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**ZONING BOARD of APPEALS
VILLAGE OF NYACK**

NARRATIVE SUMMARY

**BERMEO MULTI-FAMILY SITE PLAN
Tax Lot 66.37-2-47
32 S. Franklin Avenue**

The subject lot is currently improved with a two and one-half-story building having three dwelling units. The house was built circa 1923. The applicant wishes to expand the building to the rear and to add five dwelling units, for a total of eight units.

The site is on the west side of South Franklin Avenue, 24.40 feet south of Jackson Avenue, in the DMU-1 zone. It is adjacent to the Orangetown Police Department sub-station.

The parcel has a lot area of 2,839.37sf. The existing building has a total floor area of 2,214.42sf. The existing units range in size from 489sf to 668sf. They are one- and two-bedroom units. There are no units in the basement, which is currently unfinished. No parking spaces are provided for the existing units.

The proposed addition will add 4,883.08sf. The existing floor plan will be replaced with a new one. There will be three one-bedroom and five two-bedroom units. The new apartments will range in size from 554 sf to 734 sf. It will have three full stories. Each story, including the basement, will have two apartments. All apartments will have elevator access.

The building, with the new addition, will retain the current architectural style, featuring a main entrance on the front left, bay windows on the two lower levels in front, and gabled roofs.

An easement across the adjacent property to the north (30 South Franklin Street, the Nyack Police Substation) was approved by the Village Board at its meeting on May 22, 2025 to facilitate a second means of egress from the building as well as an accessible ramp on the applicant's property leading to the elevator lobby. The existing entrance on Franklin Street will lead to an interior passageway which will provide access to the elevator and fire rated stairwell.

The project has been designed to maintain the scale and style of the existing building façade on Franklin Street to the greatest extent possible – and to be in keeping with building height, bulk, finishes, and the character of the neighborhood.

The project will require variances for Side Yard (one) (0' where 0' or 5' are required), Side Yard (both) (2' where 0' or 5' are required), Rear Yard (upper floors) (5.2" where 15' are required), Maximum Floor Area Ratio (0.25 where 0.20 is required), Maximum Density (8 DU/Acre where 3 are required), Dwelling Unit Size (554 s.f. where 600 s.f. are required), Parking (0 spaces where 8 are required). The variances result from the limited width and size of the existing lot, as well as the fact that the existing structure is set at an angle to the property lines, further adding to the challenges of the lot.

The following should be considered in reviewing this application:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

There will be no undesirable change in the character of the neighborhood, nor will there be a detriment to nearby properties - as the new structure, as viewed from S. Franklin Avenue, will be similar in scale and appearance to the existing house. The addition will be barely visible from the south and north approaches on S. Franklin Avenue due to existing structures.

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

No, as the existing Minimum Side Yard (one) (1.3' where 0 or 5' are required), Minimum Side Yard (both) side) (3.3' where 0 or 5' are required), and existing minimum apartment size (489 s.f. where 600 s.f. are required) are already non-conforming, any expansion will require multiple variances.

- 3. Whether the requested area variance is substantial.**

The requested area variances are not substantial in that the actual bulk variances requested are quite minimal in relation to code requirements. The only requested variance that could be seen as substantial is parking (0 spaces where 8 are required), which, in reality, is not uncommon in this area of Nyack – where on-street parking is the norm. There is no current off-street parking and no possibility of off-street parking – given the size of the lot and location and orientation of the existing structure.

- 4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

The proposed addition will have no adverse effect on the physical or environmental conditions in the neighborhood – as the proposed construction and improvements will be confined to the existing rear yard and will have no impact on adjacent properties.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The alleged difficulty was not self-created. The house was built in circa 1923. The applicant purchased the property in 2024 and has made no exterior changes to the property. The small lot, in combination with the location and position of the existing structure in relation to the property lines, and the existing, non-conforming side setbacks, will require that multiple zoning variances be sought for virtually any expansion.

In considering this application, we would ask the board to consider the positive impact that this development would have on the village. This project will provide much needed housing in a newly renovated and expanded building with full accessibility to the apartments. The applicants will be making a major investment in the future of Nyack in support of the continued success of this thriving and growing village.


SEQRA and GML Status

The project is an Unlisted action under SEQRA. The Planning Board adopted an intent to be lead agency and is circulating a notice of intent. We ask that the ZBA agree to allow the Planning Board to act as lead agency.

It does not require referral to the Rockland County Planning Department.

Dated: New City, New York
March 11, 2026

Very truly yours,
EMANUEL LAW, PC

By: 
Ira M. Emanuel