right direction, but they're still not maintaining the building frontage so that a person walking down the street, and groups of people that they do on the weekends in the village, will have to be restricted. It it doesn't work. You basically have to keep the frontage, and the the comprehensive plan um, basically requires that that be done. Um, I understand doesn't require but um, I don't want to beat a dead horse. I think um,

**Joseph Rand, Mayor:** I think um, I think your points been made. I think preferably and um effectively you're a good attorney. Um, anybody have any comments or questions for council?

**Donna Lightfoot-Cooper, Trustee:** Uh, no.

**Joseph Carlin, Trustee:** Yeah, I do. Um, so, I've seen uh, I've seen reports or uh um, commentary from uh the uh fire department and the EMS and uh, from what I understand, they all have objections to the four story building. Is that correct?

**Stephen Honan:** That is correct, Mr. Trustee. They do and um, they say the uh, positioning of the building and the height of it is uh, it is doesn't work for firefighting. That that's a real safety concern and I that was ruled out before the planning board and it was kind of um, waved away. A member who was very impressed with that and uh, basically voted against sending this to your your board.

**Joseph Rand, Mayor:** But the but the I mean the planning board did vote four to one in favor. Okay.

**Stephen Honan:** Four to one they did.

**Joseph Rand, Mayor:** Okay, I mean they they had a lot more of the information about some of these other aspects than we do about it. But Joe's point's well taken. But let me give you an opportunity to respond to that point.

**Sarah Murray:** There were further discussions between our office and Manny um, with the building department regarding specifically the concerns um with fire department access. Um, he is in agreement with our assessment. We're waiting for the official memo from him, but we were told that that was forthcoming. So, as far as we're concerned, there are no further concerns related to the fire safety.

**Joseph Rand, Mayor:** I, well, I think that I think the thing is, thank you for coming.

**Keith Taylor:** I think everyone here on the board has a letter from the chief of the fire department that was sent to you four or five days ago that there was concern. The building inspector can say what he wants to say

**Joseph Rand, Mayor:** Alright. Alright

**Keith Taylor:** but the fire department

**Joseph Rand, Mayor:** Sir, sir, sir, if you would like to speak you talk to us. Keith, Keith, you want to speak, you speak to us.

**Dennis Michaels, Village Attorney:** Mr. Mayor the fire inspector and the chief building inspector, they're the ones who determine compliance with the New York State Codes including including the firematic services that is being referenced by

**Joseph Rand, Mayor:** That's fine. And I don't have, if he wants to raise the point, he can raise the point about the letter. They're in disagreement.

**Dennis Michaels, Village Attorney:** It's not it's the building inspector and the fire inspector who make that determination whether or not there's compliance with the New York State codes, including the fire code. So, it's up to Manny Carmona and or David Smith who will make that determination.

**Joseph Rand, Mayor:** That's fine. I was only simply making the point that that Mr. Till speak to us.

**Keith Taylor:** The engineer that

**Joseph Rand, Mayor:** Mr. Taylor, if you'd like to come speak, you have council here speaking on your behalf. If you'd like to speak as well, come up to the podium. Would you like to speak or not? Does that mean no? Is that what that means? Your counsel, counsel, uh, he's declined to speak. I think we heard your point very well. Thank you. I appreciate your time, very much.

**Donna Lightfoot-Cooper, Trustee:** Thank you.

**Joseph Rand, Mayor:** Alright, does anyone else want to speak about this on public comment? Please come up John. Time? Andy?

**John Grammata:** Um, I think that the three-story option uh, makes the building actually conform with the character of the village Nyack because if you look at all the commercial structures in Nyack from Cedar Hill to First Avenue up to Broadway, there's not a one that has a parking lot in front of it. And that's by design over the course of the village history, that is what contributes to the sense of character we have in this village that the setbacks, the lack of setback or the commercial district creates these exterior looms that give it this sense of character and charm. And uh, looking at the three-story option, um, even if you look at, you know, from the street or from it, it it definitely the the line of stores continues on front. As you're walking down the street, it creates a sense of harmony and I think that's that's that should be a large consideration in the fact this the three-story option actually does maintain, ah, the character of the village in a better way. Now I would like to see you know, the commercial structure actually at sidewalks level two with parking in the back where you have an alley to go back and the parking behind. Um, that's that's not what I see in the three-story option right now, but um, but I think even even the one that was depicted today, is is just is a better-quality design for the village of Nyack. And that's what I'd like to say to the massive, I'm also

