



# Village Of Nyack

Incorporated February 27, 1883

BUILDING DEPARTMENT

9 North Broadway

Nyack, New York 1096-2697

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

[www.nyack.gov](http://www.nyack.gov)

[buildingdepartment@nyack.gov](mailto:buildingdepartment@nyack.gov)

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BUILDING  
VILLAGE OF NYACK



MANNYA. CARMONA  
Chief Building Inspector

Asst Building Inspectors

Paul Rozsypal

Fire Inspector

David Smith

Code Enforcement Officer

Richard J. Siddi

Benjamin C. Wolford

## PLANNING BOARD REVIEW APPLICATION

☐ Disapproved Permit Appl. ☒ Formal Application ☐ Pre-application Meeting (pursuant to §360-5.4A)

Project Street Address: 25 Ackerman Pl. (Previously filed as 16 Fourth Ave) Application Date: \_\_\_\_\_

Tax Map Designation: Section 66.30 Block 2 Lot 5 (Previously filed as 66.30-2-15)

Property Classification: Miscellaneous Group U – Private garage w/green house; Two (2) Sheds (Previously Vacant Lot that was filed as a Single-Family Dwelling)

Project Location: On the South side of Ackerman Pl. approximately, 90 feet from the intersection of Ackerman Pl. and Gedney St. in the Village of Nyack.

Acreage of Parcel 0.12 Zoning District TFR – Two-Family Residential (Formally R-1 – 1 & 2 Family Residence

Area of Disturbance 0 SWPPP: ☐ Yes ☒ NO Wetlands: ☐ Yes ☒ NO

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

View Protection Overlay District: ☒ Yes ☐ NO From west to east on Ackerman Pl. \_\_\_\_\_

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

Project Description: (please attach a narrative summary). To amend previously approved application.

### CONTACT INFORMATION

	NAME/ADDRESS	PHONE #/ E-MAIL	LICENSE #
Applicant	Daniel Fenjves & Lara Winterkorn 16 4th Ave, Nyack, NY, 10960	919-475-3835, Daniel.fenjves@gmail.com	
Property Owner	Daniel Fenjves & Lara Winterkorn 16 4th Ave, Nyack, NY, 10960	919-475-3835, Daniel.fenjves@gmail.com	
Architect	None		

<input type="checkbox"/> P.E. <input type="checkbox"/> P.L.S.			
Landscape R.A.	None		

You are hereby referred before the Planning Board by the Chief Building Inspector for review, approval, approval with modifications or disapproval of a previous Planning Board approval.

### **§360-5.4 General development review procedures.**

#### **B. Application Submittal.**

##### **(5) Fees and Costs.**


■ **Site Plan Approval** \$ Fee is waived due to previous improperly processed application

■ **Legal Notice \$150** Receipt #/Date 02064 / 6/06/2025      ■ **Escrow: \$** \_\_\_\_\_

**General Municipal Law (GML)**      ■ Required      ☐ Not Required

The following additional documents shall be provided:

- ☐ Color photographs of all buildings and structures on the lot and on adjacent properties.
- ☐ Survey showing all structures on the lot.
- ☐ Project Narrative
- ☐ Environmental Assessment Form.
- ☐ Affidavit that the proposed work and applicant are authorized by the property Owner (if other than the owner is making the application).

Daniel Fenyes        
Applicant Print Name      Signature

## **BUILDING DEPARTMENT USE ONLY**

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**Application's conformance:** This application does not conform to the Local Zoning and Planning Law of the Village of Nyack. **Applicant is seeking approval to amend site plan application approved on 4/01/1996 for a garage with an attached greenhouse. Such application was filed under 16 Fourth Ave (66.30-2-15), a lot with a Single-Family Dwelling; However, the application shall have been filed under 25 Ackerman Pl. (66.30-2-5), a Vacant lot. The following amendments are being requested:**

- 1. To permit the use of an accessory building on a vacant lot (A garage with an attached greenhouse). The 4/01/1996 site plan approval should have included ZBA recommendation for a use variance not just area variances, for a garage with an attached greenhouse on a vacant lot.**
- 2. To permit continued use of an accessory building on a vacant lot (existing shed). This is the original shed showing on the site plan dated 4/12/1990 to be relocated to lot #1 at the time of the two (2) lots subdivision approved on 7/02/1990 (was never relocated by owner).**
- 3. To permit continued use of an accessory building on a vacant lot (owner added another shed without permit on the vacant lot).**

