

# PLAN NYACK



Blueprint for the Future



## Village of Nyack Comprehensive Plan Update and Zoning Amendments

ENVIRONMENTAL ASSESSMENT FORM, Part 2  
July 8, 2016

Prepared for  
Village of Nyack, New York



Village of Nyack Comprehensive Plan Update and Zoning Amendments  
Environmental Assessment Form  
Part 2

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## **1.0 INTRODUCTION AND DESCRIPTION OF PROPOSED ACTION**

Pursuant to the New York State Environmental Quality Review Act (SEQR) this Environmental Assessment Form (EAF) Part 2 evaluates the potential impacts that could result from the following action by the Nyack Board of Trustees: Adoption of the Village of Nyack Comprehensive Plan Update and Adoption of Amendments to the Nyack Zoning Code. The action consists solely of a legislative action and therefore will not result in any direct construction or development. Part 1 of the EAF was completed in June 2016, prior to the Trustees of the Village declaring themselves as the Lead Agency to comply with SEQR.

The Village of Nyack's last comprehensive plan was prepared beginning in 2002 and adopted in 2007 after several amendments. That Comprehensive Master Plan (CMP) was organized around the themes of downtown, the "Gateway" area around Exit 12, the waterfront, and residential neighborhoods. The CMP outlined a range of recommendations, including zoning amendments, many of which were implemented through the creation of mixed-use and waterfront districts.

In updating the 2007 CMP, the Village seeks to build on these planning efforts with current demographic and economic data, and to integrate plans for new multi-modal transportation options, waterfront development activity and environmental sustainability. Nyack received a grant award in 2015 to complete the update from the New York State Energy Research and Development Authority (NYSERDA).

State municipal law provides that the Board of Trustees may prepare a comprehensive plan with the assistance of a special board. Accordingly, the Trustees appointed a Steering Committee of 10 members to assist with the preparation of a Plan update, working with a consultant team. The committee included representatives from Village government, staff and boards and committees, as well as members of the community at-large. The committee met regularly over the course of the year-long planning process, provided guidance and direction in the drafting of the Plan and hosted seven community workshops to collect and incorporate public input.

As part of the Comprehensive Plan update, a review of the Village's existing zoning code was performed to evaluate opportunities to enhance and strengthen the code parallel to the recommendations contained in the Plan. These accompanying text amendments, detailed below, represent a synthesis of input from the combined efforts of the Steering Committee, the Village consultant team, Village staff and Trustees, residents and stakeholders.

## **2.0 PLAN RECOMMENDATIONS**

### **2.1 SUMMARY OF RECOMMENDATIONS**

#### **Socioeconomics and Housing**

##### ***Growth, Development and Housing***

1. Preserve the current overall built context of Nyack and its neighborhoods.
2. Manage growth demand by prioritizing townhouse and multifamily development where appropriate, with sensitivity to the existing village context of low-rise single-, two-, and three-family residences and small apartment buildings.
3. Guide new development toward the most walkable and transit-proximate places, with strong access to local services, to reduce household costs and maximize efficiency of public investments.
4. Increase housing opportunities that respond to Nyack's changing population, including seniors and young adults.
5. Continue to seek federal and state grants for affordable housing.
6. Facilitate maintenance of existing neighborhood multifamily housing stock.

##### ***Downtown***

1. Prioritize the siting and highest-caliber design of a user-friendly transit hub (bus) serving the Village core and connecting it with regional economic hubs.
2. Encourage redevelopment of the Superblock site with new ground-floor retail, a cultural anchor, upper-floor housing and a public gathering place.

##### ***Waterfront***

1. Establish and codify a waterfront vision that guides its future redevelopment to provide maximum public benefit and preserve community character; create a new, cohesive civic place and guide future development according to community goals.

#### **Land Use and Zoning**

##### ***Area, Bulk and Use Provisions***

1. Consider adjusting FAR and residential density in zoning districts where both are used, to ensure that they function appropriately together.
2. Explore establishing minimum per-unit open space requirements for the single- and two-family districts and the CC zone.

### ***Downtown Zoning***

1. Consider shrinking the boundaries of the DMU district to match those of the DMU Overlay District, and rezoning the remaining areas of the current DMU zone either to the Residential Mixed Use (RMU) district or a newly created transition zone.
2. Explore increasing the allowable height in the DMU zone to four stories, or 48 feet.
3. Within the DMU zone, clarify the bulk and density incentives to determine the specific bonuses or additional uses to be provided.
4. Evaluate whether additional uses may be defined and permitted in the DMU zone, such as microbreweries and live/work studios, to promote a wider range of activities.

### ***Gateway Area***

1. Establish site design and landscaping controls to improve functionality and aesthetics. Examples include provisions for building orientation toward the street with parking to the side or rear, more specific landscaping standards and provisions for street trees.
2. Consider allowing additional uses in the CC zone to encourage economic development and greater activity in the Gateway, including multifamily, live/work units and business incubators.

### ***Waterfront***

1. Continue to closely monitor the WF zone to ensure an appropriate and complementary development pattern.

### ***Open Space Zoning***

1. Look into establishing an open space zone for Memorial Park and Oak Hill Cemetery, or alternatively, rezone the cemetery to SFR-1.

### ***Sustainability Incentives***

1. Continue to monitor the effectiveness of the incentives and adjust as needed to ensure they are functioning properly to promote sustainability objectives.
2. Consider adding incentives to promote car-sharing services and charging stations for electric vehicles.

### ***Parking***

1. Explore reconfigurations to municipal parking lots, as needed, to ensure their maximum functionality while increasing landscaping and lighting within the lots.

2. Develop a plan to better coordinate public and private parking lots to improve efficiency and aesthetics.
3. Reactivate the in-lieu parking fee and establish a reasonable amount.
4. Consider designating a Parking Manager, reporting to the Village Administrator, to oversee management of funds from in-lieu parking fees and other sources, for use in implementing long-term parking improvements.
5. Grant authority to the Planning Board to reduce parking requirements upon a shared parking analysis showing a lower actual need.
6. Consider adopting land banking parking regulations for the CC zone.
7. Look at relaxing parking requirements in the DMU zone.

***Application Procedures and Board Duties***

1. Study the best approach to architectural review in Nyack, with consideration for the following options:
  - Merging the ARB and Planning Board so that design review is considered as part of site plan or subdivision review. This would retain the full function of the ARB, but would require expansion of the Planning Board to seven members to incorporate additional members from the ARB.
  - Making the ARB advisory, with the ability to provide recommendations to the Planning Board as part of site plan review.
  - Retain the current structure of the ARB, but exempt one- and two-family homes and sign permits from ARB review.
  - Retain the current structure of the ARB, but limit review of one- and two-family homes to work above an established threshold.
2. Create design guidelines for the mixed-use and CC zones, to provide greater clarity in architectural review.
3. Consider exempting certain minor modifications to single- and two-family homes from site plan review.
4. Look at moving approval of sign permits to the Building Department, unless they are sought in connection with a site plan approval, in which case the Planning Board would consider the sign permit as part of its overall review of the site plan.

## **Infrastructure and Utilities**

### ***Water Supply***

1. Advocate for low-impact development and similar best practices in the Lake DeForest watershed area.
2. Through zoning regulations and incentives, promote water conservation measures such as reuse of rainwater and greywater; use of efficient building fixtures; and controls on the use of potable water for irrigation, car washing and other outside activities.
3. Incorporate appropriate elements of NYSERDA's *Guide to Water Conservation and Reuse* and the EPA's WaterSense program into the Zoning Code.
4. Continue to implement action items of the Nyack Green Infrastructure Report as appropriate and feasible.
5. Promote residential water conservation through advocacy and education programs.

