

## ***Full Environmental Assessment Form***

### ***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

#### **Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The proposed action is a subdivision of a 13,612.5-sf subject property for two lots in the TFR zone. Lot A will be 7,492.5-sf with Lot B being 6,120-sf. Both lots were originally proposed for two family residences. The existing single family with the detached garage and shed on Lot B will be demolished. The TFR zone allows a single-family residence based on a minimum lot size of 5,000 sf and two-family units based on a minimum of 10,000 sf. The TFR zone is the largest residential district in the Village. Based on an analysis by the Building Inspector, the predominant residential use is single-family residences with 496 units (55%) and two-family residences comprising 238 units (26%). Therefore, it is not unexpected to see that single family residences predominate in the area surrounding the subject property.

The Planning Board requested SEQRA comments from the ZBA as an involved Agency. The ZBA declined to make any specific recommendations regarding a SERQA determination but did provide a report on May 20, 2026, indicating the concerns raised by the ZBA members. These concerns included: increased density on the site; the magnitude and number of variances sought; the effect of the proposed Project on the neighborhood's infrastructure; the mass of the structures proposed and the creation of 2 legally non-conforming lots from one legally conforming lot. The ZBA Chair indicated to the Applicant that there should be a reduction in the number and magnitude of the variances with any future revisions. The ZBA will have the final determination on the variances and other issue. The ARB will review the design, architecture, scale, the exterior materials, windows and other matters under their jurisdiction.

The proposal for two family units on each lot will create a large number of variances to be sought from the ZBA. Lot size variance would be required for two family development on both lots. For Lot A, lot size is proposed to be 7,492.5 whereas 10,000 sf is required; lot depth is proposed for 83' whereas 100' is required; Stories and height are proposed to be 3 stories and 36' are proposed whereas 2 stories and 32' are allowed. For Lot B, lot size is proposed to be 6,120 sf whereas 10,000 sf is required; lot frontage is proposed to be 68' whereas 75' is required; lot depth is proposed to be 90' whereas 100' is required; Stories and height are proposed to be 3 stories and 32' whereas 2 stories and 32' are required. The County Planning Department in their GML report recommended an alternative that maintains the proposed two lots with the construction of one single family dwelling on one lot and a two family on the second lot. This could be achieved with relatively minor area variances. It appears that the alternative single-family residence would be appropriate on Lot B. This was formerly a single-family residence and is adjacent to the smaller non-conforming parcels along 4<sup>th</sup> Avenue. This could be a replacement with an updated modern unit. Lot A is a larger parcel similar in size to the adjacent properties just south and having a 91' frontage along Gedney which is similar to the neighboring house on Gedney. Moreover, the proposed elevator on the Lot A structure could be replaced or eliminated and limited only to a rooftop bulkhead within code requirements. The result should be a roof with nothing showing above the parapet. It would also reduce the mass and height of the building. Note that the proposed building has three stories and a height of 36' where 2 stories and 32' are allowed.

**Parcel Map** – The Applicant provided a tax map of the surrounding parcels along Fourth Avenue, Third Avenue and Gedney Street. The Village Planner with the assistance of the Chief Building Inspector, conducted an analysis of the parcels and included the lot sizes on the parcels. There are eight non-conforming lots adjacent to the 4<sup>th</sup> Avenue Lot B on the south side of 4<sup>th</sup> Avenue. The non-conforming parcels average approximately 1,225' to 1,600' with 35' to 45' lot widths. There are also seven (7) townhouses facing Gedney Street between 4<sup>th</sup> Avenue and Ackerman Lane. Townhouses average 2,025-sf with 22' lot widths. There is a parcel on the north side of 4<sup>th</sup> Avenue which extends from 4<sup>th</sup> Avenue through to Ackerman with a lot size of 10,620-sf. The remaining parcels on the north side of 4<sup>th</sup> Avenue are approximately 5,500-sf. The lot on the north side of Third Avenue adjacent to Lot A is 8,276-sf which is similar to Lot A. The two parcels along north side of Third Avenue adjacent to Lot B are 4,356 and 6,098-sf. These are similar to Lot B with 6,120-sf. The remaining parcels on the north side of Third Avenue are 4,792, sf, 3,485-sf and 11,325-sf.

