

RESOLUTION

VILLAGE OF NYACK PLANNING BOARD

Adopted October 5, 2026

**RE: Application of Indigo River Architecture and Engineering, D. P. C.
Property: 1 Laveta Place and SFR-1 Zone**

**Resolution of Site Plan Approval for Seawall Rehabilitation and Stair Access at
1 Laveta Place**

Background

After due discussion and deliberation, on motion by Samuel Hart, seconded by Jennifer Knarich and carried, the following Site Plan for Seawall Rehabilitation and Stair Access at 1 Laveta Place was adopted:

1. The Applicant, Indigo River Architecture and Engineering, D. P. C. (representing the property owner, Andreas Roy), is seeking site plan approval for the seawall rehabilitation and stair access work at 1 Laveta Place. The 0.406-acre property is located on the south side of Laveta Place, 235' feet east of North Broadway in the SFR-1 (Single Family) zoning district. The site currently is improved with a single-family residence and a seawall with stairway access to the shoreline. There are existing sanitary sewer lines and associated sewer easements in the rear yard in proximity to the proposed seawall improvements. The Applicant is proposing a seawall rehabilitation and improved stairway access to the shoreline. The approximate disturbance for the project is 0.045-acre. As noted in the Project Narrative, the site plan application is limited to rehabilitation of the existing shoreline soil-retention system and construction of safe stair access from the residential property to the Hudson River shoreline. The Applicant has described the proposed seawall and stair work to include the placement of riprap for protection along the reconstituted portion of the shoreline wall. Implementation measures are shown in the construction documents. Applicant will use localized turbidity controls as needed. The fixed pier, gangway and floating dock shown in the broader project drawing and prior agency permits are included only to provide complete project context. These overwater elements are not part of the Village approval request. The Applicant has already received DEC permit (March 7, 2025), USACA (Army Corp of Engineers, February 11, 2025) and DOS Coastal Consistency. The NYSOGS found that no OGS permit was required. These documents are included as supplemental context and do not expand the local Village approval requested.
2. The existing retaining system has substantial deterioration with loss of fill, voiding, cracking, spalling and localized section loss. The proposed work will replace the deficient shoreline-retaining system elements and stabilize the steep slope, provide controlled access through new stairs and terraces, and restore disturbed areas. Work has

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been developed with erosion, sediment, turbidity, and spill control measures appropriate to the Hudson River shoreline. The Applicant has provided materials specifically requested by the Village together with the technical studies and the existing New York State and Federal approvals for the related waterfront project. Engineering will be provided to the Village and Village Engineer to present the structural approach, the environmental permitting history and construction controls.

3. *The Planning Board on September 14, 2026 determined that the proposed action based on that the Project is a Type II action based on 6 NYCRR §617.5 (c) (12) “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density; the key to this item is that accessory/appurtenant structures must be minor ones having a secondary use, or facilities adjunct to, or supporting some main use of the facility. The list of appurtenant structures contains examples and is not intended to be complete or exclusive.” The proposed action is a minor appurtenant to the existing residence at 1 Laveta Place. The work will replace the deficient retaining system elements and provide safe and controlled access through the new stairs and restore disturbed areas.*

The work occurs on a developed residential parcel. No new residence is being created. There will be no habitable space and no wastewater discharge. There will be no water demand and no permanent traffic demand or operational noise. Construction will be temporary and limited to allowable Village work periods. The Project will not change access from Laveta Place, parking or residential use of the property. The Hudson River conditions and will improve slope stability and reduce risk of uncontrollable erosion. on River is a NYS regulated waterbody and the shoreline is within the mapped floodplain. The retaining system and access improvements are designed for shoreline conditions and will improve slope stability and reduce risk of uncontrollable erosion. The Final Environmental Assessment has reviewed the complete Project including Project setting, temporary construction impacts, future flood exposure and has proposed mitigation measures which have been reviewed and approved by NYS and Federal agencies (DEC, USACA and DOS).