### **Use Variance**

**Zoning Board of Appeals Use Variance required.**

### **HISTORY:**

**When this application was filed the following Zoning Codes were in effect:**

### **ARTICLE XII – Definitions**

**59-44 Terms defined.**

**B. ACCESSORY BUILDING OR USE – A building or use clearly incidental or subordinate to, and customarily in connection with, the principal building or use on the same lot.**

### **ARTICLE V – Supplementary Regulations**

**50-20 ... R-1 Residence District.**

#### **A. Accessory buildings.**

**(1) An accessory building may be located in any required side or rear yard, provided that:**

**(b) Such buildings shall be set back five (5) feet from any lot line and, if separated from the principal building, it shall not be located less than ten (10) feet from said principal building.**

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**(3) Relation of accessory buildings to streets. No accessory building shall project nearer to the street on which the principal building fronts than such principal building....**

**In accordance with the Zoning Code above, the garage with the attached greenhouse shall not have been permitted on a vacant lot without the approval of a use variance by the ZBA.**

**Accessory buildings and use shall be clearly incidental or subordinate to, and customarily in connection with, the principal building or use on the same lot.**

**The application was presented and approved as 16 Fourth Ave (66.30-2-15), Single-Family Dwelling, when in fact the application should have been presented as 25 Ackerman Pl. (66.30-2-5), Vacant lot.**

**The previous approval shall be amended to approve as presented on this present application, disapproved to restore property as a vacant lot or approved with modifications.**

**See all previous documents attached.**

#### **§360-5.4 General development review procedures.**

##### **B. Application Submittal.**

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

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

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

☐ No Violations

☒ Violation(s) Pending (as indicated above)

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

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

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

**§ 360-5.2A Decision-making body pursuant to § 7-718 of the Village Law of the State of New York.**

**(2) Powers and duties.** The Planning Board shall have the following powers and duties:

☐ **(a) To adopt rules and regulations** for its operation and to follow said rules and regulations in the conduct of its official business.

☐ **(b) To review and recommend changes to a Comprehensive Master Plan** adopted by the Board of Trustees pursuant to § 7-722 of the Village Law of the State of New York.

☐ **(c) To review and recommend proposed amendments to this chapter or other sections** of this code relevant to the functions of the Planning Board.

☒ **(d) To hear and decide requests for** ☐ Preliminary and ☐ Final site plan approval pursuant to § 360-5.4 and § 360-5.7 of this chapter.

☐ **(e) To hear and decide requests for** ☐ Preliminary and ☐ Final subdivision approval pursuant to §§ 360-5.4 and 360-5.8 of this chapter.

☐ (f) To hear and decide requests for tree removal permits pursuant to § 360-5.4 and §360-5.18 of this chapter.

☐ (g) To hear and decide applications for the merger of adjacent lots.

☒ (h) To review development applications for compliance with the State Environmental Quality Review Act pursuant to state law and regulation.

☒ (i) To refer applications to the ☐ Board of Trustees, ☒ Zoning Board of Appeals and ☒ Architectural Review Board when required by the provisions of this article or when, in the opinion of the Board, such referral is necessary to fully evaluate the impacts and benefits of a development application.

**Table 4-1, Dimensional Standards**

ITEM	REQUIRED	EXISTING	PROPOSED

☐ (j) Upon the granting of an approval, to impose such reasonable conditions and restrictions as are intended to promote the objectives of the ☐ State Environmental Quality Review Act, ☐ the Comprehensive Plan, ☐ the Local Waterfront Revitalization Program, or ☐ other relevant law or officially adopted ☐ local or ☐ regional plan, and are directly related to and incidental to the proposed use of the property.

Conditions: \_\_\_\_\_

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

☐ (l) To submit a report to the Board of Trustees on any matter or class of matters referred to the Planning Board by the Board of Trustees for review and recommendation, before final action is taken by the Board of Trustees or other office or officer of the Village having final authority over said matter. The Board of Trustees may stipulate that final action shall not be taken until the Planning Board has submitted its report thereon, or has had a reasonable time to submit the report.

