



Village of Nyack Planning Board Meeting Minutes

September 14, 2026

Members Present:

Laura Rothschild – Chair - present
Catherine Friesen (alternate) - present
Samuel Hart – present
Jennifer Knarich - present
Layla Vrabel - excused

Also Present:

Dennis M. Michaels, Esq. Village Attorney - present
Manny Carmona – Building Department - present
Bob Galvin – Village Planner – present

Meeting opened by the Chair at 7:00 pm and introduced everyone.

Minutes for the July 6, 2026 meeting were previously distributed for review and approved. There was no meeting in August.

The Chair polled the members of the Board regarding the issue of possible conflicts of interest regarding any of the applications. Catherine Friesen questioned the Village Attorney as to whether she needed to recuse herself from the 124 Fifth Avenue application because she lives down the street. Dennis Michaels stated that since she does not live next door and feels she can be objective, then there is no need to recuse herself. There were no other conflicts.

In addition, the following applications are on for adjournment until the October 5th, 2026 Planning Board Meeting in Village Hall at 7:00 pm: 45 Route 59 and 53 Burd Street.

- 1. 32 South Franklin Street. Application is seeking final Site Plan approval for rear addition to add three dwelling units to an existing three dwelling unit property.**

Ira Emmanuel, attorney for this application, is here along with Jonathan Hodosh, architect. The board is familiar with this project. We've been here three times before. It's a type two action under SEQRA. Actually, under the new rules, it's probably exempt. We needed some variances and a special permit from the ZBA. Those were granted on July 20th. There's no GML. We are back here for final review. This is an older house. It's in the DMU-1 zone. There's three current units.

We want to reconfigure it so that there will be six units. As you may recall, originally, we had proposed eight, and we removed two of those units. By doing so, with the special permit, we

conform to the DMU-1 uses. We have made no change to the plans dated May 12, 2026, since you last saw them.

The Chair asks if there are any comments. No comments from the Board, but the Village Attorney asked that the draft resolution written by Bob Galvin be edited to reflect the fact that the easement was approved by the Village Board but has not yet been recorded. This correction is to be made on page 1 and page 3.

The Chair states that this application is now going to ARB for final approval.

Before opening public comment, the Chair recites a statement that due to the length of the agenda and number of people in attendance, that comments from people (other than applicants and their representatives) will be limited to 2 minutes. This is for all applications.

The Chair opens to the public. Hearing nothing, public comment is closed.

Jennifer Knarich makes a motion to approve the corrected resolution. Catherine Friesen seconds this motion. Vote passed 4-0.

2. 128 Main Street. Application for extension of previous Site Plan approval.

Jonathan Hodosh, Architect. This project has been delayed because the culvert runs under the property. It runs all the way west, parallel to the street. That is really all the information we have about the culvert. Brooker Engineering requested a report about the condition of the culvert under the building as well as hydraulic capacity, etc. The problem is there is no access to it and it runs under about 10 other buildings. We could not find Engineers that were willing to go down there. We finally have someone. We would also like to meet with Brooker Engineering. We understand Eve Mancuso who asked for this has retired and that they have someone new. We would like to meet with the Village and the Engineers. This problem does not just affect us. Our Structural Engineer wants to support the new building separate from the existing foundation, avoid the culvert, and structure the new building. Brooker is asking us to guarantee the culvert. Isolating our building from the culvert is one thing, but asking us to guarantee the culvert is a big ask.

The Chair asked for clarification that the applicant is seeking an extension of his original approval which was based on the condition that the culvert be guaranteed. If there is any change to that condition, then the applicant would need to return for an amendment. The Village Attorney stated that if that were the case, a formal application would be required.

At this point the Board discussed back and forth whether to grant a six-month extension or one-year extension. Because of the amount of work to be done and professionals involved, it was decided that a one-year extension should be granted.

Sam Hart makes a motion to extend Site Plan approval from the expiration date of 10/6/26 to 10/6/27. Jennifer Knarich seconds this motion. Vote passed 4-0.

3. 87 Piermont Avenue. Application to amend previous Site Plan approval to add second curb cut and install a circular driveway.

Kier Levesque, architect, is representing this application.

This application is to amend the existing approved site plan by adding a second curb cut to the south of this property. I have some additional information to give you. These are pictures and locations of other multiple curb cuts around the village. This request is being made for safety. My client is having a hard time getting out of his driveway. The way cars park there, there are usually some big vehicles parked, and he can't get out without feeling worried about getting hit.

The Chair questions if he can back in? The answer is yes, he could, but he feels it's much safer if he has that second...actually, it would be putting back a curb cut that was there when he purchased the property. The Chair then questions who painted the curb yellow? It was DPW. Because of how much of a problem he's had with people actually parking in front of his driveway. So, he asked DPW to paint his curb yellow. He asked the village administrator to look into his problem, and that was the solution.

