



Village of Nyack Planning Board Meeting Minutes

March 2, 2026

Members Present:

Laura Rothschild – Chair - present
Kate Buggeln – absent
Samuel Hart – present
Layla Vrabel - present
Jennifer Knarich - absent
Catherine Friesen (alternate) - present

Also Present:

Dennis M. Michaels, Esq. Village Attorney - present
Manny Carmona – Building Department - present
Bob Galvin – Village Planner - present

Meeting opened by the Chair at 7:02 pm and introduced everyone.

Minutes for the February 2nd, 2026 meeting are still under review. The Chair polled the members of the Board regarding the issue of possible conflicts of interest regarding any of the applications. There were none.

The following items are on the agenda for adjournment purposes only and will be continued until the next Planning Board meeting on Monday, April 13th at 7:00pm in Village Hall: 80 S Broadway, 11 Fourth Avenue and 45 Route 59.

- 1. 53 Burd Street. Isack Weisz. Continuation of Site Plan application for the conversion of an office building into a 7-family multiple dwelling with (2) 1-bedroom apartments and (5) 2-bedroom apartments as well as a referral to Zoning Board of Appeals.**

Jenny Zuniga, Architect, explains that she has been working as an Architect for 40 years – 20 years internationally and 20 years here in this country. Owner is looking to convert this property from commercial to a 7-unit residential building. There are 3 stories. Two units will be on 3rd floor. The roof is in bad condition. We will be raising the roof slightly for those 2 units. The property will be fully sprinklered. Site Plan reflects existing parking. There is an easement. I have copies of the Deed for you.

Catherine Friesen states that she was not at the last meeting and wants to know that the third floor will be fire safe. Jenny Zuniga says that she went over fire requirements with the Building Inspector. Catherine Friesen asks if there are any requirements for a fire escape? Manny Carmona says no.

Catherine Friesen asks if there is a Use Variance required? No Use Variance, but area variances for parking, unit size.

Layla Vrabel asks about the number of units that need size variances. Jenny Zuniga answers that they have a nice layout, 2 bedrooms, living room, full bathroom. Some bathrooms are existing. Fireplaces will be decorative only. We kept the architectural style.

Catherine Friesen asks if these will be rentals or owner occupied? They will be rentals.

The Chair has concerns with ADA accessibility. Manny Carmona states that this is very cost prohibitive. They have to make it as accessible as possible. Bathrooms and kitchens are ADA compliant. Outside is very difficult to put a ramp.

Samuel Hart asks about drainage on the property. Manny Carmona answers that there are no changes to the exterior and will have no impact on drainage.

What if neighbor comes up with contesting survey? Dennis Michaels says that it is not up to you. You must accept professional signed and stamped plans.

Layla Vrabel asks if they don't have an easement, will they have to come back before us for parking?

Dennis Michaels states that we are not going to review deeds or easements. That must be worked out with the neighbor in court. What we can require is that the applicant present a site plan showing easement with recorded easement information.

The Chair asks if there will be signage on the building? No. How about lighting? There will be exterior lighting controlled from inside. The Chair says that the chain link fence in back is not very attractive for a residential property. ARB can look at that. Is the siding going to change? The siding on the upper floors will match the existing. We could also do solar panels on the back roof.

Ira Emmanuel attorney for adjacent property at 17 S Broadway states that he sent letter to the Board this afternoon. We have no objection to the change of use of this property. His client does not recognize this easement. We have two issues with respect to access here. The first is with respect to vehicular access. Looking at plans, you see that there is a driveway that comes and peels off to the west and doesn't seem to go anywhere. If you look at the drawings, it appears to go through 17 S Broadway out onto Remsen. There is no easement. There is a 5-foot right of way, not a vehicular right of way. Probably intended as a pedestrian right of way or possibly bicycles. We are aware of this right of way. It is of record. We did a full title search, so we are aware of this right of way. However, it has been blocked off by a fence, trees, and other vegetation and it is our contention that it has been abandoned. There is no easement. There is an old license

agreement from 2004 that was person between Key Bank and Robert Lewis, the former owner of 53 Burd. If it hasn't been revoked as a matter of law, my client is going to revoke it. That will be the end of access back there.

Dennis Michaels thanked Ira Emanuel for pointing out the 5-foot easement. Whether it's abandoned or not is another question. Any and all easements that are necessary for any development project must be shown in words and numbers on the site development plan or land survey as well as pictorially.

Jenny Zuniga says that the property next door also has a 5-foot easement, so that makes 10 feet. Dennis Michaels reiterated that everything needs to be shown on site plan with the recording information. When you revise the site plan to show the full easement access, you should drop the line of exactly where the easement access is on the plans as well.