4. The Planning Board opened a duly noticed public hearing on September 14, 2026, and closed the public hearing on September 14, 2026, at which time all those wishing to be heard were given the opportunity to be heard. The Planning Board has reviewed the *Set of Plans for Seawall Rehabilitation and Dock Installation dated June 2026*, detailing the proposed improvements, Applicant's *Project Narrative dated 7/30/2026*, the *Planning Board Review Application, Full Environmental Assessment Form dated 7/30/2026*, *Field Report prepared by Indigo River Architecture & Engineering dated 3/1/2024*, *NYSDEC Permit and 2026 Minor Change Approval dated 3/7/2025 & reaffirmed 5/29/2026*, *USACE Permit & Coordination Letter dated 2/11/2025*, *NYSDOS Coastal Consistency Concurrence dated 11/18/2024*, *NYSOGS No-Permit-Required Determination dated 9/19/2024*. The Planning Board also reviewed the *Village's LWRP Assessment prepared by the Village Planner dated September 10, 2026*, and the *Village Planner's Planning Notes for September 14, 2026*. The Planning Board reviewed the *Village Engineer's Site*

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Plan Review dated September 8, 2026. The Planning Board reviewed the Rockland County Planning GML Comments dated September 1, 2026, and the Applicant's (Indigo River Architecture & Engineering, D.P.C.) Response to the GML Review Comments regarding recommended modifications dated September 23, 2026. These documents have been made part of the record for this application and have been considered by the Planning Board.

5. The Planning Board after having reviewed the Village of Nyack Waterfront Assessment Form reviewed by the Village Planner dated September 10, 2026 determined on September 14, 2026, that the Project is consistent with the policies of the Village's *Local Waterfront Revitalization Program ("LWRP")* pursuant to Chapter 342 of the Village Code. NYSDOS reviewed and provided a Coastal Consistency Concurrence dated November 18, 2024, for this project.
6. Indigo River Architecture & Engineering, D. P. C. submitted the following responses at the request of the Planning Board regarding the Rockland County Department of Planning GML review dated September 1, 2026, for the proposed seawall rehabilitation and stair-access improvements at 1 Laveta Place. Below are the County's recommended modifications, followed by the Applicant's corresponding responses. Where applicable, the Planning Board has identified recommendations for which an Override or Partial Override by the Village of Nyack Planning Board is requested.

County Comment #1: Comply/No Override Requested. *The Planning Board shall be satisfied that the proposed project is consistent with the 2016 Comprehensive Plan specifically Section 7.2.3 regarding protection against sea level rise and storm surge through promotion of "soft" vegetated shoreline treatments or riprap.*

The Planning Board finds that Applicant's proposed design includes riprap toe protection and will incorporate native vegetative restoration where compatible with the structural requirements of the slope stabilization on site.

County Comment #4: Comply. *The Building Department and Planning Board has reviewed the removal of trees and vegetation, and plans comply with §360-5.18C. The Applicant will identify and clarify vegetation-removal limits as part of the revised site plans. Any tree removal subject to Village Code requirements will be addressed accordingly. Disturbed areas will be stabilized and restored, with native vegetation incorporated where practicable. The project will be designed and constructed so that vegetation removal does not increase erosion on adjacent properties.*

County Comment #5. Comply. *The Building Department and Planning Board have reviewed the USACA permit which was issued for the broader waterfront project on 2/11/25. Prior to construction, the Applicant will confirm with the USACA whether any extension, re-verification, modification, or additional authorization is required for the current construction scope and will comply with all applicable federal requirements.*

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County Comment #6. *Comply. Health Department. The Applicant has no objection to the required referral and will address any comments received from the Rockland County Department of Health. This will be a condition in the Planning Board's Resolution prior to the issuance of the Building Permit Permit.*

County Comment #7. *Comply. Town of Orangetown. The Applicant has no objection to the required referral and has already untaken coordination regarding utilities and sewer infrastructure associated with the Town of Orangetown. Any comments received from the Town will be incorporated into the Building Department's review process.*

County Comment #8. *Comply. Engineer of Record shall certify to the Village Floodplain Administrator (Chief Building Inspector) that the proposed construction complies with Village and Floodplain regulations. The Applicant will provide the required floodplain compliance certification to the Village Floodplain Administrator at the appropriate stage of the permitting process.*

County Comment #9. *Comply. The proposed retaining-wall system was designed under the direction of Anand Agarwal, P.E., a New York State licensed Professional Engineer. Final structural plans and calculations will be signed and sealed as required and will demonstrate compliance with applicable New York State code requirements.*

County Comment #10. *Comply. The Planning Board recommends the use of native plants native to New York for proposed landscaping.*

County Comment #11. *Comply. The Building Department will file a resolution approved by the Planning Board to the County Commissioner of Planning for Rockland County.*

County Comment #12. *Comply. The Planning Board Secretary will provide to the County Commissioner of Planning the Resolution approved by the Village of Nyack Planning Board and containing all recommended County modifications, or disapprovals as required by Executive Order 01-2017.*

6. The Planning Board closed the public hearing on September 14, 2026. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for site plan approval.