The Chair asks if this would eliminate parking space on Piermont Avenue? Yes. How does this affect the sycamore tree? It doesn't. Not at all? We built around it.

The Chair then questions how close the car would come to the front door with a circular driveway. It is determined that there is a 6-foot landing outside front door, so the answer would be 6 feet. Also asks if delivery trucks will fit. Answer is delivery trucks would not use driveway.

The Chair asks if there was a traffic study or anything done at the time of construction? No. Because we didn't see that there'd be any sight distance issues. The Chair is concerned about eliminating any parking in Nyack. Also concerned that this may create a precedent.

Kier Levesque states that he has provided 10 examples of this in other parts of Nyack. The precedent has already been set.

Catherine Friesen states that she is concerned about the tree. Did an arborist evaluate whether the driveway could be extended around the root system without causing damage to the roots? Answer is we've done construction around that tree for three years, and it did not impact it in any way. When we excavated, we actually put in five geothermal wells between the roots of the tree. We've been driving over that area for three years now, and it's not impacting the tree. And no, we don't have an arborist notation. But the landscaper, who's been doing the

landscaping here since we finished the building, said there's no problem because of the sub-base we have under the gravel that's there. It's all gravel.

We are seeking to amend the previously approved Site Plan to add a second curb cut to the south.

The Chair opens public comment.

Nicola, Nyack resident, is concerned about parking down by the American Legion. She's there all the time. Parking is an issue there for the Veterans. Will the loss of a parking spot for them be considered?

The Chair states that she would tend to vote no. She is concerned with parking for Veterans.

Jennifer Knarich states that we don't know the parking situation of the other properties that have this.

Sam Hart would vote yes.

Catherine Friesen is concerned about safety. Doesn't feel the need for a formal traffic study but would like to see photos of cars blocking the view from this driveway. The Chair states that this feels more like a parking issue.

Kier Levesque asks what exactly the Board would like to see if he asks for a continuation?

Catherine Friesen states that the presentation made to date does not adequately reflect danger. She would like to see photos showing the potential danger at this particular driveway, at this particular intersection. The Chair states that it might also be helpful if there are any police reports of accidents that may have happened there.

This application is on for continuation until the next Planning Board meeting on Monday, October 5th at 7:00pm.

4. 11 Fourth Avenue. Continuation of Site Plan application to demolish a detached single-family dwelling for a two-lot subdivision and to develop a new detached two-family dwelling on each new lot.

Shenley Vital, property owner, is requesting confirmation of Neg Dec. It was conditional the last time I was before you. I am also requesting preliminary Site Plan approval as well as allowing me to proceed to ZBA. In reading the conditional Neg Dec that was given to me, I see two conditions. One is to change Lot B from a Two-Family to a Single Family and the other is to reduce the height of the building on Lot A. To address these two conditions, I have removed the kitchen from the first floor on Lot B. In discussion with the Building Inspector about the plans, he feels the current plans do not reflect proper flow for a single-family. I do not agree

and will make the plans clearer to show this.

For the house on Lot A, I have reduced the height from 36 feet to 32 feet. There were some questions about the bulkhead being an issue. I believe we are in compliance with Village Code 360-4.2C. It's going to be the minimal requirement just so we can have access to the roof.

There was a suggestion to reconfigure the lot. I spoke earnestly with the building inspector. In reading the conditional negative declaration, coupled my exhaustion with this process, I did not want to start tinkering with the site plan as it was conditionally negatively declared.

In addition to that, the CND also stated in a positive way that both lots, as proposed, had generous, I think was the word in use, amounts of outdoor space. But I think it's kind of a testament to the engineer. I think he did a pretty good job of laying that out. And to kind of further kind of amplify the point a bit, Lot B, as it's currently submitted, if we were to reduce the side that abuts Lot A to the east, we could only make it comply with the setbacks with a reduction of 1.6 feet over the 90-foot depth of that particular lot would only result in an extra 144 feet of square footage being added to Lot A in an attempt to mitigate Lot A's lot area. And even if you kind of play with it when you do the new calculation, I just think that it's in conformity, again, with the CND, and I didn't want to tinker with that. I think it's a nice spacing to the comments that were listed in the CND, which I was trying to conform with so I can move on from this process.

The Chair asks the Building Inspector to address the lot size thought process before going to Zoning. Manny Carmona says we wanted to go through the ZBA asking for the minimum variance possible. Regardless, you're going to need a variance for Lot A, but the minimum as much as possible. So, the recommendation was to take the excess from one lot to the other. It takes some playing around with it, but it will demonstrate that you are asking for the minimum. That's something for the zoning board to address. Regardless, they're going to have to address it one way or the other.

