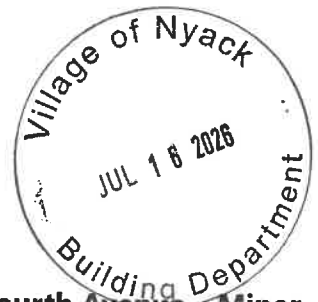

11 4th Avenue CND

From LEE TELLY <ltelly74@gmail.com>
Date Thu 7/16/2026 12:05 AM
To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

Re: Public Comments on Proposed Conditioned Negative Declaration 11 Fourth Avenue - Minor Subdivision Application

Dear Chair Rothschild and Members of the Planning Board:

I live at 30 Third Avenue, which directly abuts the proposed subdivision at 11 Fourth Avenue. Thank you for the opportunity to submit comments on the proposed Conditioned Negative Declaration ("CND").

To begin, I want to recognize the considerable time and effort the Planning Board, Village Planner, Village Engineer, County Planning Department, and other involved agencies have devoted to reviewing this application. I also appreciate the Planning Board's willingness to require meaningful revisions to the original proposal.

The County Planning Department determined that the original proposal overutilized the property by increasing residential density by approximately 47% above what is permitted in the TFR District, and it recommended scaling the project back to one single-family residence and one two-family residence. The proposed CND appropriately incorporates that recommendation by requiring Lot B to be developed as a single-family residence and by reducing the height of the building proposed for Lot A. These changes clearly improve the project.

Nevertheless, the issue before the Planning Board is not simply whether the revised proposal is an improvement over the original. Under SEQRA, the question is whether the record supports the conclusion that, with the proposed conditions, the project will not result in any significant adverse environmental impacts.

Respectfully, I do not believe the current record supports that conclusion.

I. The Proposed Mitigation Reduces Density but Does Not Resolve All Environmental Impacts

The proposed mitigation addresses one important concern—the overall density of the project. However, reducing density alone does not eliminate the remaining environmental impacts associated with the proposed development.

The revised proposal continues to require development of a nonconforming lot immediately adjacent to where I live. The project still involves substantial grading, retaining walls, changes in topography, vegetation removal, drainage modifications, and construction immediately adjacent to existing residential properties.

The proposed mitigation therefore reduces the project's intensity but does not, by itself, establish that all potentially significant environmental impacts have been eliminated.

II. The Record Remains Incomplete

The proposed CND repeatedly concludes that environmental impacts will be adequately addressed by engineering work that has not yet been completed.

Among the items identified in the record as future submissions are:

- Soil investigations
- Groundwater investigations
- Percolation testing
- Geotechnical analysis
- Erosion and sediment control plans
- Structural retaining wall calculations
- Preparation and review of a Stormwater Pollution Prevention Plan (SWPPP)

These are not routine construction details. They are the technical studies necessary to determine whether the proposed grading, retaining walls, excavation, and stormwater management can be accomplished without adverse impacts to neighboring properties or the environment.

The proposed CND also states that these studies will be completed before building permits are issued. Respectfully, requiring these analyses after SEQRA does not answer the question presently before the Planning Board: whether sufficient information now exists to conclude that the project will not result in significant adverse environmental impacts.

Until these investigations have been completed and evaluated, the environmental record remains incomplete.

III. The Village Engineer Continues to Identify Outstanding Issues

The Village Engineer has consistently identified unresolved engineering concerns requiring additional review.

Among those issues are:

- Impacts of grading on neighboring properties
- Retaining wall design
- Protection of neighboring trees
- Soil investigation
- Percolation testing
- Erosion and sediment control
- Stormwater management
- Structural calculations for retaining walls

The applicant has generally responded by agreeing that these items will be provided or will be completed.

While I appreciate the applicant's willingness to address these issues, they nevertheless remain unresolved at this stage of the SEQRA process.

IV. Community Character

The proposed CND concludes that the revised project will have no significant adverse impact on community character. I respectfully request that the Planning Board further explain the basis for that conclusion.

The Planning Board's own FEAF acknowledges that:

- The original proposal required substantial modification
- The County Planning Department recommended reducing the project's density
- The Zoning Board of Appeals expressed concerns regarding density, building mass, infrastructure, and the creation of nonconforming lots
- The revised proposal still requires development of a nonconforming lot

While the revised proposal is unquestionably an improvement, I respectfully believe the record would benefit from a fuller explanation of why the remaining project no longer results in potentially significant impacts to community character.

V. Remaining Impacts to Adjacent Property Owners

The proposed mitigation reduces the overall intensity of the project but does not eliminate the impacts on the neighboring properties immediately adjacent to the remaining nonconforming lot. As the owner of 30 Third Avenue, my concerns relate specifically to the remaining grading, retaining walls, drainage, stormwater management, vegetation removal, and the massing of the proposed structure immediately behind my home.

Those impacts remain relevant environmental considerations even under the revised proposal and deserve careful evaluation before a final SEQRA determination is made.

VI. Requested Action

For these reasons, I respectfully submit that the current record does not yet support the issuance of the proposed Conditioned Negative Declaration.

Accordingly, I respectfully request that the Planning Board either:

1. Determine that additional environmental review is required; or
2. At a minimum, defer action on the proposed Conditioned Negative Declaration until the outstanding engineering studies and environmental analyses have been completed and incorporated into the record.

