

**VILLAGE OF NYACK**  
**Local Waterfront Revitalization Program**  
**Coastal Assessment Form**

**I. INSTRUCTIONS (Please print or type all answers)**

A. In accordance with Local Law No. 4 – 1990, all Type 1 and unlisted actions as defined in the State Environmental Quality Review Act regulations (6 NYCRR 617.2) are to be reviewed to determine their consistency with the policies of the Village of Nyack Local Waterfront Revitalization Program (LWRP). This Coastal Assessment Form (CAF) is intended as an aid to the review. Type II actions are deemed consistent with the Local Waterfront Revitalization Program and do not require any further deliberation.

B. As early as possible in an agency's formulation of a direct action or as soon as an agency receives an application for approval of an action, the lead agency under SEQRA shall do the following:

1. For direct agency actions, the agency shall prepare this Coastal Assessment Form to assist with its consistency review.

2. Where applicants are applying for approvals, the agency shall cause the applicant to complete this CAF, which shall be completed and filed together with the application for approval and the Environmental Assessment Form (EAF).

3. For Type I and unlisted actions, the agency shall refer a copy of the completed CAF to the Village Board for their review and recommendation within ten days of submission and, prior to making its determination of consistency, shall consider the recommendation of the Village Board. The lead agency shall make its determination of consistency based on the CAF, the Village Board's recommendation and such other information as is deemed to be necessary in its determination. If an action cannot be certified as consistent to the maximum extent practicable with the LWRP policies, it shall not be undertaken.

C. Before answering the questions in Section III, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program, a copy of which is on file in the Village Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

**II. DESCRIPTION OF PROPOSED ACTION**

A. Type of Action – is action a direct agency action (an action planned and proposed for implementation by the Village of Nyack) or does it involve the application for an approval or permit to be granted by a Village agency? Check one:

1. Direct Agency Action

2. Application for an Approval

If an Application for an Approval or Permit, identify which board or commission has the permit authority?

Village Board

B. Describe nature and extent of proposed activity:

Petition to amend provisions of the Zoning Code relating to bulk regulations of the Waterfront (WF) District

C. Location of proposed activity (include street or site description):

WF District (generally along Gedney Street and Piermont Avenue)

D. If an application for the proposed action has been filed with the agency, the following information shall be provided:

a.) Name of Applicant: TZ Vista, LLC

b.) Mailing Address: 27 Route 210, Stony Point, NY 10980

c.) Telephone Number: Area Code (845) 942-1330

3. Will the action to be directly undertaken, require funding or approval by either a state or federal agency? No  Yes \_\_\_\_\_  
If yes, which state or federal agency? \_\_\_\_\_

### III. Coastal Assessment Form

(See Chapter 342 of the Village code for additional information.)

A. Will the proposed action be located in, or contiguous to, or to have a significant effect upon any of the resource areas identified in the Local Waterfront Revitalization Program?

	(Check)	Yes	or	No
1. Significant fish/ wildlife habitats	<u>x</u>	_____		_____
2. Flood Hazard Areas	<u>x</u>	_____		_____
3. Tidal or Freshwater Wetland	_____	_____		<u>x</u>
4. Scenic Resource	<u>x</u>	_____		_____
5. Critical Environmental Areas	_____	_____		<u>x</u>
6. Structures, sites or sites districts of historic, Archeological or cultural significance	_____	_____		<u>x</u>

B. Will the proposed action have a significant effect on any of the following?

1. Commercial or recreational use of the fish and wildlife resource	_____	<u>  x  </u>
2. Development of the future or existing water-dependent uses	_____	<u>  x  </u>
3. Land and water uses	<u>  x  </u>	_____
4. Existing or potential public recreation opportunities	<u>  x  </u>	_____
5. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement	_____	<u>  x  </u>
6. Physical alteration of one or more areas of land along the shoreline, land under water or coastal waters	<u>  x  </u>	_____
7. Physical alteration of three or more acres of land located elsewhere in the coastal area	_____	<u>  x  </u>
8. Sale or change in use of state-owned lands, located under water	_____	<u>  x  </u>
9. revitalization/redevelopment of deteriorated or underutilized waterfront site	<u>  x  </u>	_____
10. Reduction of existing or potential public access to or along coastal waters	_____	<u>  x  </u>
11. Excavation or dredging activities or the placement of fill materials in coastal waters of Nyack	_____	<u>  x  </u>
12. Discharge of toxic, hazardous substances, or other pollutants into coastal waters of Nyack	_____	<u>  x  </u>
13. Draining of storm water runoff either directly into coastal waters of Nyack or into any river or tributary which empties into them	<u>  x  </u>	_____
14. Transport, storage, treatment or disposal of solid waste or hazardous materials	_____	<u>  x  </u>
15. Development affecting a natural feature which provides protection against flooding or erosion	_____	<u>  x  </u>

C. Will the proposed activity require any of the following:

1. Waterfront site	<u>  x  </u>	_____
2. Construction or reconstruction of a flood or erosion control structure	_____	<u>  x  </u>

Has this property been a subject of past Village Board, Planning Board or Zoning Board applications and/or approvals? If yes, please explain:

1992 - adoption of Local Waterfront Revitalization Program (LWRP)  
2007 - adoption of Comprehensive Plan  
2011 - adoption of comprehensive revisions to the Zoning Code  
2015 - Zoning Code amended to allow density bonus for sustainable development in WF district  
 \_\_\_\_\_  
 \_\_\_\_\_

Are there any other discretionary actions before any other board within the Village? If yes, please explain:

None, to applicant's knowledge.