The Chair states that it was the County's recommendation to lower the number of variances requested. This doesn't change the number of variances. The Building Inspector says it changes the extent. As far as the lot area is concerned, it's still going to require a variance - it's just going to lessen the variance.

Shenley Vital states that he wants to keep things as simple as possible. He was given two conditions, and he has complied with those conditions.

The Chair opens public comment but reminds everyone that we are here about SEQRA tonight. The applicant has asked for preliminary site plan approval, but we will discuss that after application goes to ZBA.

Miriam Rubinton, 30 Third Avenue, alternate on ZBA and will recuse herself when application comes before them. We appreciate the changes and the effort, and we realize that this has gone on for a long time, but part of that is because this was such a very large project. Rockland

County Planning and the Engineers have all said this doesn't fit the lot. This is two very large buildings that are going to require a tremendous amount of regrading, and we're still very concerned that some of the work, some of the reports that are needed to really know the impact of what this regrading is going to do to the houses behind it, to the surrounding community, haven't been submitted yet. And we think that some of that information should be submitted prior to making a final decision. The engineers have said that there could be eight-foot cuts into the surrounding ground. There are going to be very large retaining walls around the area, and we would like to see a lot more detail about that and just have that information. We would love for the engineers, the village engineer, to comment on the new plans.

Manny Carmona states that we have drainage plans, but we don't have the stormwater testing behind those drainage plans. The percolation is usually done before the excavation starts. It will be done. Also, the Engineer's report dated 1/27/26 can be found on the Village website.

John Stoldorf, 15 Fourth Avenue. I am in the house next door. I'm confused about the testing that's supposed to happen to see where the groundwater is and everything. Manny Carmona stated that the drainage report was submitted and the Engineer got a copy of it. A Stormwater Management Plan will be part of this project. Mr. Stoldorf stated that 50 years ago he built a fence along the east side of his property. All his post holes were filled with water. The Building Inspector assured him that testing would be done.

Telly, 30 Third Avenue. When were the new plans submitted? We need to get this right. Things get shuffled in the mix. Does the community have enough time to look at this? He questions deadlines for meeting submission and posting on website. Manny Carmona lets him know that any application that is before a Land Use Board can be viewed at the Building Department, even before it is posted on the website.

Jill McCabe, 46 Third Avenue. This looks like the exact same plans that were submitted before. He has already sued and appealed it in Brooklyn. He lost both cases. These are too many variances. It took me 15 years to get permission to take down two trees. I was not allowed to dig for a pool because of the slope and drainage on the hill. This house has been in foreclosure since May. Can you demolish a house in foreclosure?

The Chair questions the Village Attorney if a property in foreclosure can appear before the Board? Answer is yes.

Gail Greiner, 14 Fourth Avenue. Concerned about property in foreclosure that applicant has funds to construct and maintain this property.

The Chair invited Mr. Vital to come up and address any of the items that were brought up. Mr. Vital would answer any questions the Board has for him.

Catherine Friesen asks for clarification on the bulkhead issue. You've eliminated the elevator, correct? Regarding the bulkhead, I see and hear what you said. The question is what remains

in terms of the roofline? Mr. Vital says the bulkhead remains so there can be access to the roof. Based on 360-4.2C bulkheads are able to be within 10% of the surface area of the roof and then the minimal requirement to accomplish what a bulkhead is so it's not going to be a living space or an entertainment space is exempted from the height requirement. It's just a bulkhead. It's nothing nefarious. The building itself is 32 feet as opposed to 36 feet and then there's a bulkhead that rises above those 32 feet.

Manny Carmona states that the bulkhead is above the 32 feet. If it is determined to be a bulkhead, which wasn't shown on the plan, one of my comments was to remove the bulkhead because there's no access to it. Mr. Vital said that there will be access to the staircase. If it's part of the staircase that's going to the roof it can be a bulkhead. It is exempt from the building height.

How many feet would it be? It's probably 8 feet or so. What will roof be used for? Will there be seating?

Mr. Vital states that I'm just here for a negative declaration. These are preliminary plans. I'm not intending any use other than roof access. I've been clear that the height of the building was reduced from 36 feet to 32 feet. I fear based on my interactions with this board and other boards that we go on tangents and then I end up getting myself in a situation where I'm not being responsive. I came here prepared to submit plans in conformity with what you requested and anything past that requires speculation of future use and what may happen. I think it is inappropriate and outside the scope of what I'm here for. As of right now, it's a bulkhead on a plan exempted from the height requirement that's going to be used to provide access to the roof.

The Chair states that she does not believe it is inappropriate to ask what the roof will be used for. Mr. Vital says, I answered that the roof is going to be used as a roof and the bulkhead is going to be used as a bulkhead. I don't know how else I can answer. Asked if there was a change to the site plan where you're going to use the roof for something different, you would come back? Answer is yes, certainly. You are also seeking preliminary site plan approval?

