



VILLAGE OF NYACK

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File No. Date of Application 1/7/22
Planning Board Agenda Date Appeal No Fee Paid \$ 250.- Receipt 2922
Date Approved Date Disapproved Date Approved with Conditions
Zoning Board Agenda Date Appeal No Fee Paid \$ Receipt
Date Approved Date Disapproved Date Approved with Conditions

If the granting of this permit is subject to conditions established by any board, please attach minutes or a copy of the decision to this application as a part of the final permanent record.

APPLICATION TO THE ZONING BOARD OF APPEALS
APPEAL FOR A AREA VARIANCE FROM THE ZONING ORDINANCE

Form with fields for: ADDRESS OF SUBJECT PROPERTY (143 & 145 MAIN STREET, NYACK NY 10960), ZONING DISTRICT (DMU-1), SECTION (66.37), BLOCK (2), LOT (13 & 14), EXISTING USE/OCCUPANCY (COMMERCIAL), OWNER'S NAME (HAWTHORNE CONSOLIDATES LLC), ADDRESS (P.O. BOX 641 NYACK, NY 10960), TELEPHONE ((845) 727-7793), EMAIL (PILLAD@DRPILLA.COM), and PREVIOUS APPEAL status.

DECLARATION OF APPEAL

Whereas, the Board of Appeals, on appeal from decision, or determination made by an administrative official charged with the enforcement of local law, shall have the power to grant area variances from the area or dimensional requirements of the local law;

Therefore, I (We), DOMINICK PILLA, do hereby appeal the decision, or determination of the Building and Zoning Inspector in regard to an application for a Building/Zoning Permit dated 10/27/2021, for the premises

known as 143 & 145 MAIN STREET and; I (We) do hereby request the Zoning Board of Appeals grant a Variance from the following provision (s) of the Zoning Ordinance of the Village of Nyack:

Article IV Section 5 Subsection B Paragraph 3 Subparagraph
Article Section Subsection Paragraph Subparagraph

for the following reason(s): DUE TO THE NATURE OF THE EXISTING DEVELOPED SITE THERE IS NO

AREA AVAILABLE TO PROVIDE THE MINIMUM REQUIRED PARKING SPACES.

and I (We), do hereby arrest that the variance requested is the minimum variance that will accomplish this purpose; and I (We), understanding that no use variance shall be granted by the Zoning Board of Appeals without proof of unnecessary hardship, hereby state that the circumstances or conditions hardship which are described herein are applicable under this appeal for a use variance; and that I (We), do hereby as applicant for the appeal, intend to offer proof of same by demonstration to the Board of Appeals of the following:

**1. CHARACTER OF THE NEIGHBORHOOD**

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. **DESCRIBE WHY THE VARIANCE WOULD NOT PRODUCE AN UNDESIREABLE CHANGE OR BE DETRIMENTAL TO NEARBY PROPERTIES:**

DUE TO THE NATURE OF DOWNTOWN MIXED USE DISTRICT VARIANCE WILL NOT CREATE ANY UNDESIRABLE CHANGES TO THE NEIGHBORHOOD.

**2. ADVERSE EFFECT OR IMPACT**

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. **DESCRIBE WHY THE VARIANCE WOULD NOT PRODUCE AN ADVERSE EFFECT OR IMPACT:**

EXISTING SITE IS FULLY DEVELOPED AND THERE ARE NO EXISTING PARKING SPACES. THEREFORE THERE WILL BE NO SIGNIFICANT CHANGE TO THE NEIGHBORHOOD.

**3. FEASIBLE ALTERNATIVES**

Whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variance. **DESCRIBE ANY ALTERNATIVES:**

DUE TO THE NATURE OF THE EXISTING DEVELOPED SITE THERE ARE NO FEASIBLE ALTERNATIVES TO PROVIDE ADDITIONAL PARKING.

**4. PERCENTAGE OF VARIANCE**

Whether the requested area variance is substantial. (EXAMPLE: LOT REQUIRES YARD OF 30 FEET, APPLICANT CAN PROVIDE 25 FEET. THEREFORE A VARIANCE OF 5 FEET IS NOT SUBSTANTIAL. CALCULATE THE TOTAL EXCEPTION TO AREA WHICH THE VARIANCE WOULD PROVIDE:

7% (REQUESTING A VARIANCE FOR 3 PARKING SPACES OF 41 REQUIRED)

**5. DIFFCULTY IN MEETING CODE REQUIREMENTS NOT SELF-CREATED**

Whether the alleged difficulty in meeting the requirements of the zoning code is self-create; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. **DESCRIBE WHY THE DIFFICULTY IN MEETING THE REQUIREMENTS OF THE CODE IS NOT SELF-CREATED:**

DUE TO THE NATURE OF THE EXISTING DEVELOPED SITE THERE ARE NO FEASIBLE ALTERNATIVES TO PROVIDE ADDITIONAL PARKING.

**6. IF UNIQUE PHYSICAL CONDITIONS CONTRIBUTE TO THE HARDSHIP, ANSWER BELOW:**

If there are physical conditions applying to the land or buildings for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title, DESCRIBE SUCH CONDITIONS:

THIS QUESTION IS NOT APPLICABLE TO THE VARIANCE BEING REQUESTED.

(PROVIDE SURVEY, METES AND BOUNDS DESCRIPTION, PLOT PLAN AND FLOOR PLANS, AS APPLICABLE AS PROOF OF SUCH PHYSICAL CONDITIONS).

  
SIGNATURE OF APPLICANT

DATED: 11/7/2022