### ***Sanitary Sewer***

1. Explore development of a program to encourage and incentivize the disconnection of illegal downspouts and sump pumps from the sewer system.
2. Establish a discharge compliance certificate program and continue education and outreach about the issues of infiltration and inflow.
3. Support the Town of Orangetown in its infiltration and inflow remediation efforts.

### ***Stormwater Management and Flooding***

1. Continue to seek funding and implementation of the Nyack Brook Improvement Project as the Village's highest-priority infrastructure project.
2. Promote the daylighting of the Nyack Brook, as appropriate and feasible, as part of development and redevelopment. Explore the potential for daylighting the Brook at Village-owned properties.
3. Develop planting and maintenance standards for street trees and other trees in Village properties, maximizing their potential for stormwater infiltration.
4. Undertake a stormwater master plan to establish best management practices for Nyack that address its unique challenges. Some elements of this plan could include:
  - Establishing a stormwater management banking fund that can be used to implement capital projects or identify off-site projects that can address stormwater impacts of future projects.

- Creating a flood hierarchy plan to identify a priority system for floodable areas such as open space, parking, secondary roads, etc.
- Explore the potential for green infrastructure elements along Broadway and other Village roadways, to improve stormwater management as well as aesthetics and pedestrian-friendliness.
- Explore partnerships with vendors for discounted products and installations for permeable pavements, rainwater cisterns and other stormwater runoff reduction methods, with a particular focus on the use of these methods at Village facilities.

### ***Solid Waste***

1. Increase the prevalence of recycling Village-wide, with a focus on municipal and Housing Authority facilities.
2. Provide additional locations for recycling in public areas and assess the location of existing recycling bins to ensure effectiveness.
3. Promote the reduction of solid waste through education and outreach. This could also include a public awareness campaign to promote donation of large bulk goods rather than disposal, as well as hosting regular donation or “swap” events for used sports equipment, toys, Halloween costumes, etc.
4. Work with the business community and vendors at the Farmer’s Market to reduce the use of disposable bags.
5. Host regular hazardous waste drop-off and shredding events.

### ***Energy***

1. Increase the use of solar energy Village-wide, including consideration of installing solar panels on municipal facilities such as the water plant and holding tank.
2. Promote reduced energy use at municipal and Housing Authority facilities through renovations and retrofits.
3. Encourage community-wide energy efficiency by promoting NYSERDA’s Energy Star program and home energy audits.
4. Promote the use of energy-efficient street lights and lighting in Memorial Park.

## **Transportation**

### ***Vehicular Circulation***

1. Reduce congestion along Main Street by upgrading signals with video detection actuation.
2. Increase traffic enforcement in the downtown along Broadway and Main Street to improve circulation and help guide visitors.
3. Create additional loading zones and incentives for businesses to accept deliveries outside of peak hours.
4. Install wayfinding signage at Route 59 and High Avenue gateways to direct visitors to the downtown via Main Street.

### ***Safety***

1. Install pedestrian signal heads at all signalized intersections.
2. Reduce speeds by implementing traffic calming on streets identified as high-crash or high-speed corridors.
3. Adopt a Complete Streets Policy.
4. Address the condition of sidewalks in the downtown and residential areas, particularly along Upper Depew and in the Waldron Terrace neighborhood, including pavement conditions, streetscaping and lighting.

### ***Public Transportation***

1. Advocate for regional transit improvements and support Bus Rapid Transit (BRT) within Nyack.
2. Explore the feasibility of a shuttle to connect the Nyacks with the Village's downtown.
3. Improve bus stop amenities at all marked stops.

### ***Bicycle Circulation***

1. Create a bicycle route network that accommodates local, regional and long-range cyclists.
2. Introduce an improved wayfinding system that directs travelers to appropriate streets and destinations.
3. Increase bicycle parking opportunities in the Village core to encourage local bicycle use.

4. Introduce temporary bicycle corrals or valets in appropriate locations, such as Artopee Way, to accommodate large influxes of bicyclists during summer weekends and special events.
5. Extend the Esposito trail to Depew Avenue and then provide for shared bike lanes into Downtown via Franklin Street.

### ***Pedestrian Circulation***

1. Create a pedestrian master plan that provides an implementation strategy for the construction and renovation of sidewalks and pathways, crosswalks and ADA-compliant curb ramps.
2. Develop a “Safe Routes to School” program to focus on improving pedestrian infrastructure within student walk zones.
3. Improve walkability along the Route 59 corridor to strengthen pedestrian connections to the Waldron Terrace neighborhood as well as Central and West Nyack.
4. Permit restaurants to use parklets, temporary sidewalk extensions installed in parking lanes, during the warmer months to better accommodate outdoor dining and preserve walking space along Downtown streets.
5. Consider stricter guidelines for sidewalk cafes to ensure that sufficient pedestrian space is maintained.
6. Explore the potential for occasional temporary closures of Main Street to create a pedestrian plaza during special events.

### ***Parking***

1. Monitor the parking demand by conducting routine occupancy counts to inform parking management strategies.
2. Review parking regulations to accommodate parking near houses of worship during Saturday and Sunday worship hours and other events.
3. Explore better landscaping and lighting for existing surface lots in the downtown. As new development occurs in the Superblock, encourage the use of high-quality structured parking incorporated with other land uses.
4. Improve landscape, lighting and signage in municipal lots, including the use of green infrastructure to improve stormwater management and reduce the heat island effect.
5. Reserve spaces for electric vehicle charging stations and car-share vehicles in municipal lots.

6. Incorporate parking into wayfinding signage.
7. Explore the potential to add on-street parking on Gedney Street.

### ***Ferry Potential***

1. Engage ferry operators to measure their interest in providing service to Nyack at the Village marina site location, with a goal of issuing an RFP early in 2017 to start a seasonal ferry service during the summer of 2017. If there is significant interest in providing a Nyack-to-Manhattan service, follow up in 2017 with a formal Request for Expressions of Interest.
2. Seek State funding for and implement a pilot program to obtain actual ridership data and operator feedback which will inform long-term investment in ferry service
3. Coordinate with other municipalities to develop a network of ferry landings for weekend/recreational use.
4. Seek State funding for development of:
  - A parking terrace to serve Memorial Park, the Village marina, the restaurant and the ferry landing; and
  - If the pilot project proves to be successful, establishment of a more permanent ferry landing at the Village marina.
5. Initiate discussions with the MTA to explore its willingness to contract with a private operator to provide a Nyack-to-Tarrytown ferry service.

### **Natural Resources, Parks and Open Space**

#### ***Natural Resources Protection***

1. Consider strengthening the regulation of steep slopes to encourage the use of low-impact development and other development techniques to preserve or enhance the condition of sloped areas.
2. Explore whether the threshold for regulation of multifamily and nonresidential development on steep slopes should be reduced from 50%.
3. Improve and streamline the regulation of tree removal by revising the definition of significant trees, reducing the penalty for violation and improving enforcement.
4. Consider creating a separate section of the Village Code to cover trees, including the portion currently part of the zoning code as well as standards for street trees.

5. Explore ways to encourage homeowners to retain trees and plant additional vegetation, including education and outreach and potentially providing free trees for planting in municipal rights-of-way or front yards.
6. Reassess the View Protection Corridors to better establish the Village's scenic resources and provide greater clarity in their protection.
7. Explore opportunities to daylight the Nyack Brook where it is feasible and appropriate, including encouraging private property owners to daylight portions of the brook on their sites.

#### ***Water, Air, Noise and Light Pollution***

1. Consider upgrading Village parking lots with green infrastructure and/or solar energy facilities.
2. Develop GHG emissions reduction targets in association with the Nyack Climate Action Plan.
3. Consider changes to the regulation of leaf blowers to reduce their noise and other environmental impacts, and continue to educate property owners about the benefits of mulching in place.
4. Adopt a policy promoting dark sky-friendly lighting that can be considered in land-use approvals and implemented on municipal facilities. Also, study areas where more lighting may be necessary for safety, particularly in the downtown area.

