



Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*
Counsel to Freeman & Loftus, RLLP

Four Laurel Road
New City, NY 10956

Info@EmanuelLaw.com

www.EmanuelLaw.com

Tel: 845-634-4141

PLANNING BOARD
VILLAGE OF NYACK

NARRATIVE SUMMARY

BERMEO MULTI-FAMILY SITE PLAN
FINAL SITE PLAN APPROVAL
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 three dwelling units, for a total of six 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 three 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 interior plans have changed based on consultations with the Zoning Board of Appeals and this Board. The major change is the reduction in the number of units from eight to six, and the reduction in the number of parking spaces required, from eight to five. Additionally, the sizes of the individual units have been increased and now conform to Village standards.

The proposed addition will add 4,883.08sf. The existing floor plan will be replaced with a new one. There will be one one-bedroom and five two-bedroom units. The new apartments will range in size from 600 sf to 734 sf. It will have three full stories. Each story, excluding the basement, will have two apartments. The basement will be used for utilities, mechanicals, and storage.

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 lobby. The existing entrance on Franklin Street will lead to an interior passageway which will provide access to a 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.

ZBA Actions

Variances

In its current form, the building does not conform to the requirements of the DMU-1 zone, which requires at least four residential units. The proposed expansion will bring the site into closer conformity. Nonetheless, the project required the following variances:

<u>Dimension</u>	<u>Required</u>	<u>Proposed</u>
Side Yard (one)	0' or 5'	1.31'
Side Yard (both)	0' or 5'	3.3'
Rear Yard (upper floors)	15'	5.2'
FAR	0.20	0.25
Maximum Density	3 du/ac	6 du/ac
Parking	5 spaces	0 spaces

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 Zoning Board of Appeals granted all variances on July 20, 2026.

Special Permit

The DMU-1 zone requires non-residential uses on the ground floor of buildings. Although the subject building never had such ground floor uses and was thus “grandfathered”, the Building Inspector determined that the expansion of the ground floor expanded the non-conformity and a special permit was required from the ZBA under VON Code § 360-1.9(D)(2).

The ZBA granted the special permit on July 20, 2026.

SEQRA and GML Status

Based on the recent amendment to the SEQRA regulations, the project is Type II action, as acknowledged by the Board at its June 1, 2026, meeting. 6 N.Y.C.R.R. § 617.5(c).11.ii.

The project does not require referral to the Rockland County Planning Department.

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.

Dated: New City, New York
August 24 2026

Very truly yours,
EMANUEL LAW, PC


By: _____
Ira M. Emanuel