

**REGULAR MEETING
ZONING BOARD OF APPEALS**

Nyack Village Hall
Nyack, New York

July 20, 2026



Present: Steven P. Knowlton, Chair
Jack Dunnigan
Ellyse Berg
Miriam Rubington (Alternate)
Richard Gressle
Roger Cohen

Abstain:

Absent:

Also Present: Chief Building Inspector Manny Carmona

The following resolution was offered by Member Knowlton seconded by Member Cohen and carried based upon a review of the evidence presented at the public hearings held on June 29, 2026 and July 20, 2026.

**BOARD OF APPEALS
VILLAGE OF NYACK, COUNTY OF ROCKLAND**

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In the Matter of the application of the Wilson Bermeo (32 South Franklin Street) for:

1. Area Variances from Village of Nyack Code §360, Dimensional Standards Table 4-1 for the following pre-existing non-conforming conditions:

- a. Rear yard setback: 15 ft. required, 55 ft existing and 5.2 ft. proposed
- b. Parking: 5 spaces required where 0 spaces and 0 spaces proposed
- c. Side yard (one): 5 ft required, 3 ft. existing and 1.3 ft. proposed.
- d. Side yard (both): 5 ft. required, 3.3 ft. existing and 3.3 ft. proposed.
- e. Floor Area Ratio: 2.0 max, 0.78 existing and 2.5 proposed.
- f. Density (du/acre): 3 units permitted, 3 units existing and 6 units proposed.

2. A Special Permit pursuant to Section 360-5.9 *et. seq.* to permit the enlargement of a pre-existing, non-conforming use (no commercial space on the ground floor) as required per VON Code Article II, § 360-2.4 B2(a)

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The Chairman polled the members of the ZBA and determined there were no conflicts that would require recusal.

This Applicant, by counsel and Architecture firm appeared before this board on March 30, 2026 for a pre-application meeting.

Now, upon said hearing and upon the evidence adduced thereat, it is hereby found and determined that:

FINDINGS OF FACT & CONCLUSIONS OF LAW

FIRST: Applicant petitions the Zoning Board for the variances and Special Permit listed above.

SECOND: The ZBA, in reaching its Findings of Fact and Conclusions of Law has taken the following factual testimony and evidence under consideration:

1. The application and supporting documents.
2. The testimony of Jonathan Hodosh architect and Ira Emanuel, counsel for the Applicant;
3. ZBA members knowledge of the site in question;
4. Site visits by all members of the ZBA;
5. Chief Building Inspector's notes, testimony and summary;
6. Public testimony: there was no public testimony.

THIRD: The Applicant wishes to convert a pre-existing, non-conforming 2 and ½ story building with 3 dwelling units to a building with 6 units, 1 one bedroom and 5 two bedroom units.

FOURTH: The site in question is in the DMU-1 zoning district. The building is presently non-conforming regarding dimensional standards, including parking. It is also non-conforming in that there is no commercial use on the ground floor as required pursuant to VON Code Article II, § 360-2.4 B2(a) and the Application does not provide for one.

FIFTH: At the pre-application meeting, the Zoning Board raised a number of issues, among them the total lack of parking provided, and the number of units (8) originally proposed. The Application has been modified to reduce the number of units by 2, and by increasing the size of the dwelling units to now comply with Village regulations. The Application still requires a variance for 5 parking spaces. The proposed addition will increase the building size to 4,883 sq. ft, more than doubling the existing building size (2,214 sq. ft.)

SIXTH: The building size has not been modified since the pre-application meeting. The Applicant contends, and the documents provided have borne out, that the variances from the dimensional standards table are due in large part to the configuration of the building on the lot.

SEVENTH: This Application triggers the Village Affordable Housing Law. The Applicant intends to comply with the law by paying the required amount per schedule.

EIGHTH: As to the Special Permit, Applicant's counsel submitted a supplemental filing supporting the Applicant's application dated July 2, 2026 and is made a part of this record. The building currently houses a pre-existing, non-conforming use (residential without ground floor commercial) which the Applicant intends to expand.

The above Findings of Fact were moved and passed (5-0)

CONCLUSIONS OF LAW:

The Chairman polled the members of the Board, and after voice vote, the ZBA voted to deliberate on the variances in an omnibus fashion.

The Zoning Board considered the factors set forth in Section 7-712-b(3)(b) of the Village Law of the State of New York as follows:

(1) 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; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

FIRST: That the grant of the proposed variances do not create an undesirable change in the neighborhood. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing and based upon the factual findings set forth above in paragraphs SECOND through FOURTH and SIXTH through EIGHTH. (4-1)

SECOND: That no detriment to nearby properties will result from granting the variance. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing and based upon the factual findings set forth above in paragraphs SECOND through FOURTH and SIXTH through EIGHTH. (4-1)

THIRD: That the Applicant has shown that there are no other means by which it could achieve its purpose without the requested variances. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing, and based upon the factual findings set forth above in paragraphs SECOND through FOURTH and SIXTH through EIGHTH. (4-1)

FOURTH: That the variances are not substantial in light of the current conditions on the site.

This conclusion was reached based upon deliberations of the Zoning Board at the public hearing, and based upon the factual findings set forth above in paragraphs SECOND through FOURTH and SIXTH through EIGHTH. (3-2)

FIFTH: That the hardship is self-created. This conclusion was reached based upon deliberations of the Zoning Board at the public hearing, and based upon the factual findings set forth above in paragraph (5-0)

The Board has weighed the findings of fact and the conclusions of law against one another as required under Section 7-712-b of the Village Law of the State of New York and finds in the interest of justice that the variance applied for should be GRANTED with the following conditions, to which the Applicant has agreed:

The directives of the Nyack Planning and Architectural Review Boards to be followed.

On a roll call, the vote was as follows:

Ayes: 4

Nays: 1

Abstain: 0

As to the Application for a Special Permit, The Zoning Board considered the factors set forth in Section 360-5.9 *et. seq.* and makes these Conclusions of Law:

FIRST: That the applicant has shown that all proposed structures, equipment and material will be readily accessible for fire and police protection. (5-0)

SECOND: That the applicant has shown that the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties. (5-0)

THIRD: The applicant has shown that the location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residential district or conflict with the normal traffic of the neighborhood. (5-0)

FOURTH: The applicant has shown that the location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent

land and buildings or impair the value thereof. (5-0)

The Board has weighed the findings of fact and the conclusions of law as required under VON Code Section 360-5.9 *et. seq.* and finds in the interest of justice that the Special Permit should be GRANTED.

s/Steven P. Knowlton, Esq.
Steven P. Knowlton Chairperson
Zoning Board of Appeals, Nyack