

Application Narrative & Waiver Request

TO: Village of Nyack Planning Board and Building Department

FROM: Eric Brown, Owner (Soup Snakes LLC / Boxer Donut & Espresso Bar)

PROPERTY: 17 North Franklin Street, Nyack, NY 10960 (Tax ID 66.38-02-18)

DATE: October 2026

SUBJECT: Application for Minor Site Plan Review and Request for Waiver of Engineered Site Plan Requirement and Extension of Existing Outdoor Dining Variance to Rear Patio

1. Request for Site Plan Waiver

Boxer Donut asks to add movable picnic tables to the rear yard, and asks the Board to waive the requirement for a full engineered site plan, an expense of roughly \$5,000, for a project that changes nothing about the site itself.

We request that review proceed using (a) the boundary survey of the property, which we have in hand and will submit, and (b) a dimensioned, scaled layout drawn on that survey, showing table placement, setbacks, fence alignments, and access corridors.

The project involves no building expansion, no foundation work or excavation, no utility changes, and no new impervious surface. Work is limited to placing movable tables on existing ground, minor fence alignment, and new plantings. A full engineered site plan is out of proportion to a project of this scale.

2. Operations and Commitments

Boxer Donut is a daytime, family-oriented café. The rear yard was reviewed for outdoor dining in 2018 and 2021 under a prior tenant, and the Board's concerns then were late-night noise, alcohol service, and unpermitted construction. We commit on the record to the following conditions, each aimed at one of those concerns:

- **Daytime hours only.** Outdoor seating closes with the shop: 5:00 p.m. Monday through Thursday and Sunday, and 6:00 p.m. Friday and Saturday. No evening or night use.
- **No alcohol.** We hold no liquor license, and no alcohol is sold, served, or permitted on site.
- **No amplified sound or outdoor cooking.** No outdoor speakers, live music, or exterior food preparation.

- **Sanitation and pest control.** Commercial outdoor waste receptacles with self-closing, animal-resistant lids. Tables are bussed and sanitized throughout the day, and the grounds are swept and receptacles emptied at close.
- **No unpermitted work.** All work shown in this application is the full scope, and we will return to the Board before changing it.

3. Compliance with Code and Prior Board Findings

We reviewed the 2018 and 2021 Planning Board minutes and the Village Planner's recommendations, and the layout addresses each item.

- **Reduced residential buffer (Table 4-1, Footnote k).** The rear yard is only about 30 feet deep, so a full 15-foot buffer from the TFR (Two-Family Residential) district to the east would leave too little usable space. We propose a 5-foot buffer, with no table within 5 feet of the eastern line. The Village Building Inspector has advised that this requires no new variance but would extend the existing outdoor dining variance to include the back. The shorter buffer is offset by the existing fence, the new arborvitae hedge described below, and daytime-only use.
- **Northern screening (27 North Franklin Street).** A continuous 6-foot solid privacy fence, as the Village Planner recommended, already runs along the northern line. We are not altering it, and tables stay clear of it to protect the privacy of second-floor residential units next door.
- **Eastern buffer (Bridge Street).** We will add an evergreen arborvitae hedge along the eastern line, beside the existing fence, for lasting sound dampening and visual screening for Bridge Street homes.
- **Bicycle parking.** Cyclists are a core part of our customer base. We will keep secure bike parking on site.
- **Traffic and parking.** The seating mainly serves pedestrians, residents, and cyclists already in the downtown core, so we expect negligible added vehicle load.

4. Community Support (Exhibit A)

At the Trustees' suggestion, we collected written feedback from September 29 to October 20, 2026. After removing duplicate entries, we received 500 signed responses, and support the proposal. 5 support it with conditions, and none oppose.

- **50 direct neighbors:** residents and property owners on Bridge Street (including 11, 17, 19, and 31 Bridge St), High Avenue, and North Franklin Street, adjoining or facing the site.
- **200+ Village of Nyack residents and taxpayers,** per the addresses they provided.
- **25 local business owners** from the downtown commercial core.
- **395 additional nearby residents** from surrounding streets.
- **Civic support:** Elijah Reichlin-Melnick, a Nyack resident.

The conditions raised were consistent and reasonable: keep secure bike parking (the most common request), and stay responsive to immediate neighbors. Our bike parking commitment is in Section 3, and we will keep an open line to Bridge Street neighbors after approval.

Exhibit A contains a summary page of these counts and the categorized roster, with email addresses removed. The responses were gathered through a self-reported online form.

5. Relief Requested

We respectfully ask the Planning Board to:

1. Waive the requirement for an engineered site plan, and accept the dimensioned layout drawn on the existing survey.
2. Reaffirm the project as a Type II Action under SEQRA, requiring no further environmental review..
3. Grant minor site plan approval for the layout, including a 5-foot buffer from the TFR district, and confirm that the existing outdoor dining variance extends to the rear patio as shown, subject to the daytime operating and buffering conditions in this narrative.

Respectfully submitted,

Eric Brown

Property Owner, Soup Snakes LLC

Owner and Operator, Boxer Donut & Espresso Bar