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Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board considered the standards set forth in Village of Nyack Zoning Code ("Zoning Code") Chapter 360-5.7 "*Site Development Plan*" and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein. Five percent of the Steep Slopes on the property contain slopes 15 percent or greater.

The Applicant's proposed project is located on a 0.406-acre property in the Single-Family Residential-1 (SFR-1) district. The property is an existing single-family residence on the west bank of the Hudson River. The site also has a seawall with stairway access to the shoreline. Approximately 26 to 30 feet of grade change separates the upland residential yard from the shoreline. Two principal retaining-wall alignments and a steep intervening slope currently support the upland property. The Applicant is proposing a seawall rehabilitation and improved stairway access to the shoreline. The current Site Plan application is limited to the proposed rehabilitation of the existing shoreline soil-retention system and construction of safe stair access from the residential property to the shoreline. The fixed pier, gangway and floating dock is shown in the broader project drawings to provide complete project context. This has already received permitting from New York State DEC, and Federal agencies. received permits from the NYSDEC, NYSDOS and the Army Corp of Engineers (USACE). The Village action includes controlled demolition and removal, shoreline retaining structures, stairs, landings, and terraces, grading and fill, riprap toe protection, erosion and sediment controls, and restoration.

A February 2024 field inspection documented significant deterioration in the existing stone and concrete retaining elements. Observed conditions include fill loss behind the wall, voids in the stone masonry, cracking and localized section loss. Without corrective work, continued deterioration could compromise shoreline stability and allow soil or debris to enter the Hudson River. Proposed scope of work will include controlled removal and legal off-site disposal of deteriorated wall components, unsuitable fill and miscellaneous shoreline debris within work limits. Installation of new precast retaining-wall elements and a steel soldier-pile shoreline retaining system with concrete infill and cap. Construction of cast-in-place concrete stairs, landings and terraces providing safe access through the steep grade change. Localized grading, structural fill and restoration of lawn and landscaped areas. Placement of riprap toe protection along the reconstructed portion of the shoreline wall.

The Planning Board finds that the Applicant will continue to use erosion, sediment, turbidity, spill-control, and applicable seasonal measures, that SAV Habitat is documented south of the project site, rather than within the proposed seawall and stair disturbance area. The Project has been reviewed by NYSDEC, USACE and NYSDOS. The

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Planning Board finds that the proposed structural system is necessary to safely stabilize the slope and retain the upland property. The Planning Board respectfully requests that the recommendation to substitute a hybrid shoreline system for the proposed structural stabilization system, while recognizing that softer measures should be incorporated where practicable.

II. Approved Plans:

The following Site Plan for Seawall Rehabilitation and Dock Installation prepared for Andreas Roy (owner) at 1 Laveta Place, Nyack, NY 10960 prepared by Indigo River Architecture and Engineering, D. P. C. dated June 2026 *unless otherwise noted* are part of the approved plans:

General

- T-000 *"Title Sheet"*
- G-001 *"General Notes and Abbreviations"*
- G-100 *"Tax Map"*
- G-200 *"Firm Map"*

Survey

- V-001 *"Topographical Survey"*
- V-002 *"Bathymetric Survey"*
- V-003 *"Datum Chart"*

GeoTechnical

- B-001 *"Soil Boring Plan"*
- B-100 *"Boring Log 1"*

Existing

- EX-100 *"Existing Site Plan"*
- EX-150 *"Existing Seawall Sections 1 of 2"*
- EX-151 *"Existing Seawall Sections 2 of 2"*