#### ***Climate Change***

1. Consider the most current climate science in designing, constructing or repairing infrastructure and in reviewing development applicants.
2. Develop a comprehensive emergency management plan and improve emergency communications in the Village.
3. Work with local utilities to improve resilience.
4. Advocate and coordinate with Rockland County, Orangetown and Clarkstown to increase infrastructure, access and stormwater resilience.
5. Work through the Rockland County Multi-Jurisdictional Natural Hazard Mitigation Plan to position Nyack for resiliency actions and funding opportunities.
6. Incorporate sustainability and resilience considerations into a revised LWRP.
7. Adopt and regularly update sea level rise and flood projections recommended by the State and FEMA for municipal decision-making and planning purposes.

8. Consider promoting “soft” (vegetated) shoreline treatments or riprap except where engineered bulkheads are required for the docking of vessels.

### ***Parks and Open Spaces***

1. Implement the Memorial Park Master Plan.
2. Enhance the marina through a public-private partnership.
3. Consider relocating Veteran’s Memorial Park as part of a revitalization of the Riverspace site and municipal parking lot, and officially designating the new space as a Village park.
4. Work with the Clermont Condominiums to facilitate repairs to the Clermont Pier and improve its accessibility to the public.
5. Explore the potential to create pocket parks at Village-owned spaces, including the end of Laveta Place, the triangular lot at Depew and Highland Avenues and the reservoir site on Dickinson Avenue, in coordination with adjacent property owners to minimize impacts and DPW to ensure that ongoing maintenance costs can be managed.
6. Consider implementing an ecological restoration project for the State-owned parcel at the southern end of the waterfront.
7. Consider designating the Rockland Rowing Association property for passive open space, and encourage its acquisition by the State, Scenic Hudson or another third party.
8. Explore the potential to install a vegetated island or pervious pavement in the triangular striped area at the eastern terminus of Hudson Avenue (at Piermont Avenue).

### **Historic, Cultural and Municipal Resources**

#### ***Historic Preservation***

1. Support local preservation advocates in their research on the potential for designation of a National Register historic district in Nyack.
2. Support state and federal historic designation for individual sites in Nyack, including those already determined eligible for listing.
3. Conduct a public education campaign to inform property owners about the benefits of historic designation.
4. Re-examine the Village’s historic preservation regulations to ensure that they meet objectives without over-burdening property owners.

### ***Arts and Culture***

1. Promote Nyack's arts and cultural opportunities through marketing, outreach and special events.
2. Consider establishing an Art in Public Places program modeled after the county's program.
3. Take advantage of regional arts, cultural and tourism organizations such as Historic Hudson River Towns.

### ***Municipal Facilities and Services***

1. Pursue a study of a municipal consolidation of Nyack, South Nyack, Upper Nyack and potentially Central Nyack.
2. Continue to explore shared services with adjacent municipalities.
3. Explore the potential for a new DPW/firehouse complex on Catherine Street, with the potential for consolidation of one or more nearby firehouses as a result.
4. Explore creation of a new community center complex at the existing Head Start facility to house Head Start, the Senior Center and other services such as a police substation, indoor recreation, a health clinic and the new Rockland Pride Center.
5. Pursue opportunities to improve the functionality of Village Hall, including digitizing records, window replacement and potential added parking.
6. Implement sustainability measures for municipal facilities and services, as recommended by the Sustainable Nyack Action Plan.

### ***Economic Development***

#### ***Improve Access to Employment Opportunities***

1. Facilitate the development of appealing BRT stations in Nyack that improve bus and intermodal transit connections while making the transit experience more attractive.
2. Advocate for the widening of I-87/287 to reduce congestion and ensure continued, free-flowing automobile and bus access to and from Nyack at Exits 10 and 11.
3. Explore the potential for new ferry service to and from Nyack, including a phased approach to infrastructure investment (parking and required dock infrastructure) that could encourage a larger-scale service to develop over time.

### ***Expand the Village Economy***

1. Carefully consider sensible locations for limited, attractive office and production spaces, particularly in the Gateway district, to bring good jobs closer to Nyack residents.
2. Explore the film industry as an appropriate sector to attract to Nyack, including streamlining the film permitting regulations as appropriate and conducting targeted outreach to industry professionals.

### ***Strengthen Sense of Place***

1. Leverage a more civic waterfront and Nyack's downtown arts and culture orientation to create activity loops linking these areas.

### ***Reduce Housing Cost Burden***

1. Encourage more infill housing, as appropriate, to respond to the ongoing demand for new residential and mixed-use development interest.
2. Consider expanding requirements for mixed-income housing beyond the currently required 10% set-aside. Potential strategies include:
  - Deepening the alternative developer contribution to the Affordable Housing Buyout Fund (currently set at \$40,000 per required unit), or
  - Expanding the inclusionary percentage and AMI requirements to incorporate a wider band of the Village population.

### ***Waterfront***

1. Facilitate a unified waterfront experience that offers activities to attract people at more times of day and more times throughout the year. Potential strategies include:
  - Creation of a continuous public waterfront walkway from Memorial Park to the Nyack Boat Club site;
  - More water-related recreational activities (fishing, boating, get-downs and walking);
  - Landscaping that is pedestrian-oriented, with less impervious pavement; and
  - Attracting a high-quality concessionaire to the former River Club restaurant space to generate lease revenue and local spending.
2. Improve wayfinding and signage to create a stronger relationship between the waterfront area and downtown.

### ***Downtown***

1. Consider and promote redevelopment alternatives for the Superblock site that include:
  - Improvement of the surface parking lots in the short-term through lighting and landscaping;
  - In the long-term, a potential interior parking structure wrapped in retail and other uses; and
  - Potential establishment of a cultural use to anchor a mixed-use, mixed-income development at a scale comparable to the opposite (north) side of Main Street.
2. Address issues of flooding downtown during significant storm events, with the Nyack Brook improvement project given high priority.
3. Promote infill housing at the Superblock and throughout the downtown core, at a range of unit sizes and price points.
4. Work with representative in the real estate and business community, including the Nyack and Rockland chambers of commerce, to identify locations for education, job training and greater local employment.
5. Support the continued success of Visit Nyack and other nonprofit groups working to attract tourism and business to the Village.
6. Consider creation of a business improvement district (BID) to address concerns about the quality of the public realm, including streetscaping and façade improvements.
7. Look at ways to streamline regulatory processes for opening businesses, to reduce upfront costs and increase efficiency.
8. Explore appointing a voluntary or paid business liaison at Village Hall to act as a single-point of contact for the business community and develop interest in merchants and businesses that could invest in Nyack.

### ***Gateway***

1. Promote new uses that could leverage recent development, including multifamily residential, new office space and light manufacturing/production.
2. Create safer and more attractive pedestrian and bicycling connections between the Gateway and nearby residential neighborhoods through sidewalk improvements, better lighting and marked bicycle routes.
3. Use signage, public art and streetscape improvements to establish an attractive and welcoming entrance into Nyack.

## **2.2 PLAN IMPACTS**

The above recommendations represent a broad range of future actions for the Village Board of Trustees to consider, and on balance, they can be anticipated to have a beneficial impact on Nyack's environment. The recommendations include measures to enhance environmental sustainability by promoting low-impact development, reducing impervious surfaces, facilitating energy-efficiency, expanding opportunities for walking and bicycling, and promoting targeted infill development and redevelopment.