If the Planning Board nevertheless determines to adopt a final Conditioned Negative Declaration, I respectfully request that these comments be included in the administrative record and that the Board specifically address the issues raised herein in its final findings.

Appendix A: Outstanding Environmental Review Items Identified in the Record

Environmental Review Item	Current Status
Soil Investigation	Not yet completed

Groundwater Investigation	Not yet completed
Percolation Testing	Not yet completed
Geotechnical Report	Not yet completed
Stormwater Pollution Prevention Plan (SWPPP)	Not yet completed
Erosion & Sediment Control Plan	Not yet completed
Structural Retaining Wall Calculations	Not yet completed
Village Arborist Review of Adjacent Tree Impacts	Outstanding
Final Stormwater Design Based on Soil Testing	Outstanding

Conclusion

The proposed CND recognizes that the original project required substantial modification and incorporates meaningful mitigation measures. However, the record also demonstrates that several critical engineering and environmental analyses remain incomplete. Because these analyses are fundamental to understanding the project's potential impacts, I respectfully believe that the Planning Board should ensure the record is complete before making a final determination that the project, as conditioned, will not result in significant adverse environmental impacts.

Thank you for your time and consideration.

With appreciation,

Levander Taliaferro, Resident, 30 Third Avenue

Miriam Rubinton
30 Third Avenue
Nyack, New York 10960

July 15, 2026

Village of Nyack Planning Board
9 North Broadway
Nyack, New York 10960



**Re: 11 Fourth Avenue Minor Subdivision
Comments on the Proposed Conditioned Negative Declaration**

Dear Chair Rothschild and Members of the Planning Board:

I am the owner of 30 Third Avenue, the property immediately adjoining the proposed subdivision at 11 Fourth Avenue. The Planning Board's decisions will directly affect my home and the homes of my neighbors.

I appreciate the significant amount of time the Planning Board has devoted to this application and recognize that the proposal before you today is substantially different from the one originally submitted. Requiring the applicant to reduce the project from two two-family homes to one single-family and one two-family residence represents an important improvement.

At the same time, reducing the intensity of the proposal does not, by itself, answer the question before the Planning Board during this public comment period. The issue is whether the revised proposal, as conditioned, has been shown to avoid significant adverse environmental impacts and whether the proposed Conditioned Negative Declaration is fully supported by the record.

After reviewing the proposed Conditioned Negative Declaration, the reports of the Village Engineer, the Rockland County Department of Planning recommendations, and the applicant's submissions, I respectfully submit the following comments.

1. Community Character

The proposed Conditioned Negative Declaration concludes that the revised project will not result in significant adverse impacts on community character.

The discussion supporting that conclusion focuses primarily on zoning, permitted land uses, frontage, lot dimensions, and the reduction in density. Those are certainly important considerations, but they are not the only characteristics that define this neighborhood.

The character of this part of Nyack is also defined by its mature trees, sloping topography, open rear yards, established homes, visual openness, and the relationship between neighboring properties. This area of Nyack is not defined by uniform architecture, but by its human scale, mature landscape, and the way homes are carefully integrated into the natural topography. Those are the qualities that residents value and that the Planning Board should consider when evaluating whether the revised proposal will alter the community's character.

As the owner of the property immediately adjoining the site, these are the characteristics I experience every day. They are also the characteristics that will be permanently altered if this project proceeds.

See Exhibit A, Figures 1-6, illustrating the existing physical character of the neighborhood immediately surrounding the project site.

I respectfully request that the Planning Board further explain how these existing physical characteristics were evaluated in concluding that the revised project will not result in significant adverse impacts on community character.

2. Grading, Retaining Walls and Environmental Review

Although the project has been reduced in scale, it continues to require substantial grading, extensive retaining walls, removal of vegetation, and significant alteration of the existing site.

The Village Engineer has repeatedly identified concerns regarding these issues, including the extent of regrading, potential impacts to neighboring trees, retaining wall design, stormwater management, soil investigations, groundwater evaluation, and the need for additional engineering information before final construction plans can be approved.

The proposed Conditioned Negative Declaration concludes that these impacts can be mitigated. I respectfully believe the final determination should more fully explain why the existing record supports that conclusion while recognizing that several

engineering analyses remain to be completed and may influence the final grading, drainage, stormwater management, and retaining wall design.

3. The Remaining Development

The Planning Board appropriately required meaningful changes to the original proposal after concerns were raised by the Rockland County Department of Planning and others regarding the intensity of the project. Those changes unquestionably improve the proposal.

However, the revised application still proposes development of a remaining nonconforming lot immediately adjacent to existing homes. It also continues to involve substantial physical changes to the site, including grading, retaining walls, tree removal, and alteration of the property's existing topography.

I respectfully request that the Planning Board's final findings explain why these remaining impacts, considered together, do not constitute significant adverse environmental impacts under SEQRA.

4. Building Design

The Village Engineer also questioned whether the proposed building design, including the lobby, elevator, gym, pantry, and extensive common areas, is consistent with what is typically associated with a two-family residence, noting that these features are more commonly found in multifamily apartment buildings.

Whether these design elements ultimately comply with the Village Code is a matter for the appropriate boards to determine. However, they are also relevant to the Planning Board's evaluation of neighborhood character and the overall environmental setting.

I respectfully request that the Planning Board more fully explain how these design characteristics were considered in reaching its proposed findings.