**Joseph Rand, Mayor:** John, John, John

**John Grammata:** Sorry, I'm thrilled that uh, this this property is being redeveloped for housing and uh, I support the project in general, but I'd love to see it, you know, more in character with the village of Nyack as it is

**Joseph Rand, Mayor:** Thanks John.

**John Grammata:** Alright, thanks.

**Donna Lightfoot-Cooper, Trustee:** Thank you.

**Joseph Rand, Mayor:** Thank you. Thank you for your comment. Anybody else want to make a couple comments on this issue? All right, thank you all. Um, comments from the village board? On the thoughts of this because the the applicant has come for any guidance. Do you have any final thoughts you want to share as you as we leave your um, any what guidance would you like to give um, uh, DRPilla?

**Pascale Jean-Gilles:** Um, I mean, look, as it stands, I think we need a way more robust um public benefit. Uh, and we just have a discussion a couple months ago about removing park benches in Hezekiah Easter because we had a homeless situation. The summer's coming. There's going to be three park benches there. We're gonna have the same problem in a different part of the village and it's gonna be on our list to deal with. So, I would like to see a little bit more done in terms of the public benefit. Um, also, look, we have a house, a housing shortage. We don't really need more luxury housing. We need workforce housing because we have a lot of people who are being pressed out of this area. Um, so, two units is sparse. I'd like to see more like six, maybe more than that for even to think about justifying a fourth floor. Um, there's no reason we can't do that, um. So, that's some of the things I'd like to see. And lastly, um, you know, look, everyone wants to be good neighbors, so it would be nice to see some of the concerns that Mr. Taylor has asked be addressed. Um, like to you know, some of the concerns of the fire department be addressed. Some of the concerns that our own village engineer has to be addressed. Um, so, there's a lot more I think talking and negotiation that needs to be haved. So, I'm not really, I, I, I don't want to, I get that there's a lot of money at stake here and I don't want to be um, unkind to that, but I'm just not really, I can't really consider this right now until some of those things have been worked out. Until we see a better um, more robust public benefit. Like I said, people are being pressed out of here, and that's a really important thing. I'm one of those people that's being pressed out of here, so it's hard for me to justify seeing apartments that are going to come when they're going to be like three to four thousand dollars a month, when I can't afford that, teachers can't afford that, nurses can't afford that, our LPN's, firefighters specifically. We're losing our volunteer fire department because they can't afford to live here. So, um, I want to see more more robust affordable housing portion of this, before I can even think about considering a fourth floor.

**Joseph Rand, Mayor:** Alright, thank you. Anything you want to add or?

**Donna Lightfoot-Cooper, Trustee:** Um, very good points brought up. Um, it would be nice what you said. We do have a housing issue here. It would be nice if there was like more benefit for the village. Um, I think that I'm also feeling like a three-story option is more in character as Mr. Grammata said. The character of the village cause I think that's being lost with other things that have gone up over the years. And, there is still questions out there about the fire department being on board, the Manny being on board, like I just want to make sure that everybody's on board with the safety and everything. Um, before this goes up. So, there still are kind of some unanswered questions, but also at the same time taking into consideration that, you know, the project looks like

a really good one. It will look a lot better than the gas station and that convenience store. But, I am not ready for a final decision until other things have been finalized.

**Joseph Rand, Mayor:** Yea, Joe?

**Joseph Carlin, Trustee:** Like like I've said the last meeting, I'm uh, and I and I appreciate uh, what what's your name?

**Sarah Murray:** Sarah.

**Joseph Carlin, Trustee:** Sarah. I appreciate Sarah that you brought the new renditions and we could actually see what the three-story uh, would look like. Uh, you did have that in a previous uh, package to the uh, planning board. Uh, but this is more more filled out. Um, I as John Grammata and other people as I said last time, I'm concerned about the uh, character of the village. I don't want to see large, tall developments in the village. So, I am together with what Pascal and what Donna have said. Uh, that being all all things being equal, I'm in favor the um, uh, three-story uh, the three-story um, well

**Joseph Rand, Mayor:** To clarify, you're not in favor of the four-story.

**Joseph Carlin, Trustee:** I'm not in, No. I definitely am, yes. If you want to put it that way

**Joseph Rand, Mayor:** Just to clear, just to be clear, we're not approving the three-story building as has been presented to us.