## **3.0 PROPOSED ZONING AMENDMENTS**

### **3.1 SUMMARY OF PROPOSED ZONING AMENDMENTS**

Many of the Comprehensive Plan recommendations above require additional study or funding to implement, or represent policies for the Village to enact or continue. However, a number of the recommendations are proposed to be implemented through revisions to Nyack's zoning code, as summarized below.

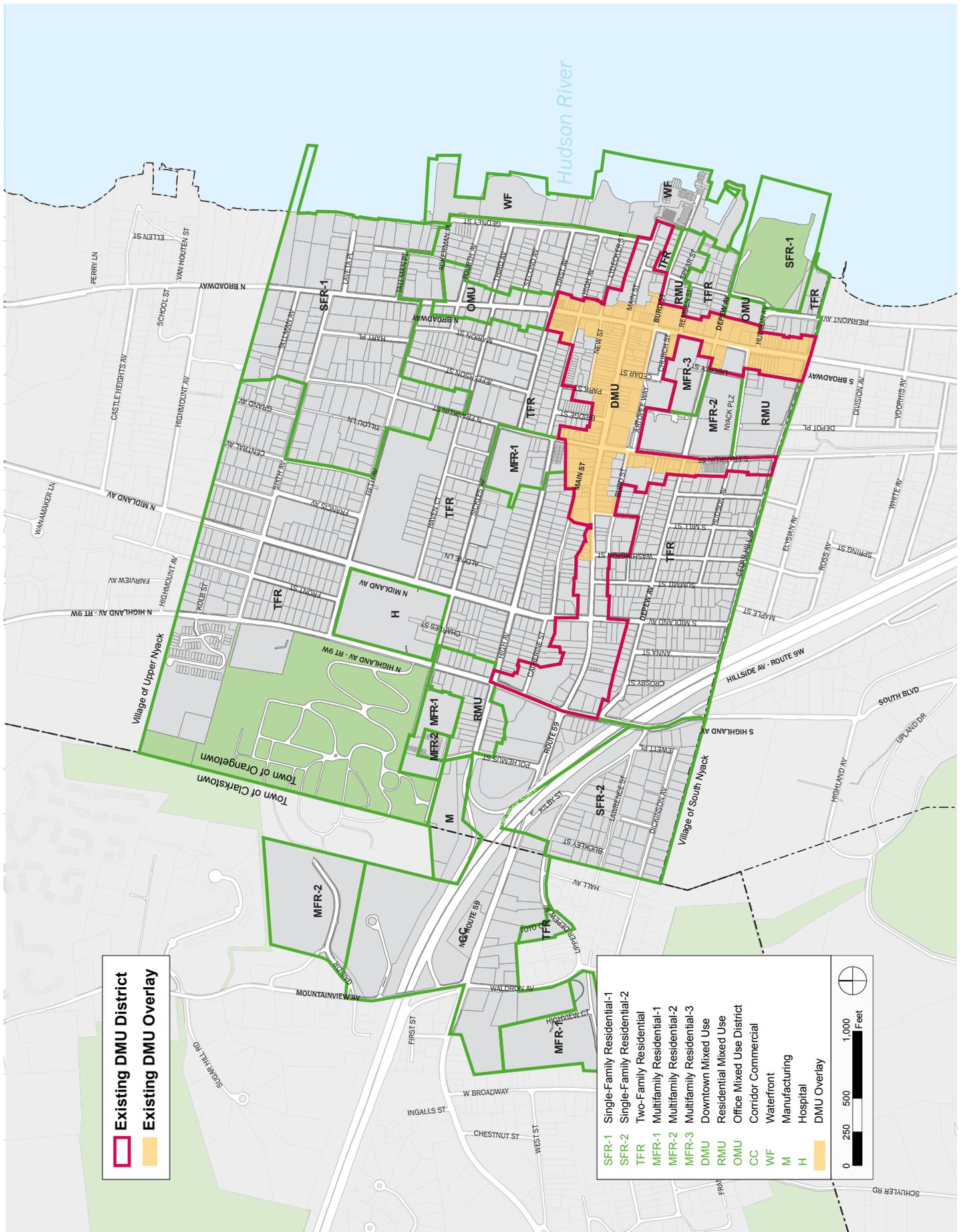
#### **Map Changes**

Under Nyack's existing zoning, there is one downtown district, the Downtown Mixed Use (DMU). Within that zone, a DMU overlay zone is mapped along Broadway between Cedar Hill and First Avenues, Main Street generally between Broadway and Washington Street, and Franklin Street generally between Depew and High Avenues (see Figure 1). The key difference between the DMU zone and the DMU Overlay Zone is that, in the overlay, ground-floor residential uses are prohibited.

The proposed zoning map changes would create two downtown zones, the DMU-1 and DMU-2 districts. The DMU-1 zone corresponds to the existing DMU Overlay Zone, in addition to the south side of Main Street between Washington Street and Mill Street. The DMU-2 zone encompasses the remainder of the existing DMU district. With this change, the DMU Overlay Zone will be eliminated. The intent in creating two downtown zoning districts is to recognize that the downtown core and downtown peripheral areas may need to be treated differently in terms of their mix of uses and development pattern. Having separate zones allows the Village to consider making targeted changes to these areas in the future as appropriate.

The provisions of the DMU-1 and DMU-2 zones are identical, except as follows:

- Ground-floor residential uses are prohibited in the DMU-1 zone, and
- The DMU-1 zone allows buildings to be four stories, or up to 48 feet, subject to a special permit and provision of either public benefits or payment of a fee (see discussion below).



In addition to creation of the DMU-1 and DMU-2 districts, two other zoning map changes are proposed:

- An area bounded by Burd Street to the north, Remsen Street to the south and Piermont Avenue to the east, currently zoned Residential Mixed Use (RMU) is rezoned to DMU-2. This small area consists of the parking lot to the First Niagara Bank on Broadway, and three small commercial buildings on Burd. The RMU zone has a maximum allowable height of two stories, or 32 feet, and it appears that one or more of the commercial buildings exceeds that height. The DMU-2 zone would allow all the current uses in this area, at a height of three stories, or 40 feet. The change would ensure that the existing buildings are conforming, and could also encourage infill redevelopment of the surface parking in this area.
- The Oak Hill Cemetery is rezoned from two-family residential (TFR) to single-family residential (SFR-1). This change is meant to preserve the open space character of this property and ensure that, if any portion of it is ever developed, it would be at the lowest possible residential density.