Demolition

- MR-100 *"Removal Site Plan"*
- MR-150 *"Removal Seawall Sections 1 of 2"*
- MR-151 *"Removal Seawall Sections 2 of 2"*

Marine/Structural

- MR-200 *"Proposed Site Plan"*
- MR-201 *"Proposed Erosion and Sediment Control Plan"*

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MR-202	<i>"Proposed Seawall Plans"</i>
MR-203	<i>"Proposed Pier Plan"</i>
MR-300	<i>"Proposed Seawall Sections"</i>
MR-301	<i>"Proposed Pier Sections"</i>
MR-302	<i>"Proposed Gangway Sections"</i>

(the "Approved Plans")

NOW, THEREFORE, BE IT RESOLVED that the Site Plan application submitted by Indigo River Architecture and Engineering, D. P. C. for the proposed seawall rehabilitation and stair-access improvements at 1 Laveta Place as reflection the set of approved plans listed above is hereby granted subject to the following conditions:

III. General Conditions:

- (a) The Applicant shall obtain all required state, county and local permits and approvals.
- (b) The Applicant shall make an application to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code.
- (c) Prior to the issuance of a Building Permit, the sewer design and details shall be reviewed and approved by the Town of Orangetown sewer department and the Town of Orangetown flow fee as determined by the Town's Department of Environmental and Engineering shall be paid to the Town. The Applicant shall provide proof to the Village of Nyack Chief Building Inspector that such fee has been paid prior to the issuance of a building permit.
- (d) The Engineer of Record shall certify to the Village Floodplain Administrator (Chief Building Inspector) that the proposed construction complies with Village and floodplain regulations. The Applicant will provide the required floodplain compliance certification to the Village Floodplain Administrator at the appropriate stage of the permitting process.
- (e) Prior to the issuance of a Building Permit, the Applicant will incorporate the responses provided to the Village Engineer's review comments in a letter dated October 5, 2026, to be submitted to the Chief Building Inspector. They are understood to be technical coordination and construction-document items and do not alter the fundamental scope or intent of the application currently before the Planning Board.

NOW BE IT FURTHER RESOLVED

County Comment #2: Request Override.

The County strongly recommends that Applicant consider a hybrid and nature-based shoreline stabilization in lieu of the structural method currently proposed. Applicant indicates that a predominantly soft or hybrid shoreline treatment cannot provide the structural retention required at this location.

The Planning Board finds that there is a substantial vertical grade differential between the upland residential property and the Hudson River. Additionally, the existing retaining system is structurally deteriorated and requires replacement. The Planning Board finds that the proposed structural system is necessary to safely stabilize the slope and retain the upland property. The Planning Board respectfully requests that the County's recommendation to substitute a hybrid shoreline system for the proposed structural stabilization system be an Override, while recognizing that softer measures be incorporated where practicable.

County Comment #3: Comply in Part/Request Override in Part. The County identified important areas for rare and aquatic animals and documented submerged aquatic vegetation SAV habitat south of the site and again recommends consideration of hybrid shoreline management techniques.

The Applicant acknowledges the ecological sensitivity of the Hudson River and has incorporated measures to avoid and minimize impacts to aquatic resources. The County identifies documented SAV habitat south of the project site, rather than within the proposed seawall and stair disturbance area. The Project has also undergone review by NYSDEC, USACE and NYSDOS in connection with the broader waterfront project.

The Planning Board finds that the Applicant will continue to use erosion, sediment, turbidity, spill-control, and applicable seasonal measures, that SAV Habitat is documented south of the project site, rather than within the proposed seawall and stair disturbance area. The Planning Board finds that the proposed structural system is necessary to safely stabilize the slope and retain the upland property.

Override of Modification #3 – Consideration of hybrid shoreline management techniques. *For the reasons stated in Recommendation Response #2, The Planning Board respectfully requests that the recommendation to substitute a hybrid shoreline system for the proposed structural stabilization system be an Override, while recognizing that softer measures be incorporated where practicable.*

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VOTE:

Ayes: 5

Nays: 0

PLANNING BOARD

Village of Nyack

A handwritten signature in dark ink, reading "Laura Rothschild". The signature is fluid and cursive, with the first name "Laura" and last name "Rothschild" clearly legible.

Laura Rothschild, Chairperson

Date: October 5, 2026