**Joseph Carlin, Trustee:** Right, well, exactly. The three-story building before I, I, I talk about that or approve it, then obviously, there's a lot of thing's that have to be worked out with the uh, fire department, the EMS. Um, but everything being said, I, I, I do not like the four-story variety.

**Joseph Rand, Mayor:** Okay, um, you came for a sense of the board. Um, my my feeling is that I I prefer the fourth story building just simply because I think the setback is is a more aesthetically pleasing, uh, even though it's not consistent with um, some of those other buildings on that street, It's consistent with other buildings on Broadway, but not necessarily with ones uh, between um, Cedar Hill and Hudson. Um, so. I would be open to it and I think I would probably agree so I would I wouldn't agree with Joe on that. Um, but I would probably be in agreement with uh my colleagues to my right, um, about the fact that I would still like to see a bit more of a robust as as Pascal put it, a public option, a public benefit here. Um, but I would I would be more in favor of the the four-story just on aesthetics. Um, but I think in terms of what you are what you came here for was for some sort of clear guidance as to whether it would be what whether you should continue with the four-story option. It seems to me that the board does not seem inclined likely to to approve

that. That could change. This is just an informal advisory opinion at this point. But um, in terms of taking it back to the office, that would be the I think the take away. Okay? Thank you. Thank you very much for coming in and for presenting to us. And thank you to counsel, thank you for Mr. Taylor for coming in and sharing you're thoughts and Mr. Grammata for sharing yours as well. Um, alright. Uh, Thank you for that.

(Ends at 1:17:00)



## **EXHIBIT “B”**

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**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

February 10, 2025

Nyack Village Board  
9 North Broadway  
Nyack, NY 10960

**Tax Data:** 66.46-1-39

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239

**Map Date:** 01/08/2025

**Date Review Received:** 01/14/2025

**Item:** *80 South Broadway (GML-25-0071)*

Special permit application to allow the construction of a 4-story, mixed-use building with 18 residential units and 5,900 square feet of commercial space. The subject site is on 0.28 acres in the DMU-1 zoning district. The special permit has been requested to allow for the increased building height to create a 4th floor. The existing gas station on the site will be demolished.

West side of Broadway, approximately 100 feet north of Cedar Hill Avenue

**Reason for Referral:**

Town of Orangetown

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***Recommend the Following Modifications***

- 1 The ramp provided on the current configuration of the proposed underground parking area only provides enough area for one vehicle at a time. It is unclear how vehicles will be able to safely enter and exit the parking area using this ramp. Additionally, this configuration can result in site line concerns, potentially creating a significant hazard as vehicles enter and exit. The Village must be assured that the underground parking area is configured to allow for safe ingress and egress. It is also recommended that the parking area design, layout and safe vehicular movement be demonstrated on the site plan.
- 2 The current use of the site is a gas station, which will be demolished and replaced with the proposed structure. This will require the removal and disposal of any underground storage tanks and hazardous materials such as petroleum products. The Village must be assured that the removal of hazardous materials will be done in a safe manner and in accordance with federal and state regulations. To ensure the health and safety of construction site workers, future employees, residents, and the surrounding neighbors, it is recommended that air monitoring of vapors be conducted during the removing of petroleum storage tanks

**80 South Broadway (GML-25-0071)**

as well as soil testing prior to construction.

- 3 Special permit uses are, by definition, subject to a higher standard of review than as-of-right uses. The Village shall be satisfied that the proposed mixed-use development complies with the general standards for special permit uses outlined in Section 360-5.9C, as well as the specific standards listed in Section 360-2.4B.
- 4 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 50 feet south of the subject property. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Orangetown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Orangetown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 5 As per their letter dated January 28, 2025, an application is to be made to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Village of Nyack fire inspector, or the Nyack Fire Department to ensure that the site is designed in a safe manner and that there is easy access to the structure, in the event of an emergency.
- 7 The site plan indicates that the six parking spaces will be provided in a tandem layout in the underground parking area. The use of tandem parking spaces creates an inconvenient and difficult parking situation preventing egress for one vehicle blocked by another. As previously stated, the underground parking area is poorly configured. It is recommended that these tandem spaces be removed to allow for a larger ramp into and out of the basement level. We advise the Village to evaluate the availability of street parking in the immediate area and, if appropriate, require that parking layout be reconfigured to provide independent access for each proposed dwelling unit.
- 8 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multifamily dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.
- 9 Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 10 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a county permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a

**80 South Broadway (GML-25-0071)**

copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

- 11 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The Board may have already addressed this point or may disregard it without any formal vote under the GML process:
- 11.1 The Village of Nyack Planning Board Review Application that was submitted for the special permit application indicates that the acreage of the parcel is 0.5ac. This is incorrect, and must be corrected to 0.28 acres, so that all application materials are consistent.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Joseph Rand, Nyack  
NYS Department of Environmental Conservation  
Rockland County Department of Health  
Rockland County OFES  
Rockland County Planning Board  
Town of Orangetown Planning Board  
Nyack Fire District  
DRPILLA Consulting Engineers

\*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning is pursuant to and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions nor determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.