☐ **(m) To maintain and make available minutes** of all of its meetings in accordance with Article 7 of the Public Officers Law and to comply with all applicable public notice and hearing requirements specified in this chapter.

☐ **(n) To perform such other tasks** as may be necessary in the carrying out of the above powers and duties, or any additional powers and duties authorized by law.

### **§ 360-5.7 Site development plan.**

**A. Purpose.** The purpose of the site development plan process is to ensure compliance with the development and design standards and provisions of this code, and to encourage quality development reflective of the goals, policies and objectives of the Village Comprehensive Master Plan. For development activity requiring a site plan review, no building permits or other authorizations may be issued until a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this section. The site development plan process is intended to allow for the evaluation of both the intended design, arrangement and uses of the area, as well as the impacts of the development on the community.

☐ **Preliminary Approval:** \_\_\_\_\_  
**Approval:** \_\_\_\_\_

☒ **Final**

**B. Applicability.** Site development plan approval by the Planning Board is required for:

(1) The erection or enlargement of all buildings in all districts (excluding signage), or any change in the site characteristics, including but not limited to parking, traffic or pedestrian access, loading, drainage, lighting, utilities, landscaping, sight lines or view corridors, except as provided in § 360-5.14(A).

**D. Criteria.** In approving the site development plan for any particular use, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, advice of the Architectural Review Board, and may attach such reasonable conditions and safeguards as a precondition to approval of said plan which will further the general purpose and intent of this chapter and the Village Comprehensive Master Plan. In addition, the Planning Board shall give specific consideration to the design of the following:

☐ **ARB Advice:** \_\_\_\_\_

☐ **(1) Location, arrangement, massing, scale and design of buildings and associated structures** (e.g., signs, fences, lighting).

☐ **Comply**

☐ **Not Compliant**

☐ **N/A**

☐ **(2)** Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths and sections, pavement surfaces, dividers and traffic controls.

☐ **Comply**

☐ **Not Compliant**

☐ **N/A**

☐ **(3)** Location, arrangement, appearance and amount of off-street parking and loading.

☐ **Comply**

☐ **Not Compliant**

☐ **N/A**

☐ **(4)** Adequacy and arrangement of pedestrian traffic access and circulation, sidewalks, crosswalks and overall pedestrian convenience and safety.

☐ **Comply**

☐ **Not Compliant**

☐ **N/A**

☐ **(5)** Adequacy and arrangement of landscaping materials, including the preservation of existing significant trees in accordance with § 360-4.4C.

☐ **Comply**

☐ **Not Compliant**

☐ **N/A**

#### **§ 360-1.4 Purpose and intent.**

This Village of Nyack has adopted this chapter for the purposes set forth in § 7-700 of the Village Law of the State of New York, which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to specifically include the following, among others:

**K.** Encourage development that accommodates solar energy systems, access to sunlight and sustainable development techniques and materials.

#### **§ 360-3.2E Use-specific standards. Accessory uses.**

##### **(10) Solar energy collectors.**

**(a) Authority.** This subsection is adopted pursuant to §§ 7-700 through 7-704 of the Village Law of the State of New York, which authorize the Village of Nyack to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Village law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

**(b) Statement of purpose.** This subsection is adopted to advance and protect the public health, safety, and welfare of Village by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:



[1] To take advantage of a safe, abundant, renewable and nonpolluting energy resource;

[2] To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;

[3] To increase employment and business development in the Village, to the extent reasonably practical, by furthering the installation of solar energy systems;

[4] To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources;

[5] To create synergy between solar and other stated goals of the community pursuant to its LWRP and Zoning Code (such as downtown revitalization, vacant land management, creating a walkable, healthy community, etc.). Consequently, the Village is desirous of promoting:

[a] A decrease in the use of fossil fuels, thereby, reducing the carbon footprint of Village of Nyack;

[b] Investment in a locally generated source of energy and to increase local economic value, rather than importing nonlocal fossil fuels;

[c] To align the laws and regulations of the community with several policies of the State of New York, particularly those that encourage distributed energy systems (the NYS Unified Solar Permit was updated in October 2016);

[d] To become more competitive for state and federal grants and tax benefits;

[e] To make the community more resilient during storm events;

[f] To aid in the energy independence of the community as well as the country;

[g] To diversify energy resources to decrease dependence on the grid;

[h] To improve public health;

[i] To encourage a sense of pride in the community;

[j] To encourage investment in public infrastructure supportive of solar, such as generation facilities, grid-scale transmission infrastructure, and energy storage sites.