5. Conclusion

This application has been significantly improved during the review process, and I appreciate the Planning Board's efforts to require meaningful changes to the original proposal.

However, those changes do not eliminate the Planning Board's responsibility to ensure that its final environmental determination is fully supported by the record.

Because this project will permanently affect the property immediately behind my home and the character of the surrounding neighborhood, I respectfully ask the Planning Board to carefully consider these comments before adopting a final Conditioned Negative Declaration and to fully explain the basis for its findings regarding community character, grading, stormwater management, and the remaining environmental impacts of the project.

Thank you for your consideration.

Respectfully submitted,

Miriam Rubinton

Owner, 30 Third Avenue



8 1st Avenue & Gedney, Nyack



3 2nd Avenue & Gedney, Nyack



6 2nd Avenue & Gedney, Nyack



30 3rd Avenue, Nyack



40 3rd Avenue, Nyack



46 3rd Ave, Nyack



49 3rd Avenue, Nyack



56 3rd Avenue, Nyack



57 3rd Avenue, Nyack



62 3rd Avenue, Nyack



70 3rd Avenue, Nyack



14 4th Avenue, Nyack



15 4th Avenue



16 4th Avenue, Nyack



17 4th Ave, Nyack



22 4th Avenue, Nyack



25 4th Avenue, Nyack



27 4th Avenue, Nyack



35 4th Avenue, Nyack



36 4th Avenue, Nyack



37 4th Avenue, Nyack



Existing House, 11 Fourth Avenue, Nyack



62 Gedney St, Nyack

Miriam Rubinton
30 Third Avenue
Nyack, New York 10960

July 15, 2026

Village of Nyack Planning Board
9 North Broadway
Nyack, New York 10960

**Re: 11 Fourth Avenue Minor Subdivision
Comments on the Proposed Conditioned Negative Declaration**

Dear Chair Rothschild and Members of the Planning Board:

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At the same time, reducing the intensity of the proposal does not, by itself, answer the question before the Planning Board during this public comment period. The issue is whether the revised proposal, as conditioned, has been shown to avoid significant adverse environmental impacts and whether the proposed Conditioned Negative Declaration is fully supported by the record.

After reviewing the proposed Conditioned Negative Declaration, the reports of the Village Engineer, the Rockland County Department of Planning recommendations, and the applicant's submissions, I respectfully submit the following comments.

1. Community Character

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As the owner of the property immediately adjoining the site, these are the characteristics I experience every day. They are also the characteristics that will be permanently altered if this project proceeds.

See Exhibit A, Figures 1-6, illustrating the existing physical character of the neighborhood immediately surrounding the project site.

I respectfully request that the Planning Board further explain how these existing physical characteristics were evaluated in concluding that the revised project will not result in significant adverse impacts on community character.

2. Grading, Retaining Walls and Environmental Review

Although the project has been reduced in scale, it continues to require substantial grading, extensive retaining walls, removal of vegetation, and significant alteration of the existing site.

The Village Engineer has repeatedly identified concerns regarding these issues, including the extent of regrading, potential impacts to neighboring trees, retaining wall design, stormwater management, soil investigations, groundwater evaluation, and the need for additional engineering information before final construction plans can be approved.

The proposed Conditioned Negative Declaration concludes that these impacts can be mitigated. I respectfully believe the final determination should more fully explain why the existing record supports that conclusion while recognizing that several

engineering analyses remain to be completed and may influence the final grading, drainage, stormwater management, and retaining wall design.

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However, the revised application still proposes development of a remaining nonconforming lot immediately adjacent to existing homes. It also continues to involve substantial physical changes to the site, including grading, retaining walls, tree removal, and alteration of the property's existing topography.

I respectfully request that the Planning Board's final findings explain why these remaining impacts, considered together, do not constitute significant adverse environmental impacts under SEQRA.

4. Building Design

The Village Engineer also questioned whether the proposed building design, including the lobby, elevator, gym, pantry, and extensive common areas, is consistent with what is typically associated with a two-family residence, noting that these features are more commonly found in multifamily apartment buildings.

Whether these design elements ultimately comply with the Village Code is a matter for the appropriate boards to determine. However, they are also relevant to the Planning Board's evaluation of neighborhood character and the overall environmental setting.

I respectfully request that the Planning Board more fully explain how these design characteristics were considered in reaching its proposed findings.

5. Conclusion

This application has been significantly improved during the review process, and I appreciate the Planning Board's efforts to require meaningful changes to the original proposal.

However, those changes do not eliminate the Planning Board's responsibility to ensure that its final environmental determination is fully supported by the record.

Because this project will permanently affect the property immediately behind my home and the character of the surrounding neighborhood, I respectfully ask the Planning Board to carefully consider these comments before adopting a final Conditioned Negative Declaration and to fully explain the basis for its findings regarding community character, grading, stormwater management, and the remaining environmental impacts of the project.

Thank you for your consideration.

Respectfully submitted,

Miriam Rubinton

Owner, 30 Third Avenue



8 1st Avenue & Gedney, Nyack



3 2nd Avenue & Gedney Nyack



6 2nd Avenue & Gedney, Nyack



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35 4th Avenue, Nyack



36 4th Avenue, Nyack



37 4th Avenue, Nyack



Existing House, 11 Fourth Avenue, Nyack



62 Gedney St, Nyack

11 Fourth Ave Nyack, NY 10060

From miriam jensen <mmmmj235@gmail.com>

Date Fri 7/10/2026 10:32 PM

To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

To Whom it May concern,

I strongly object to the project proposed for 11 Fourth Ave. The current plans would require a ridiculous 8 variances to be granted. It would require carving out the bottom of a steep hill and retaining walls to be erected to hold back the hill.