# Rockland County

Ed Day, Rockland County Executive

VILLAGE OF NYACK  
BUILDING  
JAN 10 2025

DEPARTMENT  
RECEIVED

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

February 10, 2025

Nyack Planning Board  
9 North Broadway  
Nyack, NY 10960

**Tax Data:** 66.46-1-39

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 01/08/2025

**Date Review Received:** 01/14/2025

**Item:** 80 South Broadway (GML-25-0021)

Site plan application to permit the construction of a 4-story, mixed-use building with 18 residential units and 5,900 square feet of commercial space. The subject site is on 0.28 acres in the DMU-1 zoning district. A special permit has been requested to allow for the increased building height to create a 4th floor. The existing gas station on the site will be demolished.

West side of Broadway, approximately 100 feet north of Cedar Hill Avenue

### **Reason for Referral:**

Town of Orangetown

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

### ***Recommend the Following Modifications***

- 1 The ramp provided on the current configuration of the proposed underground parking area only provides enough area for one vehicle at a time. It is unclear how vehicles will be able to safely enter and exit the parking area using this ramp. Additionally, this configuration can result in site line concerns, potentially creating a significant hazard as vehicles enter and exit. The Village must be assured that the underground parking area is configured to allow for safe ingress and egress. It is also recommended that the parking area design, layout and safe vehicular movement be demonstrated on the site plan.
- 2 The current use of the site is a gas station, which will be demolished and replaced with the proposed structure. This will require the removal and disposal of any underground storage tanks and hazardous materials such as petroleum products. The Village must be assured that the removal of hazardous materials will be done in a safe manner and in accordance with federal and state regulations. To ensure the health and safety of construction site workers, future employees, residents, and the surrounding neighbors, it is

**80 South Broadway (GML-25-0021)**

recommended that air monitoring of vapors be conducted during the removing of petroleum storage tanks as well as soil testing prior to construction.

- 3 The Village shall be satisfied that the proposed mixed-use development adequately meets the standards for density and floor area ratio (FAR) bonuses outlined in Sections 360-4.14D, 360-4.14E, and 120-1C(13)(B).
- 4 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 50 feet south of the subject property. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Orangetown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Orangetown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 5 As per their letter dated January 28, 2025, an application is to be made to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Village of Nyack fire inspector, or the Nyack Fire Department to ensure that the site is designed in a safe manner and that there is easy access to the structure, in the event of an emergency.
- 7 It will be difficult for sanitation workers to access the trash room in the underground parking area. It will also be difficult for trash to be collected from the trash room on the first floor unless the garbage will be collected before/after operational hours when no employees or customers are at the site. The trash enclosure must be relocated to an area that is accessible.
- 8 The site plan indicates that the six parking spaces will be provided in a tandem layout in the underground parking area. The use of tandem parking spaces creates an inconvenient and difficult parking situation preventing egress for one vehicle blocked by another. It is recommended that these tandem spaces be removed to allow for a larger ramp into and out of the basement level. We advise the Village to evaluate the availability of street parking in the immediate area and, if appropriate, require that the parking layout be reconfigured to provide independent access for each proposed dwelling unit.
- 9 Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 10 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 11 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the

**80 South Broadway (GML-25-0021)**

site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 This department commends the applicant for proposing the installation of a green roof to better manage stormwater runoff.
- 14 Retaining walls that are over four feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 15 This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website : <https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>.
- 16 Any proposed signage must be shown on the site plan and conform to the Village requirements found in Section 360-4.11 of the Village Code. If any variances are required for signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 17 Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers, employees, or residents. This is especially important since the above ground parking configuration on the site is compact, and there is a narrow one-lane ramp that acts as both ingress and egress for the underground parking. In addition, designating specific areas will help to protect the landscaping from damage due to the weight of the snow and salt intrusion.
- 18 This proposed project presents an opportunity to advance the goals of The New York State Climate Leadership and Community Protection Act (CLCPA), through the inclusion of publicly available electric vehicle (EV) charging stations. With U.S. automakers predicting that approximately one-half of new vehicle sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for the site and its residents. This department urges the Village and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.
- 19 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multifamily dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.
- 20 Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 21 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a county permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a