(See Appendix Parcel Map)

### **Determination of Significance - Type 1 and Unlisted Actions**

|                                                      |                                            |                                              |                                            |
|------------------------------------------------------|--------------------------------------------|----------------------------------------------|--------------------------------------------|
| SEQR Status:                                         | <input type="checkbox"/> Type 1            | <input checked="" type="checkbox"/> Unlisted |                                            |
| Identify portions of EAF completed for this Project: | <input checked="" type="checkbox"/> Part 1 | <input checked="" type="checkbox"/> Part 2   | <input checked="" type="checkbox"/> Part 3 |

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
 FEAF Part 1 & 2; Rockland County Planning GML 3/5/26; Applicant's Response to Co. Planning 3/27/26; Village Engineer Review 1/27/26; Applicant's Response to Village Engineer 5/18/26; Village Planner Lot Analysis of surrounding parcels along 4th Avenue, Gedney and Third Avenue, 5/21/26; ZBA Report to Planning Board, 5/20/26; Public Comment Letter, 4/17/26, Gail Greiner et al; Attorney Letter Robert Zitt on behalf of Miriam Rubiton, 5/15/26

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☐ considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
 Village of Nyack Planning Board as lead agency that:

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☐ This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☒ Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:  
**Lot B to be changed from a proposed two-family to a single-family residence on a 6,120-sf lot. (The lot size would become conforming to the zoning.) Lot A would be a two-family residence on a 7,492-sf parcel with a reduction in the height of the buildings from 36' to 32'.**

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There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

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Name of Action: 11 Fourth Avenue 2 lot subdivision

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Name of Lead Agency: Nyack Planning Board

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Name of Responsible Officer in Lead Agency: Laura Rothschild

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Title of Responsible Officer: Chair

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Signature of Responsible Officer in Lead Agency: \_\_\_\_\_ Date: \_\_\_\_\_

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Signature of Preparer (if different from Responsible Officer) Robert James Galvin, AICP Village Planner Date: \_\_\_\_\_

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**For Further Information:**

Contact Person: Mary Screene, Secretary to the Planning Board

Address: Nyack Village Hall, 9 North Broadway, Nyack, NY 10960

Telephone Number: 845 358 4249

E-mail: maryscreene@nyack.gov

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of) Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

## Parcel Map



# STATE ENVIRONMENTAL QUALITY REVIEW

## NEGATIVE DECLARATION

### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to NYCRR Part 617, implementing Article 8 (State Environmental Quality Review Act) of the Environmental Conservation law. The Planning Board of the Village of Nyack, as Lead Agency, has determined that the proposed action described below is not expected to result in any significant adverse environmental impact that would rise to the level of significance required for a Positive Declaration.

Name of Action: Two Lot Minor Subdivision: 11 Fourth Avenue, Nyack, NY

SEQRA Status: This is an unlisted action.

Negative Declaration: Yes. The Planning Board as Lead Agency has determined that the Applicant has met the conditions of the former Conditional Negative Declaration and, therefore, has issued a Negative Declaration.

Description of Original Action:

The Applicant proposes a minor subdivision to create two lots – Lot A and Lot B. The Applicant in response to the Rockland County Planning Department in their GML report dated March 5, 2026 provided a FEAF corrected Part 1 document for the record.