The properties are described by the owner/ builder as two two family homes. The one home does not resemble a two family home but rather a dormitory or SRO with common areas including bathrooms and small food prep places on each floor besides the designated apartments.

The landlord/owner does not properly maintain the property now- no pride of ownership is visible. I've no confidence that he could maintain two homes and the retaining walls holding the hill at bay to even minimum standards.

Thank you

Miriam Jensen
103 Gedney Street.
Sent from my iPhone

11 Forth Ave

From Marie Dilluvma <mvenus1220@aol.com>

Date Fri 7/10/2026 6:16 PM

To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

Dear Mary.. I don't object to the subdivision or the homes that might be built, as long as all are in code to the zoning requirement, lot size, foot print of lots and building codes for the area involved.

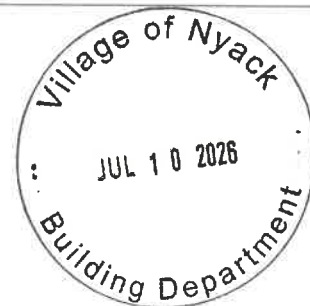
Marie Dilluvio
103 Gedney st.
Nyack, NY

Yellow House on fourth St.

From Marlene Oustatcher <imaginemiracles@icloud.com>

Date Fri 7/10/2026 2:45 PM

To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

Hello Mary

I writing to you today to let you know that I respectfully object to any large multi housing built on fourth and Gedney.

The area surrounding the proposed housing is already extremely congested with on the street parking very limited.

A multi apartment dwelling will add additional truck traffic in the form of deliveries, garbage pick up etc. on the narrow roads.

What are the environmental and construction issues involved in building on such a slopping piece of property?

Please consider our objections in your decision.

Thank you

Marlene and Ira Oustatcher

Sent from my iPhone

Property at 4th Ave. & Gedney St.

From Madeline Herbert <maddieh_99@yahoo.com>

Date Fri 7/10/2026 2:02 PM

To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

Dear Mary

I would like to voice my opposition to the current plans for two, two family homes to be built on the property at 11th Fourth Avenue.

The current owner of the property has not been a good steward of the property of the land over the last few years he has owned the property. Grass never gets cut, driveway has ruts and huge cracks, and the current home is at best an eyesore to the well-tended homes around it.

Also, the plans we have been shown, along with a picture do not represent what the property looks like. The property sits atop approximately a twelve feet hill. The pictures that are displayed show a level piece of land. Thousands of yards of dirt would have to be removed to make the property level. Huge retaining walls would have to be erected. I would worry about how these retaining walls would impact the properties behind and adjacent the excavation and also the effects of heavy rains on these retaining walls, and drainage to Fourth Avenue and Gedney St.

Thank you for reading my input.

Re: Opposition to Conditioned Negative Declaration with Material New Information re: 11 Fourth Avenue

From Gail Greiner <gail.greiner@gmail.com>

Date Thu 7/9/2026 9:23 PM

To Mary Screene <maryscreene@nyack.gov>

Cc Liz Gott <ejg11255@aol.com>; Chris X. Carroll <chris.carroll@gmail.com>; John Gromada <johngromada@mac.com>; Barbara Atwell <batwell538@aol.com>; nick del pizzo <ndelpizzo354@gmail.com>; jillpmccabe <jillpmccabe@gmail.com>; mrubinton@yahoo.com <mrubinton@yahoo.com>; Julie Manoharan <Manoharan.Julie@gmail.com>; Therese Dadivas <TDadivas@gmail.com>; Francis Wilkinson <mitthoo@aol.com>; kfader@gmail.com <kfader@gmail.com>; Ira Spiegel <spieg746@hotmail.com>; John Stoldorf <stoldorf@optonline.net>; ltelly74@gmail.com <LTELLY74@gmail.com>; lara.winterkorn@gmail.com <lara.winterkorn@gmail.com>; Daniel Fenjves <daniel.fenjves@gmail.com>; Nate Stoldorf <nstoldorf@gmail.com>; Nikolai Stern <nikolai.stern@gmail.com>; Anna Stern <annamstern1@gmail.com>; John Yamin <Pi1300123@aol.com>

This email originated from outside of the organization.

Please add the following signatures:

25. Daniel Fenjves
16 Fourth Avenue
Nyack, NY

26. Lara Wintercorn
16 Fourth Avenue
Nyack, NY 10960



On Thu, Jul 9, 2026 at 7:45 PM Gail Greiner <gail.greiner@gmail.com> wrote:

TO: Village of Nyack Planning Board

FROM: Concerned Nyack Residents

RE: Opposition to Conditioned Negative Declaration - 11 Fourth Avenue
Public Comment Period (30 days from June 10, 2026)

Dear Planning Board,

We respectfully oppose the Conditioned Negative Declaration issued June 10th, 2026 for the proposed 11 Fourth Avenue subdivision and request that the Board issue a Positive Declaration requiring an Environmental Impact Statement.