**80 South Broadway (GML-25-0021)**

copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Joseph Rand, Nyack  
NYS Department of Environmental Conservation  
Rockland County Department of Health  
Rockland County OFES  
Rockland County Planning Board  
Town of Orangetown Planning Board  
Nyack Fire District  
DRPILLA Consulting Engineers

\*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning is pursuant to and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions nor determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

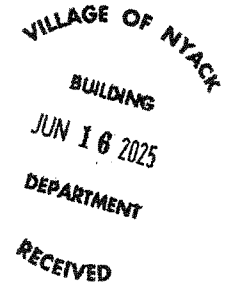




Weston & Sampson, PE, LS, LA, Architects, PC  
74 Lafayette Avenue, Suite 501, Suffern, NY 10901  
Tel: 845-357-4411

June 13, 2025

Village of Nyack  
Village Board  
Planning Board  
9 North Broadway  
Nyack, N.Y. 10960



Attn: Mayor and Trustees  
Laura Rothschild – Planning Board Chairperson

Re: Site Plan Review  
80 S Broadway  
NYK0215

Dear Members of the Village Board and Members of the Planning Board,

We are in receipt of a re-submission regarding the above captioned project consisting of the following:

1. Architectural Plans entitled "80 South Broadway" prepared by DR.Pilla Associates PC, sheets T-001.05, Z-001.05, G-001.05, G-002.00, A-001.03, A-100.05, through A-105.05, A-200.05, A-201.00, A-300.05, A-301.05, last dated 4/18/25.

The re-submission is not complete. We are not in receipt of a re-submission of Engineering Plans. As neither Engineering Plans, nor a response narrative have been provided, the majority of our prior comments remain outstanding.

The proposed setback of this structure is out of character for the development pattern along S Broadway. The position of the structure setback from S. Broadway remains to be addressed. Section 360-2.4 B 2 ( c ) addresses " entrance setbacks should reflect adjacent buildings".

Additionally, section 360-2.4 B 2 ( d) addresses curb cuts width. The proposed 30 feet width curb cut exceeds the code allowable maximum width of 18 feet.

The applicant is seeking increased height based upon the Public Benefit Features noted on sheet Z-001.05. A determination is needed to evaluate if these features meet the criteria established for justifying additional height. The issuance of a Special Permit by the Village Board is required for the requested increase in the number of maximum stories to 4 stories.

The applicant is also seeking a parking variance.

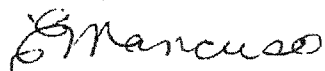
We offer the following comments:

1. The plans indicate a concrete and mortar retaining wall that follows the full length of the south side property line, and west rear property line. The majority of this retaining wall appears to be proposed to be removed. Additional detail, and off-site topographical information is needed to demonstrate how this will be addressed without detrimental impact upon the adjoining property. As the Engineering Plans have not been re-submitted, and grading is not shown on the Architectural Plan set, it is unclear if this issue has been resolved, thus this remains to be addressed.
2. The existing grade as shown on the Survey indicates a spot elevation of 57.7 at the northeast corner of the property. The Grading Plan, C-101.00, indicates a spot elevation of BW( bottom wall) of 58.5. How will this change in grade be designed as not to adversely affect the adjoining property owner, or the public sidewalk along the property frontage? Grades along the adjoining property to the north shall be provided. The applicant's response was not sufficient to address the grading concerns. Additional spot grades all along the property frontage remain to be addressed. The sidewalk cross slope on the northern sidewalk appears to be excessive, while the sidewalk cross slope on the southern sidewalk is back pitched. Site specific design and grading remains to be provided. As the Engineering Plans have not been re-submitted it is unclear if this issue has been resolved, thus this remains to be addressed.
3. The parking garage layout now provides clear access to only 13 spaces within the garage, as the other spaces are stacked. There are 18 units proposed. Is it intended to reserve the 5 exterior parking spaces for the residents use? This would include 1 ADA parking space. How will all residents have full access to their parking spaces? Will the parking in front of the structure be assigned to residents? How will this be monitored? The parking in the front yard was noted as "short-term" parking for patrons of the commercial use. There is no such note on the current plan re-submission. This remains to be addressed.
4. A red light/ green light system is proposed to regulate the garage entry and egress over the one way, 12 feet wide aisle. This was added to prevent head on collisions, and the need for extensive backing up of vehicles as they attempt to gain access or egress to and from the garage. If a vehicle is approaching the garage from S Broadway and finds a red signal, where will that vehicle stage as to not block the sidewalk or to impede the traffic flow on S Broadway? The logistics of how this garage will function shall be fully evaluated. This remains to be addressed.
5. Where will delivery trucks be staged? This remains to be addressed.
6. How will trash pick-up be accommodated? This remains to be addressed.
7. As the only access to this site is from S Broadway, the access to this structure for firefighting ability does not appear to be sufficient due to the excessive setback of the structure. There is not sufficient aisle width for a fire truck to stage on site. A fire truck with outriggers generally needs 20 feet minimum aisle width along a minimum of one side of the structure. The only side of the structure potentially available is the front of the structure. Generally, a fire truck needs to be between staged within a 15 to 30 feet setback area to extend a ladder to access upper floors. The staging area on site is not sufficient. Staging a fire truck on S Broadway appears to be too far away from the structure. We defer to the Fire Department to review and opine on the code compliance and suitability of access for firefighting and emergency service. We are not in receipt of any correspondence from the Fire officials; this remains to be addressed.