Lot A – this lot is proposed as a corner lot with 91’ of frontage on Gedney Street and 75’ along Fourth Avenue. Lot A is proposed as a 7,493-sf parcel. Applicant is proposing a two-family dwelling in the TFR district. The structure is proposed as a side-by-side duplex consisting of identical 4-bedroom and 4-bathroom units occupying the 2<sup>nd</sup> and 3<sup>rd</sup> floor. The structure consists of a basement that is below grade plan with 3 stories above grade

The basement garage includes 2 dedicated off-street parking spaces for each duplex unit to comply with the Village’s parking requirement. The backyard includes over 2,500 sf of shared usable green open space. The Village minimum requirement is 1,000-sf for single-family residence and 500-sf for two-family residences. The minimum dwelling unit size is 750-sf with a total of 1,780 being provided.

Lot depth is 83.25’ where 100’ is required and side yard is proposed to be 15’ where 18’ is required. The ZBA will consider the number of building stories and the height in feet for the structure. The number of proposed stories is three where only 2 is allowed and height is 36’ where 32’ is permitted. Applicant can mitigate the height by eliminating the small hydraulic elevator and a visible mechanical room and penthouse on the roof.

The adjacent lot to the south of Lot A is 8,276-sf at the corner of Gedney Street and Third Avenue with same frontage of 91’ along Gedney Street.

Lot B - This lot is proposed as a 6,120-sf lot with 68’ of frontage along Fourth Avenue. Applicant proposes to build a two-family residence on this lot which has an existing standalone two-car garage and shed. The structure is proposed as a duplex with a unit on the first floor and a separate unit occupying the 2<sup>nd</sup> and 3<sup>rd</sup> floors.

The unit on the first floor is a subordinate 2-bedroom and 1-bath unit. The second unit is a 4-bedroom 3/5- bathroom primary unit. The proposed structure includes an above-grade garage with 2 off-street parking spaces and 2 additional parking spaces in the driveway to satisfy the Village’s parking requirements. Each unit has a separate entrance. The backyard includes almost 2,000 sf of usable green space.

The following variances were originally required: lot area is 6,120 sf where 10,000-sf is required for two-family units. The TFR zone provides 5,000 sf per lot for a single-family residence. Lot width is proposed to be 68’ where 75’ is required. There is lot depth of 90’ where 100’ is required. The building story is proposed to be 3 stories where 2 stories are the minimum allowed. Applicant complies with the height of the building which is 32’.

**County Planning Alternative** - The Planning Board is in favor of the alternative recommended by County Planning in their GML report. County Planning indicates that the alternate plan could be achieved with relatively minor area variances. The two proposed lots would be maintained with the construction of one single family dwelling on one lot and a two family on the second lot. We believe that the alternate single-family residence would be appropriate on Lot B. This was formerly a single-family residence and is adjacent to the smaller non-conforming parcels along 4<sup>th</sup> Avenue with 35' to 45' lot widths.

**Mitigation – The Project has been substantially revised to avoid adverse impacts by making the following changes required by the lead agency. Lot B will be changed from a proposed two-family to a single-family residence on a 6,120-sf lot. (Lot B size would become conforming to the zoning). Lot A would be a two-family residence on a 7,492-sf parcel with a reduction in the height of the buildings from 36' to 32'.**

**Lot B** – The alternative design would reduce one residence from Fourth Avenue (Lot B) instead of building two units on Fourth Avenue. This results in overall lesser density. There was already an existing single-family residence on the property. This would be a replacement of an older single-family with an updated, modern single-family unit. The footprint on the site would be reduced since one additional unit would be eliminated and result in lesser density on Fourth Avenue. Two additional parking spaces would be reduced by eliminating the two cars in the driveway and two additional vehicles would be eliminated from traffic flow on Fourth Avenue.

**Lot A** - Lot A is a larger parcel similar in size to the adjacent properties to the south. It will have a 91' frontage along Gedney Street which is similar to the neighboring corner house on Gedney Street. Concrete sidewalks will be installed along Gedney Street and a portion of Fourth Avenue together with street trees. A landscape plan has been provided for both lots. The two-family structure has been reduced in the height of the building from 36' to 32' feet and eliminated the proposed elevator on the Lot A structure. The look should be a clean roof with nothing showing above the parapet. This reduces the mass and height of the building.

