

January 19, 2026

Village of Nyack Planning Board
9 N Broadway
Nyack, NY 10960

Re: 80 South Broadway, Nyack, NY 10960

Dear Chairperson Rothschild,

This letter serves as a response to the correspondence received by our office on January 14th, 2026, dated December 8, 2025, from Feerick Nugent MacCartney, Attorneys at Law, representing Mr. Keith Taylor, the owner of 88 South Broadway, Nyack, NY 10960.

Our responses to the concerns raised in the above-referenced letter are provided below:

1. Neighboring Fire Access Windows

The Village Zoning Code permits buildings with zero setbacks from side property lines. The only required setback applicable to this project is a 15-foot rear yard setback above the first floor, which is provided in the proposed design. The proposed building at 80 South Broadway is fully compliant with all applicable Zoning, New York State Building Code, and Fire Code requirements.

Under the New York State Building Code, exterior wall openings such as windows are regulated based on the fire separation distance between buildings. Table 705.9 specifies that at a fire separation distance of zero feet, no openings are permitted in exterior walls. Therefore, openings on walls of existing neighboring buildings directly adjacent to the proposed building cannot be credited as legal egress or emergency escape openings.

Section 1031 – Emergency Escape and Rescue further clarifies that emergency escape openings must open to a public way, or to a yard or court that opens to a public way, and cannot open onto private property or neighboring building walls. Accordingly, openings in existing adjacent buildings do not qualify as legal egress or emergency escape openings for the subject building.

Additionally, windows located directly on a lot line cannot be counted for light and ventilation purposes. NYSBC Section 1205 – Yards and Courts requires interior courts or yards to meet

minimum dimensional standards for windows to qualify for natural light and air. Windows abutting zero-distance lot lines do not meet these requirements.

2. Fire System

The proposed building will be fully sprinklered. All components of the Fire Protection and Life Safety Systems required by Chapter 9 of the NYS Fire Code will be designed during the building permitting phase. Detailed plans will be submitted to the building and fire inspectors for review at the appropriate stage. Typically, these plans are not reviewed by the Planning Board.

The proposed design provides two means of egress for the residential floors and for the parking garage located in the cellar. Certain commercial occupancies are permitted to have a single exit, subject to limitations on occupancy type, occupant load, and exit access travel distance. The proposed commercial spaces comply with the applicable single-exit requirements. Detailed occupant load calculations and travel distance analyses will be prepared and submitted as part of the building permit application.

Please note that rear access does not qualify as an emergency exit, as the rear portion of the property does not front on a public right-of-way.

3. Lateral Support

A Support of Excavation (SOE) set is being developed to show how the neighboring properties will be supported during construction. Any required construction easement/access agreement is outside of our purview and would be coordinated directly by the client's and neighbors attorney.

Please note that the cellar level of the proposed building has been set back from the property lines on the west and south sides of the property so as not to disrupt the existing foundations of the neighboring building and retaining walls. These setbacks are shown on sheet A-100.

4. SWPPP Plan

A Stormwater Pollution Prevention Plan (SWPPP) is being developed in accordance with Village Code and will be submitted to the Planning Board for review.

5. Rear Access

Village zoning requires a 15-foot setback from the rear property line above the first floor. Our proposed design complies with this requirement. No setbacks are required from either side property line. The proposed building is fully compliant with all applicable regulations.

6. Miscellaneous

The letter raised a concern that the application should be referred to the Architectural Review Board (ARB). Please note that the project was informally reviewed by the ARB on December 17, 2025. The project will return to the ARB for formal presentation and approval, as required by Village Code.

We look forward to further discussions with the Planning Board and welcome any additional questions or concerns.

Sincerely,



Daria Tutko (Project Architect)



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