8. Have flow tests been performed to verify pressure for firefighting purposes? With the inability to stage a ladder truck on site, would a four-story structure be readily accessible to firefighters in the event of an emergency? This remains to be addressed.
9. The project is classified as a redevelopment site. The applicant is proposing both a green roof and at grade planting boxes and beds. A Landscaping Plan shall be provided with full details of the green roof and planting beds. Due to the nature of the existing developed site, soil amendment will most likely be necessary. Generic details have been provided for a Planter Box. Site specific design remains to be provided. Planting Bed and the Green Roof System details remain to be provided. A Planting Legend shall be submitted. This remains to be addressed.
10. The applicant has responded that screening of the front yard parking of vehicles is not being proposed though a planting bed is proposed with limited plantings. It is our recommendation that if front yard parking is allowed along S. Broadway, screening should be considered.
11. Details of a proposed tree pit along S Broadway have been provided. It is not in accordance with the Village standard Streetscape design. We recommend the Streetscape design for the full property frontage be implemented to be consistent along the corridor. This remains to be addressed.
12. As the planting beds are above the subsurface parking area, infiltration is not feasible. The limits of the subsurface parking garage are to the front property line which is coincident with the right of way line of S Broadway. A detailed SOE, support of excavation plan, will be needed to protect both the roadway and all existing utilities within S Broadway. This remains to be addressed.
13. An Erosion Control Plan has been submitted. The vehicle access should be re-evaluated to accommodate construction vehicles. One access point does not appear realistic. This remains to be addressed.
14. The installation of erosion control measures on the downstream catch basins on S Broadway is needed. This remains to be addressed.
15. It appears temporary easements from the adjoining neighbors will be necessary to accommodate construction of the structure to the property lines. How will adjoining properties be protected during construction? This remains to be addressed.
16. The connection of the proposed stormwater management system to the existing double catch basin above the Nyack Creek culvert should be clarified. The proposed catch basin should not be constructed over the existing culvert of the Nyack Creek. It should be offset to avoid damage to what I believe is an existing brick arch culvert in this location. This remains to be addressed.
17. Remove the label "sanitary" from all storm sewer system details. This remains to be addressed.
18. Proposed utilities have been shown to the building face of the subsurface garage which is coincident with the front property line along S Broadway. (see 14 above regarding the need for a SOE plan). Required separation distances between utilities shall be noted and maintained. This remains to be addressed.
19. The limit of disturbance has been noted as 12,000 SF. In accordance with the Zoning Code, any land disturbance over 10,000 SF will require the preparation and submission of a SWPPP. This remains to be submitted.
20. A plan shall be developed to clearly indicate the scope of work and limits of work for the curb, apron, and sidewalk removal and replacement along S Broadway. This remains to be submitted.

21. Proposed signage, both directional, and identifying, shall be shown. Directional Signage details have been provided but the location of the same is not shown on the engineering plan set. This remains to be submitted.
22. A Lighting Plan has been submitted. The font of the spot intensities in the Photometric Plan are too small and are not legible. Re-print at a legible scale and resubmit.
23. There appears to be a proposed floodlight over the garage entry. The use of floodlights becomes problematic as they introduce glare. A more suitable fixture, with the ability to be downwards focused and shielded, shall be substituted for the floodlight.
24. All ADA details shall conform with the most recent design standards 7.5% maximum slope for the ramp, and a 1.5% maximum slope of the landing area. This remains to be addressed.
25. The trench drain shall be specified to reflect an ADA compliant grate. This remains to be addressed.