The Chair states that this application should go to ARB and ZBA for a recommendation. She makes motion to accept 53 Burd St as presented as a Type II action under SEQRA, so no further environmental review. Catherine Friesen seconds this motion.

At this point the Chair recused herself from his application. Samuel Hart will act as Chair for this application going forward.

Vote 3-0. This application is continued until the next Planning Board meeting on Monday, April 13th at 7:00pm in Village Hall.

2. 32 South Franklin Street. Jonathan Hodosh. Site Plan application for a rear addition to add five dwelling units to an existing three dwelling property.

Jonathan Hodosh, Architect, represents this application. We currently have an unoccupied two and a half story 3-family property. We are seeking to extend and make a total of 8 apartments. The current property has only one exit onto the street. No second means of egress. We appealed to the Village and were granted a 6 ft easement on the police substation property. Now that we have the easement, we can provide a second means of egress from the building onto the side street. This also us to provide a ramp into the building making it accessible since the front of the building has 7 steps. We are also proposing an elevator which would make every apartment accessible which is far beyond what is required by code. The property is only 25 feet wide so we would need variances for side yard. There is currently no parking and no possibility of parking. Completely land locked. Also need variances for 3 slightly undersized units. The building will be fully sprinklered and alarmed and will be sided with non-combustible fiber cement. We would like to go to ZBA first before we invest a lot of money developing a Site Plan.

Bob Galvin states that this is an Unlisted Action and will need an NOI. They can go to ZBA informally. Cannot get decision from any Boards without Neg Dec.

Manny Carmona says that ZBA will be informal so no posting is necessary. ZBA can be asked to consent to the Planning Board being Lead Agency.

Bob Galvin states that some effort should be made to provide parking.

The Chair asks if anyone from the public would like to speak. No comment from public.

Dennis Michaels states that we need a motion to issue NOI making Planning Board Lead Agency. This is an Unlisted Action under SEQRA. Applicant is authorized to proceed to ZBA for consultation only.

Catherine Friesen so moved to accept this motion. **Samuel Hart** seconds this motion.

This application is continued until the next Planning Board meeting on Monday, April 13th at 7:00 pm in Village Hall.

3. 25 Ackerman Place. Daniel Fenjves. Continuation of application to amend previously approved Site Plan with the following amendments: to permit the use of an accessory building on a vacant lot (a garage with an attached greenhouse); to permit continued use of an accessory building on a vacant lot (existing shed); to permit continued use of an accessory building on a vacant lot (owner added another shed without a permit).

Lara Winterkorn, owner, gives backstory. We own 25 Ackerman and the adjacent lot at 16 Fourth Ave where our house is. When we bought the property 4 years ago there were 3 existing units on the vacant lot at 25 Ackerman Pl. One unit is a shed that was on the property when it was subdivided with the stipulation that it was to be moved to the occupied lot. That never happened and the shed is still there. After the subdivision in 1991, I believe in 1996, two separate permits were issued by the Village. One for a garage and another for an additional shed. CO's were issued. Four years ago we bought 16 Fourth Ave along with the parcel at 25 Ackerman and municipals were clean. Seems unfair to put owness on us. We were told it would cost about \$10,000 to merge the lots back. It's too much.

The Chair said that this situation arose because you wanted to do something else, so it is not a money issue. You also have a shed being used improperly. It is being used as an office. Ms. Winterkorn states that they are no longer using the shed as an office. **The Chair** asks what the intention is and was told that they want to keep all three structures existing as they are.

Dennis Michaels, Village Attorney, gives his legal opinion as far as options. First option is to merge the lots. This is the simplest path, which the applicant states is too costly. The second, and only other option is for the lots to remain separate and the applicant to submit application to the Planning Board for an amended subdivision plat for each lot. An application the ARB for amended approvals on each lot and a new application to the ZBA for a Use Variance to allow an accessory structure on a lot with no principal building. The last time applicant was here, I believe it was Jennifer who said that this is very hard to come by. She suggested applicant hire their own counsel to help them through the process.

The Chair states that it doesn't matter whose fault it was whether former owner or not. Shed on the second lot was supposed to be removed. If you choose the option of two separate lots and keeping them as is, you need to have two separate plats done and get them approved by the County. The lots have be able to function on their own if down the road there were two separate owners.

The Chair asks if there is anyone from the public that would like to speak? No The Chair closes public comment. This application is continued to the next Planning Board meeting on April 13th at 7:00 pm at Village Hall.

The Board goes into Executive Session with Village Attorney to discuss pending litigation with attorney/client confidentiality. No decisions were made during Executive Session.

The Chair closed the meeting at 9:02 pm.

The Clerk/Secretary to the Planning Board of the Village of Nyack is hereby authorized, directed and empowered, by the Planning Board, to sign these Minutes, and to file a copy thereof in the office of the Village Clerk:


Mary Screene, Clerk/Secretary