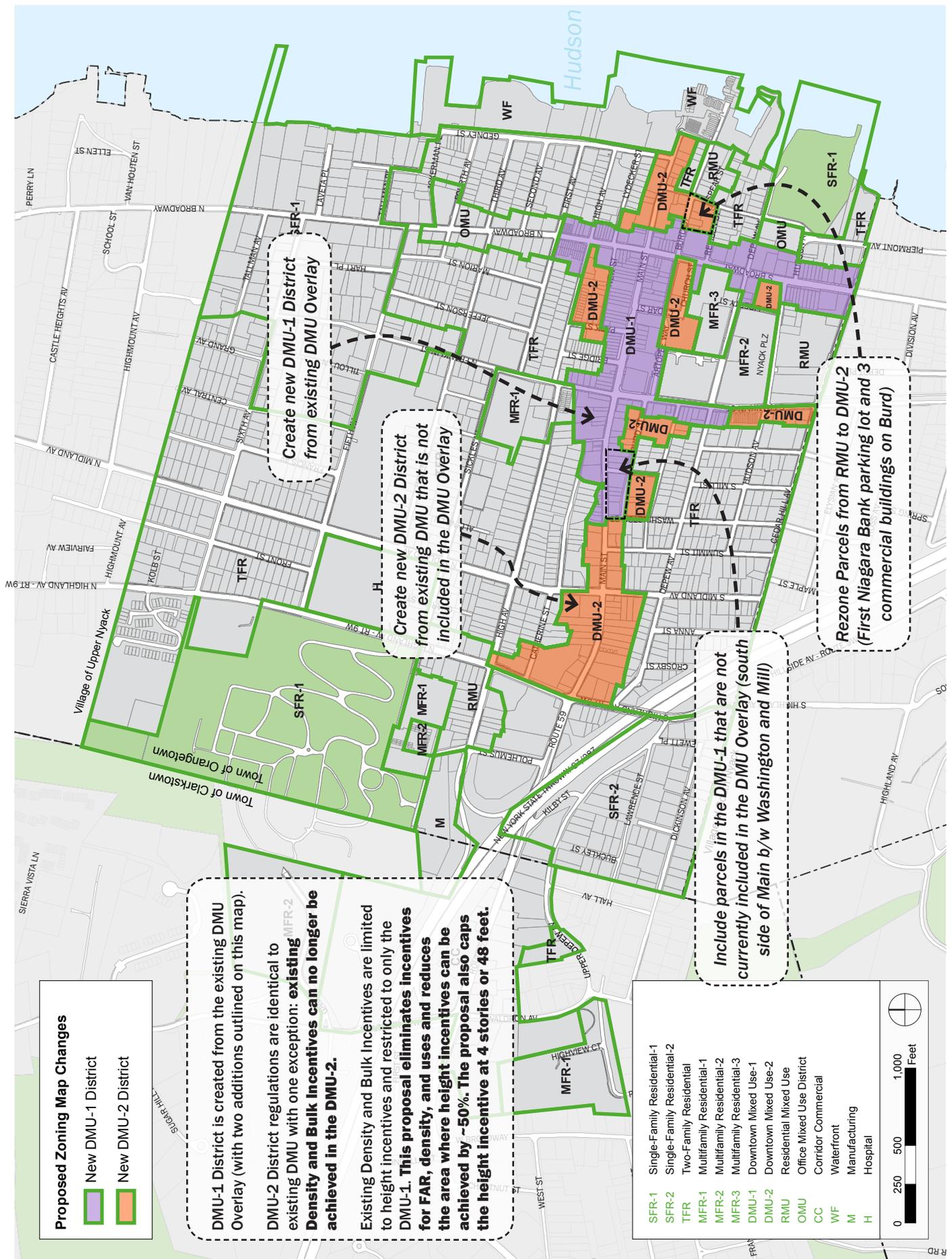
The proposed zoning changes are summarized in Figure 2.

### **Text Changes**

Based on the above map changes, throughout the zoning code, references to the DMU Overlay district have been removed and replaced accordingly with reference to the DMU-1 district; additionally, any reference to the DMU district have been replaced with references to the DMU-1 and/or DMU-2 districts, where applicable.

### **§ 360-2.1 Establishment of districts and § 360-2.4 Mixed use districts.**

- The existing Downtown Mixed Used (DMU) Overlay District is now an individualized base district, differentiated using the DMU-1 district designation. Additionally, all areas within the Village which were previously zoned as DMU but not covered by the DMU Overlay District have been included in a new downtown transition zone, differentiated as the DMU-2 district.
- The previously-established Bulk and Density Incentives for the DMU Overlay district are now modified to apply to the DMU-1 district, and are rephrased as Development incentives within the DMU-1 district. These incentives do not apply to the DMU-2 district. These incentives are now defined as a means by which the Board of Trustees may require the provision of special public benefit features or the payment of a fee by an applicant when permitting increased building height.



### **§ 360-3.2 Use-specific Standards. (Solar Energy Collectors)**

- This new section establishes a framework for the regulation and permitting of Solar Energy Collectors as accessory uses within the Village. The regulations are organized by applicability within generalized zoning districts, split between single-family residential zones and multi-family residential and commercial zones. The characteristics of the proposed Solar Energy Collector installation are considered for the permitting process. Regardless of size or type, all Solar Energy Collectors proposed in multi-family residential or commercial zoning districts require site development plan approval.

### **§ 360-4.4 natural and scenic resource protection standards.**

- The regulations within this section were modified according to discussions with the Village CMP Steering Committee, the Village Sustainability Coordinator, and other Village officials. The fine for cutting or destroying a significant tree has been reduced, while the permitted slope grade of non-residential sites has been reduced from 50% to 35% and the use of green infrastructure is expressly encouraged. An additional change is the buffer surrounding wetlands, which has been reduced from 100 feet to 50 feet. This now conforms to the existing building setback from the Hudson River. There are no other mapped wetlands in Nyack.

### **§ 360-4.14 Sustainability.**

- The allowable sustainability amenities eligible for density or applicable FAR bonus have been expanded to include the provision of car-sharing services for use by residents, and the provision of electric vehicle (EV) charging stations.

### **§ 360-5.7 Site development plan.**

- § 360-5.7 (1), which requires site development plan approval for “all uses of land where no building is proposed and where a building permit or certificate of occupancy is not required,” has been deleted because it is confusing and unnecessary. Reference has been added to a new section that provides activities exempt from site development plan review.

### **§ 360-5.14 Building permit (no board review required).**

- A section has been added specifying that minor exterior alterations to one- and two-family homes do not require site development plan review. These include improvements to or replacement of roofs, and exterior work not requiring a variance and not expanding the building footprint by more than 10%.

### **§ 360-5.20 Performance guarantee.**

- This new section requires applicants to post performance bonds or other security to assure that all streets or other public places shown on a site plan shall be suitably graded and that all public infrastructure proposed as part of a project is implemented.

### **§ 360-5.21 Project phasing and improvements.**

- This new section requires that any public benefit or amenity feature that is proposed as part of a phase of a multi-phase development must be completed with that corresponding phase.

### **§ 360-5.22 Building floor area bonus program and related fees.**

- This new section ties the amount of new floor area permitted in the DMU-1 or WF district under a bonus or incentive program to the fee to develop said floor area. This section provides an additional framework for incentive/density bonus area.

### **§ 360-6.1 Words Defined.**

- The definition for Significant Tree has been amended to include all trees that are twelve inches (12") in diameter, and located within a public right-of-way or within five (5) feet of a property boundary. Definitions have also been added for Brew Pub, Live/Work Space, Microbrewery, and Solar Energy Collector. The definition for DMU Overlay District has been removed.

### **Permitted Uses**

With brew pubs, live/work spaces and microbreweries defined, they are now permitted in the DMU, RMU and Office Mixed Use (OMU) districts. Live/work spaces are permitted uses in all three zones, while brew pubs and microbreweries are allowed by special permit in the DMU and RMU districts.

### **Dimensional Standards**

Dimensional standards have been added for the DMU-2 district, as described above. In addition, a minimum per-unit amount of usable open space has been added to the one- and two-family zones and the Corridor Commercial (CC) district. Also, a maximum front setback of 25 feet has been established for the CC district, to promote the siting of buildings closer to the street.

### **Parking Standards**

The parking requirement for banks in the DMU and RMU districts has been reduced from 1 per 200 square feet to 1 per 300 square feet, in an effort to match supplied parking with typical demand for these uses, and reduce the amount of impervious coverage.

## **3.2 IMPACTS OF ZONING AMENDMENTS**

The proposed zoning amendments should have a beneficial impact on Nyack's environment. The provisions regulating solar energy collectors are intended to promote this use of alternative energy in the Village, in a manner consistent with its existing context. The changes to regulations for significant trees, steep slopes and wetlands are meant to clarify these provisions, while the implementation of green infrastructure is now more strongly encouraged. The addition of car sharing and electric vehicle charging stations will broaden the menu of amenities

eligible for sustainability bonuses, recognizing that these amenities are of increasing interest in the region. Changes to site plan and building permit approval are intended to streamline these processes without materially affecting Nyack's character. Adding more permitted uses in mixed-use districts can be anticipated to activate the Village's downtown and surrounding area, promoting a walkable and vibrant place. Finally, targeted changes to dimensional standards and parking requirements are meant to promote additional green space and the siting of buildings closer to the street, enhancing the pedestrian environment.