Sincerely,



Eve M. Mancuso, P.E.

Principal Engineer

Weston & Sampson, PE, LS, LA, Architects PC

Y:\VILLAGES\NYK Village of Nyack\NYK0215 SP 80 S Broadway\Rev 4 PB letterhead.docx



January 27, 2025

Village of Nyack  
Planning Board  
9 North Broadway  
Nyack, N.Y. 10960

Attn: Laura Rothschild – Planning Board Chairperson

Re: Site Plan Review  
80 S Broadway  
NYK0215

Dear Members of the Board,

We are in receipt of a submission regarding the above captioned project consisting of the following:

1. Architectural Plans entitled "80 South Broadway" prepared by DR Pilla Consulting Engineers, sheets T-001.00, Z-001.01, G-001.00, G-002.00, A-001.00, A-100.01, A-101.01, A-102.00 through A-105.00, A-200.01, A-201.00, A-300.01, A-301.01, last revised 1-8-25.
2. Engineering Plans entitled "Plan entitled "80 South Broadway" prepared by DR Pilla Consulting Engineers, sheets C-001.00, C-002.00, C-100.00 through C-104.00, C-200.00, C-201.01, C-202.00, C-203, last dated 6-12-24.
3. Colored Architectural and Photographic rendering, prepared by DR Pilla Consulting Engineers, dated 12-3-24, 9 sheets.
4. Full Environmental Assessment Form.
5. Stormwater Management Plan, prepared by DR Pilla Consulting Engineers, dated 6-12-24.

The site is located on the west side of South Broadway 75 feet north of Cedar Hill Avenue. The site is fully improved with a gas station, deli, and associated infrastructure to support both uses.

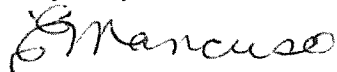
The applicant is proposing to demolish and remove all improvements and construct a multi-use building. The proposed building is set back from S Broadway with parking in the front yard. This is out of character for the development pattern along S Broadway. New utility connections are proposed.

We offer the following comments:

1. The plans indicate a concrete and mortar retaining wall the follows the full length of the south side property line, and west rear property line. The majority of this retaining wall appears to be proposed to be removed. Additional detail, and off-site topographical information is needed to demonstrate how this will be addressed without detrimental impact upon the adjoining property.
2. The existing grade as shown on the Survey indicates a spot elevation of 57.7 at the northeast corner of the property. The Grading Plan, C-101.00, indicates a spot elevation of BW( bottom wall) of 58.5. How will this change in grade be designed as not to adversely affect the adjoining property owner, or the public sidewalk along the property frontage? Grades along the adjoining property to the north shall be provided.
3. The parking garage layout provides clear access to 16 spaces, as the other spaces are stacked. There are 18 units proposed. Is it intended to reserve surface parking for the residents use? How will all residents have full access to their parking space?
4. The grades within the proposed exterior parking area are noted as .52 %. Grades of this slight slope are prone to puddling and icing. Grades below 1 % in a parking area are not recommended.
5. The length of the parking is in incorrectly noted. The length should be measured to the face of curb, on the shorter length of the stall so the rear of the vehicle does not encroach into the aisle, and the front of the vehicle does not encroach over the curb and block the sidewalk. It appears these stalls are less than 17 feet, and thus not in compliance with the Village Code, which is 9 feet wide by 18 feet long. The exact dimensions shall be provided.
6. In laying out angled parking, industry standard and traditional aisle widths for 45° parking is 12 feet wide minimum, and for 60° parking the aisle is 18 feet wide minimum. The proposed parking layout is at an unconventional 55 ° angle. The parking aisle provided is 11- 8 1/4 inches, (sheet A-001.00) thus is not of sufficient width. Maneuverability in of and out of these spaces will be difficult and restricted.
7. As the only access to this site is from S Broadway, the access to this structure for firefighting ability does not appear to be sufficient. There is not sufficient aisle width for a fire truck to stage on site. A fire truck with outriggers generally needs 20 feet minimum aisle width along a minimum of one side of the structure. The only side of the structure readily available, is the front of the structure. Generally, a fire truck needs to be between staged within a 15 to 30 feet setback area to extend a ladder to access upper floors. The staging area on site is not sufficient. Staging a fire truck on S Broadway appears to be too far away from the structure. We defer to the Fire Department to review and opine on the code compliance and suitability of access for firefighting and emergency service.
8. Head on parking in front of an active sitting area, sidewalk and building has been known to be problematic. We recommend ornamental bollards be installed for safety purposes to protect against errant vehicles accidentally driving into the sitting area or jumping the curb.