Dennis Michaels, Village Attorney, states that we don't have a stepped site plan development process. It does not exist in the Village. The Conditional Neg Dec is before you tonight so that the applicant can proceed to ZBA. You can give an advisory opinion to the ZBA if you wish.

Samuel Hart says that the two conditions have been met. Lot B is a single family, and Lot A has been reduced in height to 31.5 feet. I'm fine with Neg Dec.

Jennifer Knarich is fine with Neg Dec.

Catherine Friesen states that we took a hard look at environmental concerns and SEQRA. I'm comfortable with Neg Dec.

Laura Rothschild is comfortable with Neg Dec as long as roof is not used other than access for

maintenance.

Dennis Michaels dictates a motion would be to adopt a final Negative Declaration. The conditioned negative declaration was published in the New York State Department of Environmental Conservation Environmental Notice Bulletin on June 10, 2026 and that conditioned negative declaration is now to be your negative declaration under SEQRA, the state environmental plan review. If adopted, Bob Galvin indicates that he will revise part 3 of the EAF.

Sam Hart makes motion to adopt final Neg Dec as recited by counsel. Catherine Friesen seconds this motion. Vote 4-0.

Public Hearing remains open until the next Planning Board meeting on Monday, October 5, 2026. Letters from the public are part of these Minutes for record.

5. 124 Fifth Avenue. Bart Rodi. Site Plan application for the construction of a single-family home on a previously sub-divided lot.

This is a request for site plan approval for a single-family house on a lot at 124 Fifth Avenue. This was a subdivision that was started in 2008, completed in 2010, and all the necessary environmental stuff was achieved and approved and now we're building the house. The house in question is similar in size, location and driveway placement, which was put on the subdivision site plan proposal, which is just a demonstration of what you might do, because you need that to get the negative declaration. I decided to keep it almost identical. I did make the driveway smaller so instead of having to remove 5 trees, we only have to remove 2 trees between Fifth Avenue and the property. There's no other vegetation to be removed. The plans were sent electronically to Weston and Sampson for review. I find it odd that they reviewed pages A1 A2, A3 and D1, but the first page, SP1, he did not review. In fact, he puts in his comments he'd like to see a plot plant sealed by a PE. He only has 6 comments even without looking at a site plan and most of those comments are covered in the site plan that he talks about. Manny gave a few comments that will be addressed as well.

I'm here hopefully to get final approval subject to ARB approval and approval by Manny and the consulting engineer that we satisfy all their comments. The Village Engineer also requested a copy of the 2010 Planning Board resolution.

The Chair stated that the Board received a letter of opposition on September 11th. It was from 108 Fifth Avenue regarding adding a driveway on Fifth and the site distances. Can you talk about the site distances?

Mr. Rodi states that on the original site plan subdivision map we're required to do that. The site distance coming out of the driveway. This is a road that has a 15 mile an hour speed limit.

Not 30, not 35, not 40, but 15. This is not my problem. Other roads put speed bumps, so why wasn't one put there? The site distance to the east toward the Hudson River is 425 feet and the site distance to the west away from the Hudson River is 230 feet which is way more than required.

And if you go to the site and stand where the driveway is going to be you can see all the way down to Broadway. On the upside you can basically see the hospital. This is the same driveway location from the original plan.

Catherine Friesen is concerned that conditions have changed substantially since 2010. BOCES is much busier with many more cars and buses. My husband was in a car accident with a car coming out of BOCES a few months ago. There was a lot of damage but luckily didn't get hurt.

Mr. Rodi indicates that he put the driveway as far east as he can. The further west it goes, I believe would be less safe because it's closer to the intersection of Central. Please note that I have also put a turnaround in the driveway so cars can pull out nose first, which is not a requirement. The issue is not my property issue, it is a community issue. Back when this was approved, buses used to line up on the school property. Now it's out on the street.

The Chair opens public comment.

Nicola from 120 Fifth Avenue. It's incredibly dangerous when BOCES buses are dropping off and picking up. I am also concerned about stormwater and drainage.

Scott Kanter, 120 Fifth Avenue. This is a huge home on a postage stamp sized property. We are slightly downhill from this property. Concerned about water runoff – the size of the building and impact on property. I object to this project.

Catherine Friesen asked Mary Screene to provide a copy of the PB Minutes from time of the subdivision approval. She supports this project as long as all engineering and Building Inspector comments are addressed.

Sam Hart supports this project.

Jennifer Knarich and Laura Rothschild are also in support.

This project is going on to ARB on 10/21 for advisory comments to the Planning Board and is being held open until the November 2nd Planning Board meeting.