PROCEDURAL PROBLEM: CONDITIONED NEGATIVE DECLARATION IS NON-STANDARD

A "Conditioned Negative Declaration" is not standard SEQRA procedure. Under New York environmental law, the Lead Agency must issue either:

- A Negative Declaration (no significant impacts), OR
- A Positive Declaration (significant impacts, EIS required)

A Negative Declaration conditioned on major project changes contradicts the declaration itself. ***If significant changes are needed to mitigate impacts, that indicates significant impacts exist.***

SUBSTANTIVE PROBLEM: THE BOARD'S OWN ASSESSMENT CONTRADICTS THE DECLARATION

On February 2, 2026, the Planning Board completed Part 2 of the Environmental Assessment Form and acknowledged the following impacts:

- Construction on slopes 15% or greater
- Excavation of more than 1,000 tons of material
- Increased erosion risk
- Building incompatible with neighborhood architectural scale and character
- Visual impacts on public viewpoints

The Board marked all of these as "small impact" without explanation.

Now the Board issues a Conditioned Negative Declaration stating there will be "no significant adverse environmental impact" PROVIDED that:

- Lot B is changed from 2-family to single-family residence
- Lot A building height is reduced from 36 feet to 32 feet

****These are not minor conditions.** *Changing one building from 2-family to single-family is a fundamental redesign. Reducing height by 4 feet is a substantial change.***

****If such major changes are necessary to avoid impacts, that proves significant impacts exist.** Major mitigation measures indicate significant impacts—which require an EIS, not a Negative Declaration.**

MATERIAL NEW INFORMATION: FORECLOSURE ON THE SUBJECT

PROPERTY

On May 18, 2026—before the Conditioned Negative Declaration was issued—a foreclosure action was filed against the applicant Schenley Vital in Rockland County Supreme Court (Index No. 033625/2026). The plaintiff is Wilmington Savings Fund Society, and the subject property is 11 Fourth Avenue, Nyack, NY 10960.

LEGAL AND FINANCIAL CAPACITY TO PERFORM CONDITIONS

A Conditioned Negative Declaration is only legally valid if the applicant has both:

1. ****Legal capacity**** to perform the conditions (ownership/control of the property), AND
2. ****Financial capacity**** to fund, construct, and maintain the environmental mitigation conditions

The CND's environmental conclusion rests entirely on these conditions being met. Under SEQRA, conditions must be "enforceable and feasible."

A pending foreclosure directly undermines both:

****Legal Capacity:**** If the lender forecloses, Vital loses title to the property. He cannot build or maintain conditions on property he no longer owns. The Board may be approving conditions that the applicant has no legal authority to implement.

****Financial Capacity:**** A foreclosure indicates severe financial distress. Vital's ability to fund the project construction AND maintain the environmental mitigation conditions long-term is in serious doubt. The CND cannot rely on conditions the applicant lacks the financial resources to perform.

UNRESOLVED ISSUE: SHARED AMENITIES NOT ADDRESSED

The proposal includes shared gym, shared pantry with warming kitchen, two shared common bathrooms, and an elevator on Lot A. These amenities define the project as multifamily in character, not two-family residential.

The Conditioned Negative Declaration does not address these shared amenities or their environmental and use impacts.

REQUEST FOR POSITIVE DECLARATION AND BOARD RECONSIDERATION

Because:

1. The Board's own environmental assessment identified multiple impacts
2. The conditions required are substantial enough to indicate significant impacts exist
3. Shared amenities remain unaddressed
4. A Conditioned Negative Declaration is procedurally improper
5. The applicant's legal control of the property is clouded by pending foreclosure
6. The applicant's financial capacity to perform and maintain the conditions is in serious doubt

We request that the Planning Board:

- Issue a Positive Declaration requiring an Environmental Impact Statement before this project can proceed, AND
- Address whether the CND remains valid given the material information regarding the pending foreclosure and the applicant's questionable capacity to perform the conditions.