9. The project is classified as a redevelopment site. The applicant is proposing both a green roof and at grade planting beds. A Landscaping Plan shall be provided with full details of the green roof and planting beds. Due to the nature of the existing developed site, soil amendment will most likely be necessary.
10. The Zoning code requires the parking area be screened from view from the street with a 2.5 feet high screen. This should be shown on the Landscape Plan.
11. Details of the proposed tree pit along S Broadway shall be provided. We recommend the Village standard Streetscape design be implemented for this amenity.
12. To address water quality of the stormwater run-off from the parking area, it is suggested to direct the flows through the planting beds to allow for some infiltration.
13. The Erosion Control Plan should be shown on the proposed layout plan, not the existing conditions plan.
14. The location of all erosion control measures shall be shown on the plan. A concrete wash out area shall be added.
15. The connection of the proposed stormwater management system to the existing double catch basin above the Nyack Creek culvert is unclear. (C-200.00). Please clarify what "drop pipe to be cast in concrete" refers to.
16. The proposed blind connection of the 6-inch HDPE to the proposed 12-inch HDPE is not permitted. Any connection should be made within a structure.
17. The 6-inch pipe from the on-site drainage system is undersized and will be prone to increased maintenance and clogging. This diameter should be increased, and clean outs added for ease of maintenance.
18. Where is the sump pump proposed to discharge? The connection shall be shown.
19. All proposed utilities shall be shown to the building face, not terminate at the property line. Inverts and clean outs for the sanitary sewer shall be shown.
20. The limit of disturbance has been noted as 12,000 SF. In accordance with the Zoning Code, any land disturbance over 10,000 SF will require the preparation and submission of a SWPPP.
21. A plan shall be developed to clearly indicate the scope of work for the curb, apron, and sidewalk removal and replacement along S Broadway.
22. Proposed signage, both directional, and identifying, shall be shown.

Very Truly Yours,



Eve M. Mancuso, P.E.

Principal Engineer

Weston & Sampson, PE, LS, LA, Architects PC

Y:\VILLAGES\NYK Village of Nyack\NYK0215 SP 80 S Broadway\PB rev 1.docx

## David Smith

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**From:** Chief 10-1 <chief@nyackfire.org>  
**Sent:** Sunday, February 2, 2025 7:15 PM  
**To:** David Smith  
**Cc:** Sarah Murray; Dominick Pilla; Daria Tutko  
**Subject:** Re: 80 S Broadway // Planning Application

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**This email originated from outside of the organization.**

---

Good evening Sara,

Thank you for reaching out. I reviewed the plans. The front parking area and setback have insufficient space and clearance for an aerial ladder or other aerial device (tower ladder, etc.). An aerial device requires at least 15' clearance from the front of the building to the inside perimeter of the Aerial Fire Apparatus Access Rd. And since the Apparatus Access Rd. must be at least 26' wide; the outside perimeter of the Apparatus Access Rd. would be in the center of the proposed sidewalk. The grassy area between the sidewalk and parking area, as well as the sidewalk itself, would be unable to safely support a 30-ton aerial device.

Furthermore, the radius of the entrance and exit is too tight to accommodate a large aerial device.

The proposed design of this egress area does not meet the State Fire Codes regarding an Aerial Fire Apparatus Rd.: D105.1 through D105.4.

If placed outside the property, in the street, our aerial devices would not reach the top of the building safely.

Yours truly,

Jim Petriello, Chief  
Nyack Fire Dept.

On Fri, Jan 31, 2025 at 4:32 PM David Smith <[fireinspector@nyack.gov](mailto:fireinspector@nyack.gov)> wrote:

Hi Sarah,

I'm forwarding this e-mail to the Chief of the Nyack Fire Department, Jim Petriello e-mail is [Chief@nyackfire.org](mailto:Chief@nyackfire.org). he'll be able to directly tell you the needs of the FD.

Please keep us informed of any comments you may receive from them

Thank you,