

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
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KATHY HOCHUL
GOVERNOR

WALTER T MOSLEY
SECRETARY OF STATE

In the Matter of the Petition of:
THE ANGEL NYACK
For a Variance to the New York State
Uniform Fire Prevention & Building Code

DECISION

PETITION NO. 2025-0842

Upon the application of The Angel Nyack, filed pursuant to 19 NYCRR 1205 on November 13, 2025, and upon all other papers in this matter, the Department makes the following determination:

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to alterations to a historic church building, 2 stories in height, Construction Type 5B, wood frame-unprotected, 22,821 square feet in gross floor area, and located at 18 S. Broadway, Village of Nyack, County of Rockland, State of New York.

Relief is requested from:

19 NYCRR Part 1223, The Mechanical Code of New York State, Section 501.3.1, Location of exhaust outlets, which states: The termination point of exhaust outlets and ducts discharging to the outdoors shall be located with the following minimum distances:

3. For all environmental air exhaust: 3 feet from property lines; 3 feet from operable openings into buildings for all occupancies other than Group U, ... Such exhaust shall not be considered hazardous or noxious.

[The petitioner requests relief to allow exhaust openings less than required from operable openings and property lines.]

19 NYCRR Part 1223, The Mechanical Code of New York State, Section 506.3.13.3, Termination location, which states: Exhaust outlets shall be located not less than 10 feet horizontally from parts of the same or contiguous buildings, adjacent buildings and adjacent property lines and shall be located not less than 10 feet above the adjoining grade level. Exhaust outlets shall be located not less than 10 feet horizontally from or not less than 3 feet (914 mm) above air intake openings into any building.



**Department
of State**

[The petitioner requests relief to allow exhaust openings located less than required from operable openings.]

FINDINGS OF FACT

1. Alterations involved the installation of a Type 1 hood for a community kitchen where the exhaust outlet is located on an exterior wall less than 3 feet from operable openings and the property line.
2. Due to structural and historic building constraints and the location of windows it is physically impracticable to locate the exhaust opening on the exterior wall in compliance with the code.
3. Exhaust location is on the property line facing a public street where no building is likely to occur.
4. The local Code Enforcement Official has been contacted in this matter and does not object to the granting of routine variance under Part 1205.5.

CONCLUSION OF LAW

The proposed variance will not substantially adversely affect the Code's provisions for health, safety and security. Strict compliance with the provisions of the Uniform Fire Prevention and Building Code would entail practical difficulties, economic hardship, or would otherwise be unwarranted because such would be physically impracticable.

DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance from 19 NYCRR Part 1223, Sections 501.3.1 and 506.3.13.3, be and is hereby PROPOSED TO BE GRANTED, with the following condition:

1. That all conditions, enhancements and equipment offered by the petitioner be installed as described, and in accordance with the applicable generally accepted reference standards.

This DECISION is issued under 19 NYCRR 1205.5. Unless objected to by the petitioner in a writing received by the department, the decision shall become FINAL after fifteen days of receipt of the decision by the parties.

This decision is limited to the specific building and application before it, as contained within the petition, and should not be interpreted to give implied approval of any general plans or specifications

presented in support of this application.



John Addario P.E., Director
Division of Building Standards and Codes

DATE: December 30, 2025

NC: nc