Respectfully submitted,

1. Gail Greiner
14 Fourth Avenue
Nyack, NY 10960

2. Elizabeth Mechem Carroll
30 6th Avenue
Nyack, NY 10960

3. Christopher Carroll
30 6th Avenue
Nyack, NY 10960

4. Nick Del Pizzo
35 4th Avenue

5. Marie Del Pizzo
35 4th Avenue

6. Julie Manoharan
40 3rd Ave,
Nyack, NY 10960

7. Alexei Clay
40 3rd Ave,
Nyack, NY 10960

8. Barbara Atwell
27 4th Avenue
Nyack, NY 10960

9. Therese Davidas
17 Fourth Avenue
Nyack, NY 10960

10. Liz Gott
104 Gedney
Nyack, NY 10960

11. Mark McGuy
104 Gedney
Nyack, NY 10960

12. Francis Wilkinson
30 Fourth Avenue
Nyack, NY 10960

13. Sakina Jaffrey
30 Fourth Avenue
Nyack, NY 10960

14. Kim Fader
16 Depew Ave
Nyack, NY 10960

15. Ira Spiegel
16 Depew Ave
Nyack, NY 10960

15. Jill McCabe
46 3rd Ave
Nyack, NY 10960

17. Timothy Dempsey

17 Fourth Avenue
Nyack, NY 10960

18. Therese Davidas
17 Fourth Avenue
Nyack, NY 10960

19. John Stollendorf
15 Fourth Avenue
Nyack, NY 10960

20. Genevieve Stollendorf
15 Fourth Avenue
Nyack, NY 10960

21. John Gromada
8 First Avenue
Nyack, NY 10960

22. Barbara Cohig
8 First Avenue
Nyack, NY 10960

23. Miriam Rubiton
30 Third Avenue
Nyack, NY 10960

24. Levander Taliaferro
30 Third Avenue
Nyack, NY 10960

Public Comment Opposing 11 Fourth Avenue 2 Lot Subdivision

From Anita Costa <anita.costa@gmail.com>

Date Thu 7/9/2026 4:17 PM

To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

Dear Ms. Screene,

I am writing to submit a public comment opposing the proposed 11 Fourth Avenue 2 Lot Subdivision, published in the Environmental Notice Bulletin on 06/10/2026, and to formally object to the Planning Board's issuance of a Conditioned Negative Declaration for this project. I ask the Board to deny this application.

First, on the scale of variance required: the subject property is being subdivided into two lots (7,492 sf and 6,120 sf) in a zone that requires a 10,000 sf minimum for two-family use. As proposed, this requires approximately 8 variances per lot — 16 variances in total — simply to permit two-family construction on lots that do not meet the zone's basic size requirements. A project that requires this many variances is not a minor deviation from the zoning code; it is fundamentally incompatible with the district as written. I do not believe a Conditioned Negative Declaration is the appropriate SEQRA determination for a project of this scale, and I ask the Board to rescind it and issue a Positive Declaration requiring a full Environmental Impact Statement.

Second, I want to flag a specific gap in the proposed conditions. The notice states Lot A originally proposed 3 stories at 36' height, where the zone permits 2 stories at 32'. The listed conditions address the height but do not appear to address the story count. Reducing only the height while still permitting a 3-story structure does not bring the building into conformance, and this gap alone should be resolved before any further consideration — not treated as a minor detail to fix later.

Third, I want to raise concerns about the applicant's conduct during this process, which I have witnessed firsthand at public meetings. The applicant, Shenley Vital, has appeared unprepared and unable to clearly communicate important details of the project when questioned by residents and the Board. At an earlier presentation, when residents raised concerns about the appearance of a rendering shown to the public, the applicant stated the finished building would not actually look like that rendering. This raises serious concerns about the reliability of the materials being presented and about whether residents and the Board can evaluate this proposal with confidence. A project of this scale requires an applicant who is prepared, transparent, and accountable to the Town and its residents; based on what has been shown so far, I do not have confidence that this applicant has met that bar, and I am concerned about the risk of a poorly managed, delayed, or incomplete project that would create safety issues and negatively affect the neighborhood and surrounding property values.

Finally, I want to reiterate concerns raised in prior comments regarding this site:

- Environmental/drainage: This area has a documented history of flooding and poor drainage. Two multi-family structures on subdivided lots will increase impervious surface and stormwater runoff compared to the current single-family use, and a full independent hydrological and drainage study should be required.
- Neighborhood character: The existing single-family home has stood on this site for many years and is consistent with the surrounding historic housing stock. This subdivision represents a significant departure from that character.
- Traffic and parking: Converting one single-family home into what could become two two-family dwellings will increase vehicle trips and parking demand on streets not designed to accommodate it.

For all of these reasons — the scale of variance required, the unresolved gap in the proposed conditions, serious concerns about the applicant's transparency and preparedness, and the environmental, character, and traffic impacts on this neighborhood — I ask the Board to deny this application.

Thank you for including this comment in the record for the 30-day public comment period ending July 10, 2026.

Sincerely,
Anita Costa

SHENLEY VITAL APPLICATION FOR 11 FOURTH AVE. & GEDNEY ST. SITE PLAN

From Anabell Ciuffardi <anabellynn@gmail.com>

Date Thu 7/9/2026 4:19 PM

To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

Dear Ms. Screene,

I am writing to express my opposition to the proposed development at 11 Fourth Avenue and Gedney Street.

As a nearby resident, I have followed this proposal through the public meetings, and my concerns have grown as the process has continued. My opposition is not simply because a new building is proposed, but because I do not believe this project has demonstrated that it is compatible with our neighborhood or that it has been presented with the level of care and transparency that a project of this scale deserves.

One of my greatest concerns is the applicant's lack of preparedness throughout the public review process. During multiple meetings, important questions from both residents and Board members were met with incomplete or unclear answers. Rather than providing confidence that the project has been thoughtfully planned, the presentations left me uncertain about what is actually being proposed and how it would ultimately be carried out.

I also remember an earlier presentation where a rendering of the proposed building was shown to the public. When neighbors expressed concerns about its appearance, the applicant indicated that the final building would not actually look like the rendering that had been presented. That statement was troubling because the purpose of these presentations is to allow both the public and the Planning Board to understand what is being proposed. If the visual materials cannot be relied upon, it becomes difficult to evaluate the true impact of the project.

My concern extends beyond the design itself. Projects of this size require careful planning, consistent communication, and a demonstrated commitment to working cooperatively with the Village. Based on what I have personally observed, I am not convinced that this level of preparation has been shown. I worry about the possibility of a project that experiences delays, changes significantly during construction, or is not completed in a timely manner. An unfinished or poorly managed construction site would have lasting effects on the surrounding neighborhood, including safety concerns and potential impacts on nearby property values.