The concrete curb along the property frontage shall be modified and replaced as needed along the full property frontage to replace damaged or deteriorated curb and to accommodate the new driveways. The concrete sidewalk shall be 5" thick, and concrete apron shall be 6" thick, both with reinforcement. The plan for Lot A has been relocated away from the adjacent property on the south. It is now adjacent to the driveway for the Gedney Street proposed residence. This mitigates adverse impacts for the adjoining property on the south. The garage level is thus partially underground which mitigates impacts to the adjacent property. The top of the retaining walls on the plans show the spot elevations. The height of the elevations has been reduced to 6" and relocated away for the property's side yard. The retaining walls on Lot B have been reduced to approximately 4'.

#### **Reasons Supporting this Determination**

1. **Impact on Land.** Based on the FEAF Part 1, the average depth to bedrock on the project site is 15'. The prominent soil type on the project site is: sand – 40%; Clay – 20% and silt – 40%. The site is well-drained and the proportion of the site with slope:  
Slope 0-10% - 70% of site; 10-15% - 20%; 15% or greater – 10%.

There are no unique geologic features on the site. Grading has been revised and relocated away from adjacent properties. Retaining wall has been moved and redesigned away from the southern property line. Remaining walls have been reduced. Applicant has agreed to add native trees and shrubs for landscaping and install solar lights along the walkways. Solar panels to installed on the roof of proposed Lot B. He is replacing all the asphalt driveways with permeable pavers to further reduce and mitigate any potential stormwater run-off.

The Applicant has agreed to have his Engineer conduct the following tests: soil investigation including Depth to Groundwater, and Depth to Rock shall be performed. Percolation tests shall be performed and results submitted to the Chief Building Inspector and Village Engineer. These tests will be required prior to the issuance of any building permits.

The revised Grading and Drainage Plan has been submitted. An Erosion and Sediment Control Plan will be

submitted prior to any building permits issued. Based on the Village of Nyack Zoning code, any land disturbance over 10,000 sf will require a Stormwater Pollution Prevention Plan (SWPPP) to be developed in accordance with NYSDEC regulation.

The preparation and submission of a Stormwater Pollution Prevention Plan (SWPPP) will be required for Lot A. Applicant's Engineer has developed the SWPPP for review by the Village Engineer. This will be reviewed annually by the Chief Building Inspector as part of the NYSDEC MS4 program. The SWPPP will be submitted for review before any building permits are issued.

2. Impact on Geological Features. There are no unique or unusual landforms that will be impacted by the project. However, a geotechnical report will need to be provided that determines the need for rock removal, the type of rock material, soil bearing capacity, the potential amount to be removed, presence of groundwater, type of rock removal methods and safety procedures. The Applicant's professional Engineer would provide the geotechnical report to the Village Engineer for review and approval prior to any permit from the Building Department. During on site work, the Applicant's Engineer would need to work with the Building Department inspections.
3. Impact on Surface Waters. There are no significant anticipated adverse impacts on surface waters. There are no water bodies in the subject properties.
4. Impact on Groundwater. Applicant's Engineer will need to test for depth to groundwater on the two lots. There are no wells in use. The residences receive their municipal water from the Village of Nyack which has its own water treatment plant in West Nyack.
5. Impact on Flooding. There are no floodplains present in the area. The SWPPP is required to be prepared by NYSDEC with annual MS4 review by DEC and reviewed by DEC and the Village Engineer and Chief Building Inspector.
6. Impact on Air. There are no significant anticipated impacts on air. Dust control measures will be utilized during construction to minimize the temporary air quality issues that are associated with utility construction.
9. Impact on Aesthetic Resources. The proposed two-family residence on Gedney Street on Lot A is 3 stories and 36' where 2 stories and 32' are the minimum allowed. Lot B is proposed to have a 3-floor height and 32' height. If Lot B is changed to a single-family, it would reduce the variances required and reduce the size of the single-family unit.
10. Impact on Historic and Archeological Resources. There are no anticipated adverse impacts on historic and archeological resources. Based on review by *SHPO* findings, there are no archeological or landmark in the vicinity of the subject property.
11. Impact on Open Space and Recreation. There are no significant anticipated adverse impacts on open space or recreation. The waterfront is across Gedney Street and Memorial Park is adjacent to the Marina. Both Lots have generous green open space in their back yards, 2,000 and 2,500 sf.
12. Impact on Critical Environment Areas. There are no designated Environment Areas in the Village of Nyack.
13. Impact on Transportation – Intersection of Fourth and Gedney Street – Sight Distance. The Building Inspector and Village Planner have measured the sight distance at both the Gedney Street and Fourth Avenue intersections. At Gedney Street, the sight distance is almost 90'. The Sight Distance along Fourth is at least 45' from the curb. There is no landscaping obstructing the view for vehicles from either approach to both intersections.