There is one letter of opposition to this project attached for the record.

6. 18 Front Street. Anthony McGinn. Site Plan application for the construction of a 300 sq ft addition, 297 sq ft deck and a 64 sq ft detached greenhouse.

Anthony McGinn, Architect is seeking Site Plan approval for a small addition to the rear of the property, a 300 sq ft deck and 67 sq ft greenhouse.

The Chair states that she went on site visit to the property. Concerned about the lack of sidewalk. It creates a dangerous situation. This is a route to the hospital. Lots of people park here. I understand there was a Village Board Resolution back in 2022 to remove the sidewalk in order to save the tree, but I still think it's a dangerous condition. The solution to roots of the tree breaking up the sidewalk was to remove the sidewalk and create another dangerous situation? Is there a violation on this property?

Dennis Michaels states that the Village Board of Trustees Resolution explains the reasoning behind the decision. Whether it is a code violation I will defer to Manny.

The Building Inspector says that this is an ADA issue. State Code says we must have a sidewalk. If there was a sidewalk, it must remain. If there isn't a sidewalk, we don't have to put a sidewalk. But we can't remove a sidewalk between two other sidewalks and not replace.

Dennis Michaels asks are you saying that, pursuant to the Federal Americans with Disabilities Act, the developer must build a sidewalk? Answer is yes.

The Chair asks the property owner to come up and explain the situation.

Laurie Donald, property owner, states that she is confused about this whole thing. The Village removed the sidewalk. That's how they decided to remedy the situation. The roots of the tree were pulling up the sidewalk. They wanted to save the tree and I am all for saving the tree. There were a number of people from the Village there – Marcy Denker, Andy Stewart. They decided to save the tree. I don't know why if they removed the sidewalk that I have to put it back in?

Dennis Michaels states that homeowners and commercial property owners are required to maintain their existing sidewalks. I know there is a program that the Village has at the moment with some money to help homeowners with sidewalk repair or replacement cost.

Manny Carmona states that there must be a sidewalk. The homeowner questions why the Village removed it then? She is also willing to have the sidewalk go around the tree and onto her property but doesn't believe she should have to replace it since she did not remove it. She suggested it at the time, but the Village said they don't have to do anything.

Dennis Michaels questions the legality of a public sidewalk being on private property.

The Planning Board asks the applicant to work with the Village on a solution for the sidewalk.

The Chair questions Mr. McGinn about the greenhouse that is already built. He states that it is indicated on the plans as so. She asks if this is going to require a variance as a second accessory structure. No variances required for this.

Sam Hart questions if Board can approve the Site Plan without a resolution to the sidewalk issue?

The Building Inspector indicates that you can hear this application and render your decision with conditions about the sidewalk.

Bob Galvin mentions that if the property owner decides to allow the sidewalk to be put on her property, they should do a "hold harmless" for the Village. An easement would have to be given to the Village by the property owner. Or the other option would be to remove the tree, replace the sidewalk and replant a tree. Owner wants to resolve this in the best way possible.

Sam Hart would be inclined to grant conditional approval subject to the resolution of the sidewalk violation to be determined by the Village Board.

The Chair opens public comment. Hearing none, she closes public comment.

Dennis Michaels says that it would be procedurally appropriate for any one of you at this time to voice a motion to approve with the condition the site development plan application for 18 Front Street by Anthony McGinn, NYS Registered Architect, reflected on set of drawings containing 15 pages dated June 28, 2026. Condition imposed that the sidewalk violation shall be resolved according to the Building Inspector's satisfaction.

Sam Hart so moved as recited by legal counsel. This motion is seconded by Jennifer Knarich. Vote passed 4-0.

7. 1 Laveta Place. Indigo River Architecture and Engineering. Site Plan application for seawall rehabilitation and safe stair access.

Dena Prastos, Indigo River, behalf of the property owner, Andreas Roy. I am joined by Anand Agarwal, Engineer. He can address the more detailed and structural construction questions.

Application is for the rehabilitation of the existing shoreline soil retention system at 1 Laveta Place, together with improved stair access from the residence to the shoreline. The property has a significant grade change down to the Hudson River, about 30 feet, and the existing retaining system has deteriorated significantly. The purpose of the proposed project is to stabilize the slope, replace the failing shoreline retaining elements, and provide safe access to the water.

The set includes some additional waterfront structures, namely the fixed pier, the gangway, and the floating dock. Those are shown in some of the broader project materials. They're not intended to be part of the approval we're requesting from this board. They are included for context and have been reviewed and received the appropriate approvals from State and Federal permitting agencies. We have reviewed the comments received from the Village Engineer and Rockland County Planning and are comfortable addressing the technical comments through a revision or a letter and revision back to the engineer, namely the comments that address construction sequencing. We met with the proposed contractor on site today, sewer protection, erosion controls, wall details, and related coordination items.

