

Application of Pal & Frank Real Estate, LLC

Property: 128 Main Street (Sheet 66.38, Block 1, Lot 6 and Zone DMU-1)

RESOLUTION
VILLAGE OF NYACK PLANNING
BOARD (Adopted October 6, 2025)

RECEIVED
VILLAGE OF NYACK

Application of Pal & Frank Real Estate, LLC

OCT 06 2025

Property: 128 Main Street (Section 66.38, Block 1, Lot 6 and Zone DMU-1)

VILLAGE CLERK'S OFFICE

Resolution of Site Plan Approval

Background

After due discussion and deliberation, on motion by Samuel Hart, seconded by Jennifer Knarich and carried, the following site plan resolution was adopted:

1. The Applicant requests site plan approval for the construction of a three-story addition facing Bridge Street and alterations to the existing one-story restaurant space. There will be a 2nd floor outdoor roof deck for residents with seating and planters (approximately 36' x 25') added at the northwest corner. The subject property is 5,365-sf located at the northwest corner of Main Street and Bridge Street in the DMU-1 district. The Applicant has reduced the number of residential units from ten to eight units. All of these units are one-bedroom apartments. Based on §120, the affordable housing requirement is for one unit to be an affordable unit. The secure entrance to the apartments is via Bridge Street. There is an easement on the property at the rear of the site for ingress and egress. The overall bulk of the building has been reduced by design changes. The 4th floor is now only dormers with reduced living space. The upper portion of the building has been divided with secondary finish and siding on 3rd and 4th floors. There are no windows on the residential building facing the outdoor rooftop deck. Windows are double hung (2 over 1) with a Clock on south side.

2. The Planning Board determined that the Project was a Type II action under SEQRA based on (617.5) (c) (18) *"reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part."* No further SEQRA review is required. Based on the Village Code, as a Type II action, the proposed action is consistent with LWRP policies.

3. The Planning Board has conducted a duly noticed public hearing on November 4, 2024, March 5, 2025, August 28, 2025 and September 15, 2025, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the survey, floor plans and the revised site plan showing the proposed changes including the reduction in the

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number of residential units from ten to eight, the design changes with a second-floor outdoor deck for residents use with seating and planters, modified signage and additional lighting at the main entrance to the apartments, a take-out window facing Main Street, and planters added along the storefronts on Bridge Street. The Applicant, in consultation with the Village Engineer and Chief Building Inspector, will prepare a structural engineering report as a condition of Planning Board approval addressing the structural stability and hydraulic capacity of the Nyack Creek Culvert running under the existing building. The Applicant will also provide structural analysis to confirm that the capacity of the existing foundation to carry the additional stories. The Planning Board also reviewed the provisions for stormwater management for the site. Finally, the Planning Board reviewed the trash removal for the property.

5. The Planning Board has received Applicant's Project Narrative dated September 15, 2025 and Site Plan Reviews from the Village Planner dated 9/9/24, 4/7/25 and 9/8/25 and comments and recommendations from the Building Inspector contained in the *Planning Board Notes* for the meetings of 9/9/24, which they have considered.

6. The Zoning Board of Appeals reviewed the Applicant's request for 6 area variances including 2 variances for pre-existing conditions and 4 variances directly related to the proposed changes. The area variances sought were Building Height in stories where 3 stories is permitted and 4 stories proposed; Rear Yard setback where 15' is required and 0.0 proposed; Side Yard setback where 15' is required and 0.0 proposed; Maximum FAR where 2.0 is permitted and 2.85 proposed; Maximum Density (du/acres) where 6 is permitted and 10 proposed; Parking spaces where 7.5 required and 0 proposed. The ZBA opened a public hearing on this application on January 27, 2025. The ZBA closed the public hearing on January 27, 2020 and approved the requested variances on that date.

7. The Architectural Review Board reviewed the application on July 17, 2024 and approved the application on that date.

8. The Planning Board closed the public hearing on October 6, 2025. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board finds that the Planning Board has considered the standards set forth in the Village of Nyack Zoning Code ("Zoning Code") §360-5.7 and finds that subject to

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the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The applicant proposes to expand the existing restaurant and retail building by incorporating the neighboring two-story retail space and constructing a three-story addition above the current one-story retail space, resulting in 10 new one-bedroom apartments. Architectural updates include redesigned dormers, a stair tower, and a clock reflecting local historical character. Exterior materials will feature red brick and fiber cement siding, with black trim and vented soffits, and a new awning for signage. The project has received necessary approvals and variances from local boards, which will positively influence the neighborhood's character by maintaining the historical scale and style of the area.

We reduced the overall bulk of the building by reducing the perceived height by establishing an eaves line above the second story. This more closely matches the scale of the other structures within the Planning Board has reviewed the Applicant's site plan and the submitted plans. The proposed project is a 12' x 40' expansion to the footprint of the existing building to the east. The subject property is 5,365-sf located at the north west corner of Main Street and Bridge Street in the DMU-1 district. The application is for site plan approval for addition and alterations to existing restaurant/retail building to include a second-floor roof deck dining above the existing restaurant; expansion of restaurant into adjacent retail space; and construction of a three-story addition above the existing 1-story retail space to create eight 1-bedroom apartments. Based on §120- Affordable Housing requirement is for one unit to be an affordable unit.

The Applicant has reduced number of residential units from 10 to 8 units. The building size has been reduced. The 4th floor is now only dormers with reduced living space. The upper portion of the building has been divided with secondary finish and siding on 3rd and 4th floors. There are no windows on the residential building facing the rooftop dining deck. Windows are double hung (2 over 1) with a Clock on south side.

Environmental Constraints/Historic Resources - The subject property is not located within a floodplain nor are there any wetlands on or adjoining the site. There are no identified historic or cultural resources on or adjacent to the site.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board.

Architectural Plans prepared by George Hodosh Associates – Architects, P.C. dated April 11, 2022 and last revised September 15, 2025 unless otherwise noted as follows:

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“Cover Sheet, Village of Nyack Table of Bulk Requirements”

- D1 *“Existing First Floor Plan”*
- D2 *“Existing Second Floor Plan”*
- A1 *“First Floor Plan”*
- A2 *“Second Floor Plan”*
- A3 *“Third Floor Plan”*
- A4 *“Fourth Floor Plan”*
- A5 *“Front Elevation”*
- A6 *“Right Elevation”*
- A7 *“Rear Elevation”*
- E1 *“First Floor Electrical Plan”*

(the “Approved Plans”).

III. General Conditions

(a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):

- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by

the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) Commencing Work: No work may commence on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions

1. Prior to the issuance of a building permit, the Applicant, in consultation with the Village Engineer and Chief Building Inspector, will prepare a structural engineering report as a condition of Planning Board approval addressing the structural stability and hydraulic capacity of the Nyack Creek Culvert running under the existing building to ensure that the culvert is maintained in working condition and adequately protected from the new structures above. All work will be subject to the approval of the Building Department and Village Engineer.
2. Prior to the issuance of a building permit, the Applicant will provide structural analysis to confirm that the existing foundation and structure can carry the additional stories. If during construction, it is discovered that this is not the case, revised architectural and structural drawings shall be provided

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as required to address any necessary remedial work. All work will be subject to the approval of the building department.

3. Prior to the issuance of a building permit, the Applicant will provide to the Building Department the required provisions for stormwater management. All work will be subject to the approval of the Building Department. An updated survey showing all utilities and stormwater conveyance systems will be shown on the plans.

Dated as of October 6, 2025


Chair

Motion by: Samuel Hart

Seconded by: Jennifer Knarich

In Favor: 5

Opposed: 0

Abstaining: 0