Traffic Generation - Trip Generation is based on ITE 12th edition.:

Vehicle Average Trip Generation for Two-Family detached residences

4 vehicles on Lot A and 4 vehicles on Lot B

Gedney Street - 4 vehicles - average am peak hour, 7- 9 am (0.52 trip per DU) = 2 average trips in morning;

average pm peak in afternoon, 4-6 pm (0.79 per DU) = 3 average trips.  
Directional Split: 75% exiting - 2 trips and 25% entry - 1 trip.

11 4th Avenue - 4 vehicles - average am peak hour, 7-9 am (0.52 trip per DU) = 2 average trips in morning;  
average pm peak in afternoon, 4-6 pm (0.79 per DU) = 3 average trips.  
Directional Split: 75% exiting - 2 trips and 25% entry - 1 trip.

Trip generation for both lots generates a minimal number of trips for the two lots. We have reviewed the sight distance as well as the traffic generation and concluded that there is no significant issue related to traffic issues. Therefore, there is no need to require a traffic study for the project.

Lot B is changing to a single-family residence as suggested by County Planning. This would be a replacement of an older single-family with an updated, modern single-family unit. The footprint on the site would be reduced since one additional unit would be eliminated, 2 parking spaces would be eliminated in the driveway and two additional vehicles from will be eliminated from the traffic flow on Fourth Avenue.

14. Impact on Energy. There are no significant anticipated adverse impacts on energy. Whether there are 3 or 4 new one or two households, there will be minimal impact on energy usage.
15. Impact on Noise, Odor, and Light. There are no significant anticipated adverse impacts on noise, odor or light. The lighting will be downlite and dark sky compliant. The typical impacts associated with the construction of single and two-family residences are limited to: noise, dust, runoff and clearing and grading the sites. DEC's experience has shown that this type of action does not have a significant adverse effect on the environment, most of the typical impacts can easily be managed during site plan review (DEC SEQRA Handbook, 4<sup>th</sup> ed. 2020, 19).
16. Impact on Human Health. There are no significant adverse impacts on human health. There is no construction of a solid waste management facility. No landfill or hazardous waste.
17. Consistency with Community Plans. There are no significant adverse impacts on the consistency with the Village's Comprehensive Plan.
18. Consistency with Community Character. There are no significant adverse impacts on community character. The proposed action has been changed from two lots both with two-family units. The County Planning GML alternative proposes a single-family on one lot and a two-family residence on the second lot. This would be achievable with relatively minor area variances. Lot B was formerly a single-family residence and is adjacent to smaller non-conforming parcels along Fourth Avenue. Lot A is a larger parcel similar in size to the adjacent corner property on the south with the same 91' frontage. It is a two-family residence on a 7,492-sf parcel with a reduction in the height of the buildings from 36' to 32' feet. The Applicant has eliminated the proposed elevator on the Lot A structure, and the rooftop is limited only to rooftop bulkhead within code requirements. The result should be a roof with nothing showing above the parapet. This would reduce the mass and height of the building and bring it into compliance with the zoning code.