I am also concerned about the broader impact this development could have on our residential street. While there are apartment complexes nearby, this particular section of Fourth Avenue is characterized primarily by single-family and two-family homes. Introducing a much larger multi-family building

would alter the scale and character of the neighborhood in a way that feels inconsistent with the existing streetscape.

Finally, I hope the Board will carefully consider the environmental implications of this proposal. This neighborhood has experienced drainage and flooding issues in the past, and increasing the intensity of development on this property raises legitimate questions about stormwater runoff, additional paved surfaces, and the cumulative impact on surrounding properties. I believe these concerns deserve careful evaluation before any approvals are granted.

I respectfully ask the Planning Board to consider not only the design of the proposed development but also whether the applicant has demonstrated the transparency, preparedness, and accountability necessary for a project that will have a lasting impact on this neighborhood. Based on what I have observed, I do not believe that standard has been met, and I respectfully request that the application be denied.

Thank you for your time and for considering my comments.

Respectfully,

Anabell Ciuffardi



Formal Public Comment: Strong Opposition to the 11 Fourth Avenue 2-Lot Subdivision and Variance Requests

From Katja Alberino-Rappaport <kalberino422@gmail.com>

Date Tue 6/30/2026 4:18 PM

To Mary Screene <maryscreene@nyack.gov>

This email originated from outside of the organization.

Dear Members of the Village of Nyack Planning Board and Zoning Board of Appeals,

As a lifelong South Nyack resident born at Nyack Hospital, raised here, and a proud alumnus of the Nyack School District, I am writing to express my concerns regarding the proposed two-lot subdivision at **11 Fourth Avenue**. My husband and I chose to raise our own children here because we love this community. I own my home in South Nyack, and I know its long-term value, charm, and character are directly tied to how we safeguard our neighborhoods from development that doesn't make sense.

While I support modernization, the current proposal to cram a high-density, multi-unit footprint onto this property is a case of over-development. I strongly urge the Boards to reject the developer's current requests and enforce the **Rockland County Planning Department's** strict recommendations.

1. Excessive Variance Requests and Zoning Disregard

The developer's plan relies on securing approximately **eight critical variances per lot**. Requiring 16 total variances for a single project is a bright red flag that the proposed structures are fundamentally incompatible with the TFR zone constraints. Zoning protections exist for a reason; granting deviations of this magnitude sets a dangerous precedent that completely undermines the integrity of our local building codes.

2. Severe Traffic and Parking Congestion

The reality of adding a multi-family structure to this specific, constrained location is a recipe for logistical disaster. Realistically, a multi-family layout easily brings two or more vehicles per unit, along with visitor parking and essential service vehicles (i.e., O&R, plumbers, electricians, etc.). That neighborhood street parking is already limited. Jamming this volume of cars onto the west side of the street threatens public safety, creates severe traffic bottlenecks, and poses a direct hazard if emergency vehicles need clear, rapid access.

3. Lack of Long-Term Developer Accountability

I attended the recent Zoning Board meeting in person and was concerned by how the applicant, Mr. Vital, dismissed these vital quality-of-life details. While he suggested he might move into one of the units himself, the board must remember that a developer can instantly flip and sell an

approved project to an outside buyer the moment variances are granted. Because the developer does not live in this immediate neighborhood, he will not have to live with the daily challenges, denigration of the neighborhood, and degraded home equity that local residents will face.

A Reasonable Path Forward

It is not necessary to outright reject development to protect our town. I ask the Boards to protect the Village of Nyack by enforcing the compromise outlined by County Planning:

- **Lot B (4th Ave):** Restrict this strictly to a single-family home to seamlessly align with the smaller, historic, non-conforming parcels adjacent to it.
- **Lot A (Gedney St):** Force a strict reduction in building height from 36 feet down to the legally permitted 32 feet (and from 3 stories to 2 stories) to maintain architectural conformity with surrounding two-family homes.

Thank you for your time, your service, and your continued dedication to protecting the families who call Nyack home.

Sincerely,

Katja Alberino
229 South Blvd., Nyack, NY 10960
kalberino422@gmail.com / 646-346-0598



11 4th Ave Nyack.

From slpunlimited <slpunlimited@yahoo.com>

Date Tue 6/30/2026 2:19 PM

To Mary Screene <maryscreene@nyack.gov>

This email originated from outside of the organization.

Public Comment Regarding the Proposed 11 Fourth Avenue Subdivision and Variance Requests

To the Village of Nyack Planning Board,

I respectfully submit this letter in opposition to the proposed subdivision and requested variances for the property located at 11 Fourth Avenue.

While I appreciate the Planning Board's efforts to reduce the scope of the proposal by requiring Lot B to be developed as a single-family residence and reducing the height of the proposed structure on Lot A, I remain opposed to the requested 8 large variances and urge the Board and the Zoning Board of Appeals to deny any additional relief beyond what is permitted under the Village Code.

This property has an extensive history of litigation regarding development rights. The property owner previously challenged zoning restrictions in court and was unsuccessful, including in the Rockland County Supreme Court and on appeal before the Appellate Division in Brooklyn. In addition, the owner sought similar zoning relief in the Town of Clarkstown and was likewise unsuccessful. These repeated rulings demonstrate that the existing zoning regulations have already been reviewed and upheld through the judicial process. It would undermine public confidence in land use regulation to effectively circumvent those decisions by granting extensive variances now.