The most significant zoning map changes are the creation of the two downtown zones. As discussed, currently, there is a Downtown Mixed Use (DMU) zone with a downtown overlay zone that covers about 50% of the overall DMU zone (see Figure 1). What is proposed is to create two zones: DMU-1 and DMU-2 (see Figure 2). The DMU-1 zone would largely cover the area mapped by the current overlay zone, in the heart of the downtown. The DMU-2 zone would cover the more peripheral areas of downtown.

The chart in Figure 3 shows the existing bulk and density incentives (Section 360-2.4 B) that the Trustees may grant within the entire DMU zone. These are increases in 1) FAR, 2) density (units per acre), 3) height, and 4) use. The proposed zoning eliminates all of these incentives within the DMU-2 zone, thus removing them from about half of the currently zoned DMU area. These potential increases in FAR, density and height, and potential special uses, will no longer be available in the area zoned DMU-2.

As shown Figure 3, the proposed zoning text will only allow incentives to be granted by the Trustees in DMU-1. Of the currently allowed increases in FAR, density and height, only the increase in height remains. The potential increase for FAR and density have been eliminated. In addition, there is no current cap on how much height the Trustees can grant in the current text. The proposed text now caps the increase to one story, or 8 feet. Currently, the DMU allows 40 feet, or three stories, as-of-right. Presently, the Trustees could allow unlimited increases in height. The proposed legislation caps the height increase at 48 feet and four stories. This incentive cap is derived from some of the more historic block frontages on Main Street, which partially built out at four stories.

Figure 4 further illustrates these changes. In brief, of all the incentives currently allowed, only one is proposed to remain. This is the height incentive, which will only remain in the DMU-1 zone (an area approximately 50% smaller than currently allowed) and which will now be capped at 48 feet and four stories.

The proposed DMU-1 zone affects a relatively small, largely built-out area of Nyack. Because the height increase associated with the DMU-1 bonus incentive is limited to one story or 8 feet, it is unlikely to result in the replacement of existing two- or three-story buildings. Instead, the incentive is most likely to be used in redevelopment of key underutilized sites, such as the Riverspace building and surround parking (the "Superblock" site) and parcels with one-story buildings or large surface parking lots. Such infill development can be expected to result in few additional residential units, thus further diminishing the potential for environmental impacts.

## Existing DMU Bulk and Density Incentives

### 360-2.4 B. (3) Bulk and density incentives.

To provide an incentive which will encourage the most appropriate use and development of sites in the DMU District, **the Village Board of Trustees may allow, following a public hearing following the procedures for zoning amendments, an increased FAR, density, building height or special uses,** within the limits as set forth in Subsection A hereof and subject to the provision of specific public benefit features. It may also choose not to allow any such change. Village Board action on such an application shall be taken only after review of the proposed plan by the Planning Board and the Architectural Review Board and recommendation by those Boards to the Trustees. Final site plan approval by the Planning Board shall not occur until after the bulk and density incentive determination by the Village Board.

## Proposed DMU-1 Height Incentives

### 360-2.4 B. (2) (b) Building height in the DMU-1 District.

Through the issuance of a special permit, the Village Board of Trustees may allow the maximum building height in the DMU-1 District to be increased to 4 stories and no more than 48 feet. In order to achieve the special permit for building height, the applicant must provide the public benefit features specified in Subsection (3) herein, or pay a fee as specified within § 360-5.22.

### 360-2.4 B. (3) ~~Bulk and density incentives. Development incentives in the DMU-1 District.~~

To provide an incentive which will encourage the most appropriate use and development of sites in the DMU-1 District, the Village Board of Trustees may allow, following a public hearing following the procedures for zoning amendments, an increased FAR, ~~density, building height or special uses,~~ within the limits as set forth in Subsection A hereof and subject to the provision of specific public benefit features or payment of a fee as specified within § 360-5.22. It may also choose not to allow any such change. Village Board action on such an application shall be taken only after review of the proposed plan by the Planning Board and the Architectural Review Board and recommendation by those Boards to the Trustees. Final site plan approval by the Planning Board shall not occur until after the bulk and density incentive determination by the Village Board.

Figure 3: Comparison Between Existing DMU Bulk and Density Incentives and Proposed Revisions

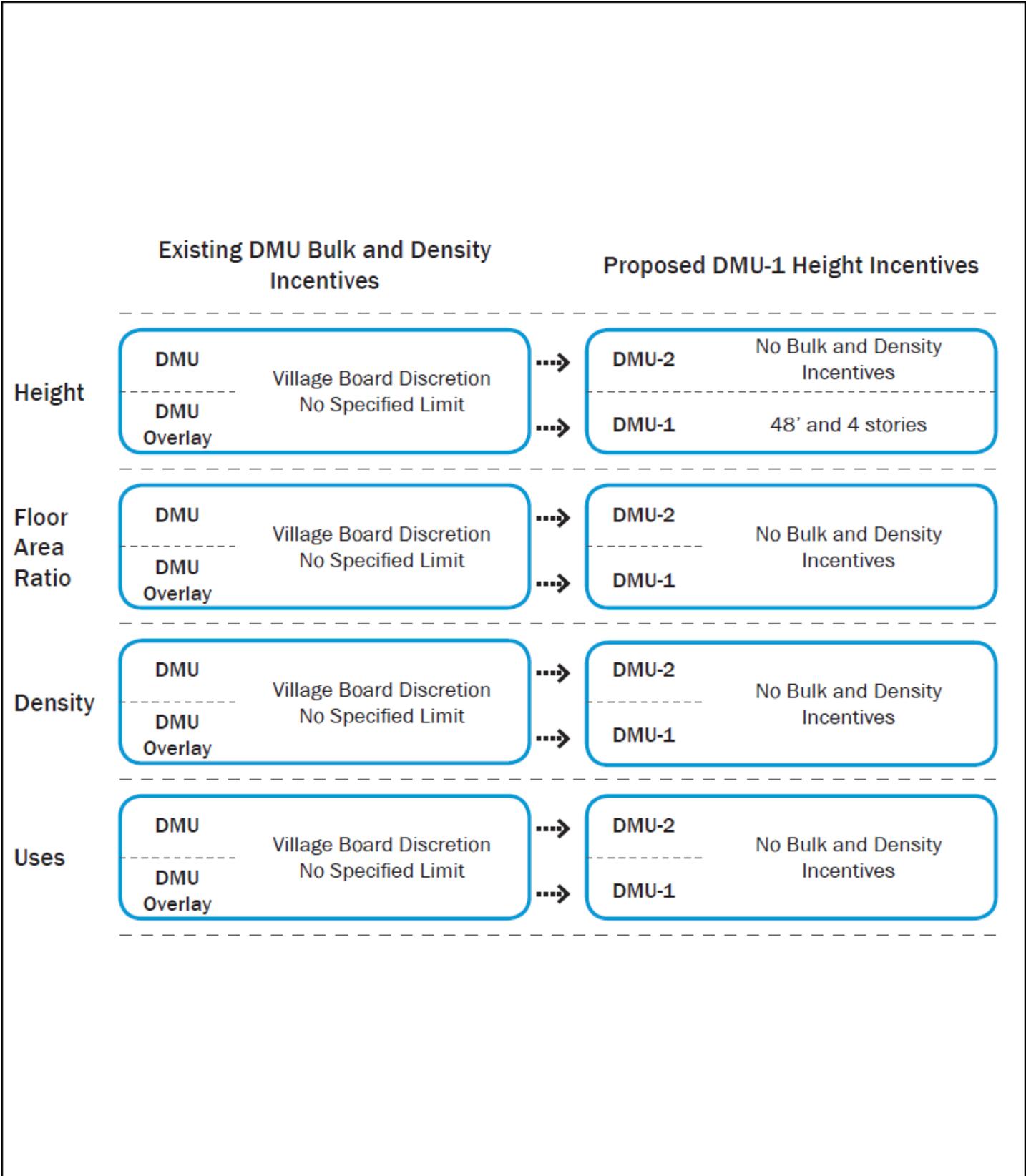


Figure 4: Existing DMU Bulk and Density Incentives Vs. Proposed Revisions

The same is true for the small area along Burd Street proposed to be rezoned from RMU to DMU-2. The minimal height increase (again, one story or 8 feet) makes it unlikely that the existing commercial buildings on Burd will be removed. Redevelopment in this area is likely to be limited to the First Niagara Bank site that fronts on Broadway.