We have also considered the County's comments regarding the hybrid shoreline treatment request in need of plantings; we are open to incorporating a softer restoration or softer restoration measures where they are compatible with the structural requirements of the site. What's hard in this instance is that there's not a lot of horizontal room to make up the vertical distance, so a lot of the nature-based solutions that have been proposed aren't feasible for the structural requirements. At its core, this is a stabilization and safe-access project and largely replacing in kind what was there previously but has failed.

The Chair asks if they have a DEC permit? Answer is we have DEC, Army Corps, Department of State, and Office of General Services and general concurrence for a waterfront.

The Chair asks about the sewer pipe? Answer is we have questions about that, too. We had to conduct geotechnical borings. We spoke with Manny probably close to a year ago at this point, but we did conduct geotechnical boring, and in that process, we had private and public utility mark-outs, and mark-outs for the county as well. There was one pipe located, but not really. We just steered clear of it, so that is kind of an open question that we're willing to go in, do a test pit, figure out where it is, and support around it, but to date, we haven't been able to actually locate it, but we're on the same page about supporting it once we do.

Catherine Friesen states that this is a very well-presented application, so thank you for that.

Bob Galvin states that he will fill out the LWRP Waterfront Assessment. And we'll have to do a draft resolution because of the County's comments and it would be very helpful if you provide that to us and we can incorporate in the resolution.

Dennis Michaels clarifies that in the Rockland County Department of Planning's GML report, they recommended some modifications. If there are any recommended modifications that you are unwilling or unable to comply with, then this board needs to override them, and you need to give the board the reasons why, and they may disagree with you or not, whether or not to override those modifications.

Dena Prastos says one of the county's comments was about soft shoreline features, which, again, we'd be happy to do, just the structure doesn't really permit that with the horizontal room needed to get the vertical. Is that something we need to tell you now or in advance? Answer is Bob is going to need the information to prepare the resolution indicating overrides.

You can email these responses to Bob. If you want to come back on October 5th for potential approval, Bob will need that information.

The Chair opens for public comment. Hearing none, she closes public comment.

The Board asks Bob Galvin to draft a resolution.

This application remains open until to the next Planning Board meeting on Monday, October 5th at 7:00pm.

8. 4 Waldron Avenue. Ali Shafquat. Application to renew previously approved Site Plan. Administrative Only.

Ali Shafquat, property owner is asking the Planning Board to grant a renewal of his approval to allow them to finish the project. Previous contractor caused delays. They have a new contractor now.

The Chair questions how far along they are and how much time they think they need. Answer is they are approximately 65% done and need 6-12 months to complete.

The Building Inspector indicates that he has allowed them to close the roof, but has issued a Stop Work Order until they get approval from the Planning Board. This approval expired in July.

The Chair asks if the owner is still renting parking spaces to the DJ truck. Answer is no.

Sam Hart indicates that he is comfortable granting a 6-month extension from today.

Jennifer Knarich makes a motion to extend Planning Board approval for six months from today, expiring on March 14, 2027. This is seconded by Catherine Friesen. Vote passed 4-0.

9. 6 North Midland Avenue. Montclare Apartments. Application to amend previously approved Site Plan to add awning over garage entrance.

Joe Lagana, property owner, explains that this past Winter, the garage door keeps getting jammed with snow and ice. This awning would protect the door and access card that people need to use to get in. It's a safety issue.

The Chair asks about the pitch of the awning. Joe Ceva, property manager, says it is a pitched shed roof coming from the exiting building. It will definitely help alleviate this situation.

Manny Carmona says this will definitely help the situation. The drawings need to be stamped

by designer.

Sam Hart questions the size and questions if this is a sign as well? Answer is the awning is 20 feet by 14 feet. Awning is not a sign. It is directional and is needed for safety because there is another driveway right next door. If someone enters the wrong driveway, it is a hazard backing out.

The Chair asks if this will be illuminated? Answer is there will be no new lighting. Existing only.

The Chair opens public comment. Hearing none, she closes public comment.

Sam Hart makes motion to amend previously approved Site Plan dated 6/6/16 and amended on 1/6/25 the drawings under USIS dated 6/24/26 which contain 4 pages, SK000, SK001, SK002 and SK003. This is seconded by Jennifer Knarich. Vote passed 4-0.

10.294 Main Street. Robert Silarski. Pre-application appearance to demolish a 1-story commercial building, merge two lots (subdivision) and construct 4-story building with 25 dwelling units and underground garage.

Bob Silarski, Architect, presented proposed project to the Planning Board for comment.

The Chair closed the meeting at 10:25 pm.