Even as modified, the proposal remains inconsistent with the intent and purpose of the Village's zoning laws. Variances are intended to provide relief only where practical difficulties exist and should not be used to facilitate overdevelopment of a property. The need for numerous variances is itself evidence that the proposal is incompatible with the zoning district. In addition, what the owner of the property is trying to build does not fit the Webster Dictionary definition of a two family house.

There are also significant neighborhood impacts that warrant careful consideration. Parking in this area is already inadequate, and additional residential density will inevitably increase demand for on-street parking, creating congestion and safety concerns for existing residents.

Furthermore, excavation and construction associated with this project raise legitimate concerns regarding the structural stability of neighboring properties. The proposed development would require substantial site work on a constrained lot. Nearby homeowners deserve assurance that their foundations, retaining walls, drainage patterns, and overall property integrity will not be adversely affected.

My own experience highlights the importance of these concerns. I was previously informed that I could not excavate for a swimming pool on my property because it is located at the bottom of a hill and excavation could negatively affect neighboring properties. If that standard was applied to a relatively modest residential improvement, it is difficult to understand how a significantly larger excavation and construction project involving multiple residential structures could be considered appropriate without substantial concern for the same issues.

The Village should apply its zoning regulations consistently and fairly to all property owners. Allowing extensive variances in this instance would create an undesirable precedent and erode the integrity of the Village's comprehensive zoning plan.

For these reasons, I respectfully request that the Planning Board and the Zoning Board of Appeals deny any additional variances beyond those necessary to construct development that fully complies with the Village Code. The alternative recommended by Rockland County Planning—a development consisting of one single-family residence and one code-compliant two-family residence with only minor area variances—more appropriately balances reasonable property use with the protection of neighboring properties and the character of the community.

Thank you for your consideration of these comments.

Respectfully submitted,

Jill McCabe

46 Third Ave Nyack, NY 10960

Village of Nyack Resident

Sent from my Galaxy

FW: Depew Zoning change

From Linda Donnelly <ldonnelly@nyack.gov>
Date Mon 6/22/2026 9:19 AM
To robs scoarch.com <robs@scoarch.com>
Cc Mary Screene <maryscreene@nyack.gov>



Good morning,

Another letter for your file!

Have a great week.
Linda

Linda Donnelly
Village Clerk
Village of Nyack
9 N. Broadway
Nyack, NY 10960
845-358-0548 (x547)

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-----Original Message-----

From: MaryLynn Alton <marylynn.alton@gmail.com>
Sent: Thursday, June 11, 2026 7:15 PM
To: Linda Donnelly <ldonnelly@nyack.gov>
Subject: Depew Zoning change

This email originated from outside of the organization.

Dear Ms. Donnelly,

I write to register my strong opposition to any zoning change to 248 Depew's current residential zoning status. I am a 22 year resident/owner in downtown Nyack and I am concerned about the impact such a change would have. Changing the zoning of a residential area that is so close to downtown would erode the residential quality of life for Depew residents and set a precedent for other residential zones near

downtown to be impacted/possibly changed as well. Nyack/Rockland needs more housing not more commercial space.

Thank you for considering my opinion.

Regards,

Mary Lynn Alton
Bridge Street resident

FW: Reasoning on Depew Ave - leave residential

From Linda Donnelly <ldonnelly@nyack.gov>
Date Mon 6/22/2026 9:29 AM
To robs scoarch.com <robs@scoarch.com>
Cc Mary Screene <maryscreene@nyack.gov>



Good morning,

Please see below correspondence.

Linda

Linda Donnelly
Village Clerk
Village of Nyack
9 N. Broadway
Nyack, NY 10960
845-358-0548 (x547)

DISCLAIMER: This email is from the Village of Nyack and is intended for the addressee only. If you are not the intended recipient, please notify the sender and delete this email. The information contained herein may be confidential and privileged. Do not forward without permission.

-----Original Message-----

From: Teresa Grenier <bridgestreet_25@icloud.com>
Sent: Thursday, June 11, 2026 9:22 PM
To: Linda Donnelly <ldonnelly@nyack.gov>
Subject: Reasoning on Depew Ave - leave residential

This email originated from outside of the organization.

Hi-

I am the owner of #19 & #25 Bridge St. in Nyack. I am against the proposed change to rezone Depew Ave. where the structure straddles Main St & Depew Ave. I voice my opinion to leave Depew Ave. as is.

Thank you,
Teresa Grenier

Village of Nyack 11 Fourth Avenue Dev.

From linda schultz <linannes@icloud.com>
Date Thu 6/18/2026 2:05 PM
To Mary Screene <maryscreene@nyack.gov>



This email originated from outside of the organization.

Hi Mary, as a resident of 103 Gedney St. Co-op directly across the corner of the above proposed development, we strongly oppose approval for the Shenley Vital's plans. Mr. Vital's proposed development plans do not seem consistent for the current zoning of that property! Two structures of 2 family homes on that site would require a number of variances! I believe zoning laws were established to prevent this type of over development. Why should there be exceptions made for Shenley Vital's plans when this could set a president for future developers. Thank you for the opportunity to share our concerns regarding this proposed project. Sincerely, Linda & Noel Schultz; 103 Gedney St., Nyack, NY 20960

Sent from my iPhone