As a result of these changes, there is likely to be a decrease in potential bulk, density and height of future development in the downtown. These changes should have beneficial environmental impacts, because they significantly reduce the potential for bulk and density above what is currently allowed by zoning, by 1) reducing the geographic area that is subject to the incentive (by approximately 50%), 2) limiting the incentive only to height, and 3) providing an upward limit on the amount of the incentive (one story or 8 feet).

#### **4.0 LONG-FORM ENVIRONMENTAL ASSESSMENT FORM**

This EAF evaluates the potential for environmental impacts created by the adoption of the Comprehensive Plan Update and Zoning Amendments by the Nyack Board of Trustees. This legislative action is generic in nature, not site-specific, and does not directly result in any physical changes to the environment.

The form that follows is published by the New York State Department of Environmental Conservation, and portions of the form are designed for site-specific actions rather than area-wide or generic proposals.

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

|   |  |  |   |
|---|--|--|---|
| <b>1. Impact on Land</b><br>Proposed action may involve construction on, or physical alteration of, <span style="float: right;"><input type="checkbox"/> NO</span> <span style="float: right;"><input type="checkbox"/> YES</span><br>the land surface of the proposed site. (See Part 1. D.1)<br><i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> |  |  |   |
|   | <b>Relevant<br/>Part I<br/>Question(s)</b> | <b>No, or<br/>small<br/>impact<br/>may occur</b> | <b>Moderate<br/>to large<br/>impact may<br/>occur</b> |
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet.   | E2d  | <input type="checkbox"/>                         | <input type="checkbox"/>                              |
| b. The proposed action may involve construction on slopes of 15% or greater.  | E2f  | <input type="checkbox"/>                         | <input type="checkbox"/>                              |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.  | E2a  | <input type="checkbox"/>                         | <input type="checkbox"/>                              |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.  | D2a  | <input type="checkbox"/>                         | <input type="checkbox"/>                              |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases.  | D1e  | <input type="checkbox"/>                         | <input type="checkbox"/>                              |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).   | D2e, D2q                                   | <input type="checkbox"/>                         | <input type="checkbox"/>                              |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area.   | B1i  | <input type="checkbox"/>                         | <input type="checkbox"/>                              |
| h. Other impacts: _____<br>_____  |  | <input type="checkbox"/>                         | <input type="checkbox"/>                              |

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| <b>2. Impact on Geological Features</b><br>The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span><br><i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i> |                                    |                                      |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. Identify the specific land form(s) attached: _____<br>_____  | E2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.<br>Specific feature: _____   | E3c                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. Other impacts: _____<br>_____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>3. Impacts on Surface Water</b><br>The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span><br><i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i> |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may create a new water body.  | D2b, D1h                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.   | D2b                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  | D2a                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.   | E2h                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.  | D2a, D2h                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.   | D2c                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).   | D2d                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.   | D2e                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.   | E2h                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| j. The proposed action may involve the application of pesticides or herbicides in or around any water body.  | D2q, E2h                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.   | D1a, D2d                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| I. Other impacts: _____<br>_____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
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| <b>4. Impact on groundwater</b><br>The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span><br>(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)<br><i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i> |                                    |                                      |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.  | D2c                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.<br>Cite Source: _____  | D2c                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services.   | D1a, D2c                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may include or require wastewater discharged to groundwater.   | D2d, E2l                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.   | D2c, E1f, E1g, E1h                 | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.  | D2p, E2l                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.  | E2h, D2q, E2l, D2c                 | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| h. Other impacts: _____<br>_____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>5. Impact on Flooding</b><br>The proposed action may result in development on lands subject to flooding. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span><br>(See Part 1. E.2)<br><i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i> |                                    |                                      |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may result in development in a designated floodway.  | E2i                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in development within a 100 year floodplain.  | E2j                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may result in development within a 500 year floodplain.  | E2k                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may result in, or require, modification of existing drainage patterns.   | D2b, D2e                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. The proposed action may change flood water flows that contribute to flooding.  | D2b, E2i, E2j, E2k                 | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?  | E1e                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| g. Other impacts: _____<br>_____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
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| <b>6. Impacts on Air</b>  |  |  |  |
|---|--|--|--|
| The proposed action may include a state regulated air emission source.<br>(See Part 1. D.2.f., D.2.h, D.2.g)<br><i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>   |  | <input type="checkbox"/> NO  | <input type="checkbox"/> YES   |
|   | Relevant Part I Question(s)            | No, or small impact may occur  | Moderate to large impact may occur   |
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:<br>i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )<br>ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)<br>iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)<br>iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )<br>v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions<br>vi. 43 tons/year or more of methane | D2g<br>D2g<br>D2g<br>D2g<br>D2g<br>D2h | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.  | D2g                                    | <input type="checkbox"/>   | <input type="checkbox"/>   |
| c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.   | D2f, D2g                               | <input type="checkbox"/>   | <input type="checkbox"/>   |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.  | D2g                                    | <input type="checkbox"/>   | <input type="checkbox"/>   |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.   | D2s                                    | <input type="checkbox"/>   | <input type="checkbox"/>   |
| f. Other impacts: _____<br>_____  |  | <input type="checkbox"/>   | <input type="checkbox"/>   |

| <b>7. Impact on Plants and Animals</b>   |                             |                               |                                    |
|--|-----------------------------|-------------------------------|------------------------------------|
| The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)<br><i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>  |                             | <input type="checkbox"/> NO   | <input type="checkbox"/> YES       |
|  | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.                  | E2o                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.  | E2o                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2p                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.  | E2p                         | <input type="checkbox"/>      | <input type="checkbox"/>           |

|   |     |                          |                          |
|---|-----|--------------------------|--------------------------|
| e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.                               | E3c | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.<br>Source: _____                                  | E2n | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.              | E2m | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.<br>Habitat type & information source: _____ | E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.  | D2q | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other impacts: _____   |     | <input type="checkbox"/> | <input type="checkbox"/> |

| <b>8. Impact on Agricultural Resources</b>   |                             |                               |                                    |
|--|-----------------------------|-------------------------------|------------------------------------|
| The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)   |                             | <input type="checkbox"/> NO   | <input type="checkbox"/> YES       |
| <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>  |                             |                               |                                    |
|  | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.   | E2c, E3b                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).  | E1a, E1b                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.   | E3b                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system.  | E1 a, E1b                   | <input type="checkbox"/>      | <input type="checkbox"/>           |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.   | C2c, C3, D2c, D2d           | <input type="checkbox"/>      | <input type="checkbox"/>           |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.   | C2c                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| h. Other impacts: _____  |                             | <input type="checkbox"/>      | <input type="checkbox"/>           |