The Clerk/Secretary to the Planning Board of the Village of Nyack is hereby authorized, directed and empowered, by the Planning Board, to sign these Minutes, and to file a copy thereof in the office of the Village Clerk:



Mary Screene, Clerk/Secretary

MEMORANDUM

Date: September 11, 2026

To: Village of Nyack, NY

From: 58-year neighbors of Subject Lot (two attorneys)

Re: Opposition to adding a driveway on Fifth Avenue for 124 Fifth Avenue

Summary

For public safety, aesthetic, and other reasons, the neighbors at 108 Fifth Ave. oppose adding a Fifth Avenue driveway for any development at 124 Fifth Avenue (the Subject Lot).

Background

This memo's authors are two (2) attorneys whose family has owned and occupied the single-family house at 108 Fifth Avenue in Nyack for the last fifty-nine years (59 years).

The Subject Lot is undeveloped and is located between a single-family house that was built about 100 years ago (128 Fifth Avenue) and a "skinny" lot with a single-family house that has a narrow side yard and a big back yard (120 Fifth Avenue). The Subject Lot is a second "skinny" lot without room to develop a house as wide as other houses on the block.

Going up the hill: 2 Tillou Lane, 108, 120, 124 (Subject Lot that is narrow), and 128 Fifth Ave.

The Subject Lot is on a busy street and is across from an active driveway of the old Nyack High School (now BOCES special and adult education buildings that operate day and night).

The Subject Lot is in a blind spot for drivers going down Fifth Avenue, near the top of a steep hill. Regardless of pedestrian traffic, heightened safety risk near an active school, long caravans of school busses, and posted speed limit signs, traffic near the Subject Lot is fast. Vehicles pick up speed quickly going downhill. Vehicles drive hard and fast to get up the hill.

Cars park across the street (most spots are used on workdays and nights – up and down the hill). Parking is prohibited and there is no sidewalk on the Subject Lot's side of Fifth Avenue.

The Subject Lot has never had a driveway on Fifth Avenue. Instead, the Subject Lot includes part of a beautiful 100-year-old stone wall that extends from 128 Fifth Avenue five lots downhill to the next street (from Central Avenue to Tillou Lane). Many trees now grow on the Subject Lot near the stone wall between the Subject Lot and Fifth Avenue.

Public Safety

The volume and speed of vehicle traffic, the active driveway and school across the street used by many students, faculty, staff, and tradespeople, the many school busses, the blind spot for

downhill traffic and constricted available road width due to cars parking opposite to the Subject Lot cause a need for extra caution when exiting the three (3) nearby driveways.

Drivers exiting driveways on downhill properties (BOCES, 120 and 108 Fifth Avenue) have time, albeit a short amount of time, to see if a car is coming downhill and gauge the speed of oncoming traffic. Many cars inadvertently pick up speed when they start downhill. Drivers exiting a driveway at the Subject Lot would not have such time benefits.

Bicyclists often challenge themselves by riding up the long and steep hill that crests near the Subject Lot. Many are nearly exhausted by the time they reach the Subject Lot. The adjacent property downhill has tall perennial bushes as sound and visual barriers, which would create a second blind spot all year long. Snow plowing in the winter could pose additional risks.

In sum, The Village of Nyack can reasonably expect serious bodily injury and property damage, if the Village permits adding a driveway on Fifth Avenue for the Subject Lot.

Aesthetics and Other Considerations

Permitting a driveway on Fifth Avenue for the Subject Lot would remove many trees and at least part of the 100-year-old stone wall that lines the full city block and acts as a sound and safety barrier against the busy Fifth Avenue vehicle and bicycle traffic.

Many people would be subject to extraordinary property damage risk from collisions. Winter weather complicates the matter each year. Snow and ice can cause civilian and Village drivers to temporarily lose control and increase risk of vehicle collisions.

Solution

If the Village decides to permit development of a single-family house on the Subject Lot, the authors of this memo urge the Village to consider requiring the use of a pre-existing driveway on Central Avenue instead of adding a new driveway on Fifth Avenue.