**(c) Definitions.** As used in this subsection, the following terms shall have the meanings indicated:

## ☐ **BUILDING-INTEGRATED SOLAR ENERGY SYSTEM**

A combination of solar panels and solar energy equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

## **GLARE**

The effect by reflections of light with intensity enough as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

## ☐ **GROUND-MOUNTED SOLAR ENERGY SYSTEM**

A solar energy system that is anchored to the ground via a pole or other mounting system, detached from any other structure that generates electricity for onsite or off-site consumption.

## **NATIVE PERENNIAL VEGETATION**

Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

## ☒ **ROOF-MOUNTED SOLAR ENERGY SYSTEM**

A solar energy system located on the roof of any legally permitted building or structure that produces electricity for onsite or off-site consumption.

## **SOLAR ACCESS**

Space open to the sun and clear of overhangs or shade to permit the use of active and/or passive solar energy systems on individual properties.

## **SOLAR ENERGY EQUIPMENT**

Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

## **SOLAR ENERGY SYSTEM**

The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment. A solar energy system is classified as a Tier 1, Tier 2, or Tier 3 solar energy system as follows:

☒ **[1] Tier 1** solar energy systems include the following: roof-mounted solar energy systems, or building-integrated solar energy systems.

☐ **[2] Tier 2** solar energy systems include ground-mounted solar energy systems with a total surface area of all solar panels on the lot of up to 4,000 square feet and that generate up to 110% of the electricity consumed on the site over the previous 12 months.

☐ **[3] Tier 3** solar energy systems are systems that are not included in the list for Tier 1 and Tier 2 solar energy systems.

☐ **360-5.16 Demolition permit.**

**A. Purpose and applicability.** The purpose of demolition review is to reflect the objectives of the Village Comprehensive Master Plan, including to promote and enhance the Village's historic scale, character and charm.

**B. Procedure.**

☐ (2) The application should include photographs of the building and structure proposed for demolition and of all buildings and structures on the lot and on adjacent properties; a site plan locating the building or structure on the lot, a statement why the demolition is requested and, if requested, by the ARB or Planning Board cost estimates for rehabilitating the building or structure and other information necessary for making a decision.

☐ (3) A demolition application shall be referred to the ARB for a formal advisory recommendation prior to review by the Planning Board, except for applications on landmark properties or within historic districts when the ARB shall decide. If the review will be advanced by a joint meeting of the Planning Board and the Architectural Review Board, either Board can schedule a joint meeting or request an advisory opinion from the other Board.

**ARB formal advisory recommendation:** \_\_\_\_\_  
\_\_\_\_\_

(4) Public notice.                      Date: \_\_\_\_\_

(5) Public hearing.                      Date: \_\_\_\_\_

(6) The Planning Board will make the decision except for applications involving landmarks or landmark districts when the ARB shall make the decision.

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

Notice was posted on: \_\_\_\_\_

Date application e-mailed to applicant: 8/03/2025

Date application received by the Bldg. Dept: \_\_\_\_\_

Date application is determined to be complete: \_\_\_\_\_

Date scheduled for PB meeting: \_\_\_\_\_

PUBLIC COMMENTS: ☐ Opened \_\_\_\_\_ ☐ Closed \_\_\_\_\_  
Date Date

☐ APPROVED: \_\_\_\_\_ to \_\_\_\_\_  
Date Vote Vote

REFERRED: ☐ PB ☐ ZBA ☐ NO

☐ DISAPPROVED: \_\_\_\_\_ to \_\_\_\_\_  
Date Vote Vote

FOR THE FOLLOWING REASONS: \_\_\_\_\_  
\_\_\_\_\_

MANNY A. CARMONA  
Chief Building Inspector