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|--|------------------------------------|--|--|-----------------------------|------------------------------|
| <b>9. Impact on Aesthetic Resources</b><br>The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)<br><i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> |                                    |  |  | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b>                 | <b>Moderate to large impact may occur</b>            |                             |                              |
| a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.  | E3h                                | <input type="checkbox"/>                             | <input type="checkbox"/>                             |                             |                              |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.  | E3h, C2b                           | <input type="checkbox"/>                             | <input type="checkbox"/>                             |                             |                              |
| c. The proposed action may be visible from publicly accessible vantage points:<br>i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)<br>ii. Year round   | E3h                                | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/> |                             |                              |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is:<br>i. Routine travel by residents, including travel to and from work<br>ii. Recreational or tourism based activities   | E3h<br>E2q,<br>E1c                 | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/> |                             |                              |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.   | E3h                                | <input type="checkbox"/>                             | <input type="checkbox"/>                             |                             |                              |
| f. There are similar projects visible within the following distance of the proposed project:<br>0-1/2 mile<br>1/2 -3 mile<br>3-5 mile<br>5+ mile   | D1a, E1a,<br>D1f, D1g              | <input type="checkbox"/>                             | <input type="checkbox"/>                             |                             |                              |
| g. Other impacts: _____<br>_____   |                                    | <input type="checkbox"/>                             | <input type="checkbox"/>                             |                             |                              |

|  |                                    |                                      |   |                             |                              |
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| <b>10. Impact on Historic and Archeological Resources</b><br>The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)<br><i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>  |                                    |                                      |   | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |                             |                              |
| a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. | E3e                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |                             |                              |
| b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.   | E3f                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |                             |                              |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.<br>Source: _____  | E3g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |                             |                              |

|  |                            |                          |                          |
|--|----------------------------|--------------------------|--------------------------|
| d. Other impacts: _____<br>_____   |                            | <input type="checkbox"/> | <input type="checkbox"/> |
| e. If any of the above (a-d) are answered “Yes”, continue with the following questions to help support conclusions in Part 3:                              |                            |                          |                          |
| i. The proposed action may result in the destruction or alteration of all or part of the site or property.   | E3e, E3g, E3f              | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. The proposed action may result in the alteration of the property’s setting or integrity.   | E3e, E3f, E3g, E1a, E1b    | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting. | E3e, E3f, E3g, E3h, C2, C3 | <input type="checkbox"/> | <input type="checkbox"/> |

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| <b>11. Impact on Open Space and Recreation</b>  |                                    |                                      |   |
| The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.<br>(See Part 1. C.2.c, E.1.c., E.2.q.)<br><i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i> |                                    | <input type="checkbox"/> NO          | <input type="checkbox"/> YES              |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.   | D2e, E1b E2h, E2m, E2o, E2n, E2p   | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in the loss of a current or future recreational resource.   | C2a, E1c, C2c, E2q                 | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources.  | C2a, C2c E1c, E2q                  | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource.  | C2c, E1c                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. Other impacts: _____<br>_____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>12. Impact on Critical Environmental Areas</b>  |                                    |                                      |   |
| The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)<br><i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i> |                                    | <input type="checkbox"/> NO          | <input type="checkbox"/> YES              |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.                                       | E3d                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.  | E3d                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. Other impacts: _____<br>_____   |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>13. Impact on Transportation</b><br>The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES<br>(See Part 1. D.2.j)<br><i>If "Yes", answer questions a - g. If "No", go to Section 14.</i> |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. Projected traffic increase may exceed capacity of existing road network.  | D2j                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.  | D2j                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action will degrade existing transit access.   | D2j                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations.   | D2j                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. The proposed action may alter the present pattern of movement of people or goods.   | D2j                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| f. Other impacts: _____<br>_____   |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>14. Impact on Energy</b><br>The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES<br>(See Part 1. D.2.k)<br><i>If "Yes", answer questions a - e. If "No", go to Section 15.</i> |                                    |                                      |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action will require a new, or an upgrade to an existing, substation.  | D2k                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.  | D1f, D1q, D2k                      | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.   | D2k                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.   | D1g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. Other Impacts: _____<br>_____  |                                    |                                      |   |

|  |                                    |                                      |   |
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| <b>15. Impact on Noise, Odor, and Light</b><br>The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES<br>(See Part 1. D.2.m., n., and o.)<br><i>If "Yes", answer questions a - f. If "No", go to Section 16.</i> |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may produce sound above noise levels established by local regulation.   | D2m                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.   | D2m, E1d                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may result in routine odors for more than one hour per day.   | D2o                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |

|   |          |                          |                          |
|---|----------|--------------------------|--------------------------|
| d. The proposed action may result in light shining onto adjoining properties.                           | D2n      | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____<br>_____  |          | <input type="checkbox"/> | <input type="checkbox"/> |

### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO

YES

|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.   | E1d                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The site of the proposed action is currently undergoing remediation.   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.                               | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. | D2t                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| g. The proposed action involves construction or modification of a solid waste management facility.  | D2q, E1f                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| h. The proposed action may result in the unearthing of solid or hazardous waste.  | D2q, E1f                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.  | D2r, D2s                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.  | E1f, E1g<br>E1h             | <input type="checkbox"/>      | <input type="checkbox"/>           |
| k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.   | E1f, E1g                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| l. The proposed action may result in the release of contaminated leachate from the project site.  | D2s, E1f,<br>D2r            | <input type="checkbox"/>      | <input type="checkbox"/>           |
| m. Other impacts: _____<br>_____  |                             |                               |                                    |

| <b>17. Consistency with Community Plans</b>   |                                   |                               |                                    |
|---|-----------------------------------|-------------------------------|------------------------------------|
| The proposed action is not consistent with adopted land use plans.<br>(See Part 1. C.1, C.2. and C.3.)<br><i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i> |                                   | <input type="checkbox"/> NO   | <input type="checkbox"/> YES       |
|   | Relevant Part I Question(s)       | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).   | C2, C3, D1a<br>E1a, E1b           | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.                              | C2                                | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action is inconsistent with local land use plans or zoning regulations.   | C2, C2, C3                        | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action is inconsistent with any County plans, or other regional land use plans.   | C2, C2                            | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.          | C3, D1c,<br>D1d, D1f,<br>D1d, E1b | <input type="checkbox"/>      | <input type="checkbox"/>           |
| f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.                                | C4, D2c, D2d<br>D2j               | <input type="checkbox"/>      | <input type="checkbox"/>           |
| g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)                             | C2a                               | <input type="checkbox"/>      | <input type="checkbox"/>           |
| h. Other: _____<br>_____  |                                   | <input type="checkbox"/>      | <input type="checkbox"/>           |

| <b>18. Consistency with Community Character</b>   |                                |                               |                                    |
|---|--------------------------------|-------------------------------|------------------------------------|
| The proposed project is inconsistent with the existing community character.<br>(See Part 1. C.2, C.3, D.2, E.3)<br><i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i> |                                | <input type="checkbox"/> NO   | <input type="checkbox"/> YES       |
|   | Relevant Part I Question(s)    | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.  | E3e, E3f, E3g                  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)  | C4                             | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.  | C2, C3, D1f<br>D1g, E1a        | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.   | C2, E3                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action is inconsistent with the predominant architectural scale and character.  | C2, C3                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| f. Proposed action is inconsistent with the character of the existing natural landscape.  | C2, C3<br>E1a, E1b<br>E2g, E2h | <input type="checkbox"/>      | <input type="checkbox"/>           |
| g. Other impacts: _____<br>_____  |                                | <input type="checkbox"/>      | <input type="checkbox"/>           |