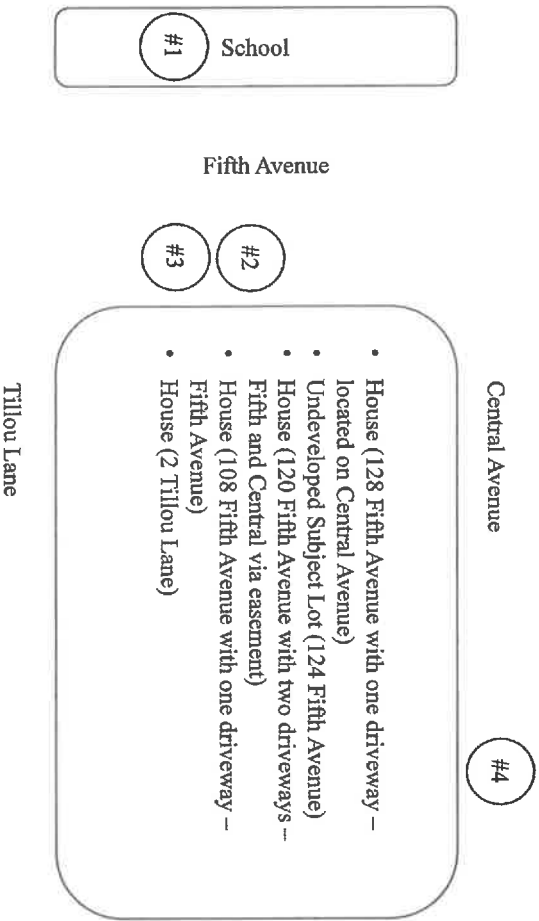
To make such suggestion feasible, the Village would need to require an easement on 128 Fifth Avenue to permit vehicles to access the Subject Lot from Central Avenue, plus to ensure on-lot public safety require a formidable barrier between the house at 128 Fifth Avenue and its driveway to accommodate both greater and unknown vehicle traffic accessing the Subject Lot.

Since the Subject Lot is “skinny” and there are separate visual barriers on Central Avenue, consider requiring additional driveway space to turn vehicles around on the Subject Lot (only – to minimize lowered property values of 128 Fifth Avenue due to the suggested easement).

Summary

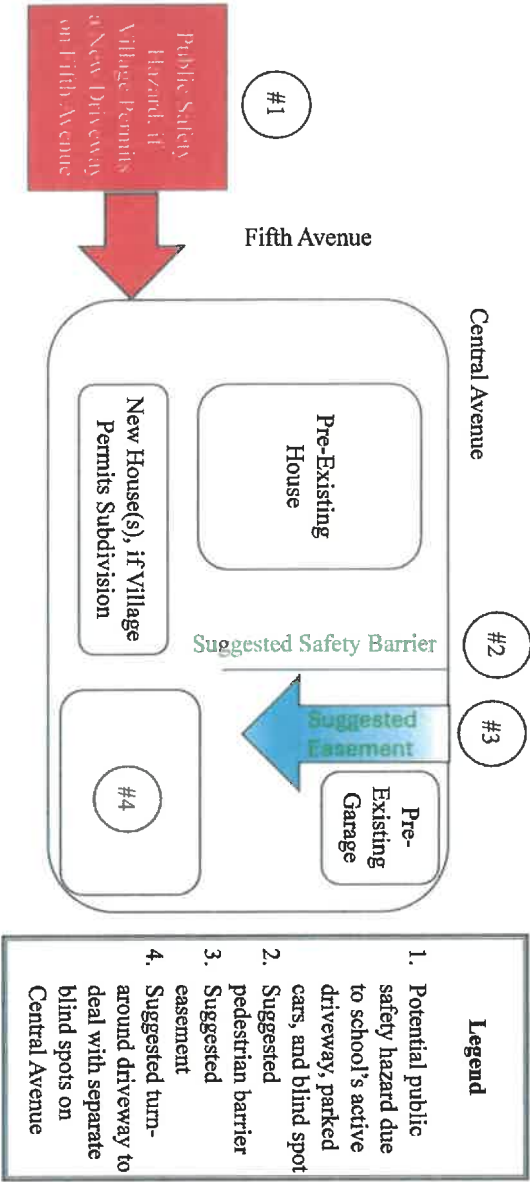
The neighbors at 108 Fifth Avenue oppose adding a driveway on Fifth Avenue for the currently-undeveloped lot at 124 Fifth Avenue on public safety and other reasons described herein.

Public Safety Hazard, if Village Permits a New Driveway on
Fifth Avenue for Subject Lot (124 Fifth Avenue) (Not to Scale)



- Legend**
1. Active school driveway, sidewalk, and vehicle parking across the street from Subject Lot
 2. Blind spot (hill and hedge) that blocks view of vehicles and bicycles
 3. Stone wall and trees that act as a sound and safety barrier on Subject Lot
 4. Requiring the use of a pre-existing driveway on Central Avenue would be safer

Subject Lot (124 Fifth Avenue) and Suggestions (Not to Scale)



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**

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

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Thank you for your consideration.

Respectfully submitted,

Miriam Rubinton

Owner, 30 Third Avenue



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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 <Pil300123@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

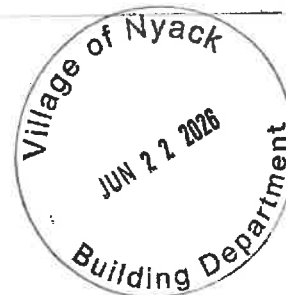
Sent from my Galaxy

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