---

---

---

---

Note: By signing this document, the owner of the subject property grants permission for Village Officials and Planning Board members to conduct a site visit in connection with the review of this application.

The statements contained herein, as well as all information submitted in the application and any other supporting documents, are true to the best of my belief.

Owner and  
Applicant signature:

by: William F Helmer  
Member

Date: 4/22/15

~~Owner's signature~~

\_\_\_\_\_ Date: \_\_\_\_\_

ADDENDUM TO COASTAL ASSESSMENT FORM  
AMENDMENTS TO WF DISTRICT BONUS PROVISIONS

The following expands upon the answers to categories in Part III of the CAF

*A. Will the proposed action be located in, or contiguous to, or to have a significant effect upon any of the resource areas identified in the Local Waterfront Revitalization Program?*

*1. Significant fish/ wildlife habitats*

The WF district is adjacent to the Hudson River. No construction or development activities are proposed within the river. Individual site plans will be subject to separate consistency review and will indicate the distance of buildings and construction activity from the Hudson.

*2. Flood Hazard Areas*

The WF district is located in the 100 year and 500 year floodplain of the Hudson River. Appropriate site specific mitigation measures, in conformity with updated FEMA and other applicable regulations, will be required for individual site plans

*3. Tidal or Freshwater Wetland*

The WF district is adjacent to the Hudson River, although not in a wetland. While the Hudson River is considered to be an estuary, DEC generally regards the northerly boundary of tidal waters as being the Tappan Zee Bridge.

*4. Scenic Resource*

The WF district is adjacent to the Hudson River. The proposed zoning text amendments do not adversely affect existing viewshed regulations. The amendments, if adopted, will provide incentives to (a) increase the widths of viewsheds beyond the minimum required by current regulations, and (b) provide greater public access to the Hudson shoreline.

*5. Critical Environmental Areas*

The WF district is not located in or near a designated Critical Environmental Area ("CEA"). A search of the NYSDEC database includes the eastern shoreline of the Hudson River as a CEA, but that portion does not extend to the Rockland County shoreline.

[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/hudsonrivercea.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/hudsonrivercea.pdf)

*6. Structures, sites or sites districts of historic, Archeological or cultural significance*

Although the WF district is adjacent to the Hudson River, the land within the district is not within the categories cited, and the proposed changes are intended to enhance views and usage of the Hudson River shoreline.

*B. Will the proposed action have a significant effect on any of the following?*

*1. Commercial or recreational use of the fish and wildlife resource*

No construction or development activity is proposed within the Hudson River. The proposed zoning text amendment will encourage increased public access to the riverfront.

*2. Development of the future or existing water-dependent uses*

The proposed zoning text amendment will encourage increased public access to the riverfront as well as water dependent uses.

*3. Land and water uses*

The proposed zoning text amendment will encourage increased public access to the riverfront, increased width of view corridors, and smaller building and development footprints.

*4. Existing or potential public recreation opportunities*

The proposed zoning text amendment will encourage increased public access to the riverfront.

*5. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement*

The proposed zoning text amendment will encourage more compact and less impactful development of the WF district.

*6. Physical alteration of one or more areas of land along the shoreline, land under water or coastal waters*

The proposed zoning text amendment will not, of itself, result in any physical alterations, but will impact the scope and nature of such alterations under any site development plan. The proposed text amendment is intended to provide incentives to reduce adverse impacts of physical alterations.

*7. Physical alteration of three or more acres of land located elsewhere in the coastal area*

The only undeveloped or underdeveloped sites in the WF District are the Nyack Boat Club site (1.62 +/- acres), and the TZ Vista site (3.3 +/- acres). However, the zoning text amendment does not, of itself, require construction or development of any kind, nor must any future development take advantage of the incentives provided by the amendment. Individual site plans will require SEQRA and LWRP consistency review.

*8. Sale or change in use of state-owned lands, located under water*

The zoning text amendment does not contemplate such activities.

*9. Revitalization/redevelopment of deteriorated or underutilized waterfront site*

The proposed zoning text amendment will encourage increased public access to the riverfront.

*10. Reduction of existing or potential public access to or along coastal waters*

The proposed zoning text amendment will encourage increased public access to the riverfront.

*11. Excavation or dredging activities or the placement of fill materials in coastal waters of Nyack*

The zoning text amendment does not contemplate such activities.

*12. Discharge of toxic, hazardous substances, or other pollutants into coastal waters of Nyack*

The zoning text amendment does not contemplate such activities.

*13. Draining of storm water runoff either directly into coastal waters of Nyack or into any river or tributary which empties into them*

The proposed zoning text amendment encourages smaller building and development footprints, which, in turn, reduce the amount of storm water runoff from affected sites. All storm water runoff will be treated for water quality and flow rates will conform to DEC and local requirements.

*14. Transport, storage, treatment or disposal of solid waste or hazardous materials*

The zoning text amendment does not contemplate such activities.

*15. Development affecting a natural feature which provides protection against flooding or erosion*

The zoning text amendment does not contemplate such activities.

*C. Will the proposed activity require any of the following:*

*1. Waterfront site*

The zoning text amendment affects the WF district, all of which is located along the Hudson River waterfront.

*2. Construction or reconstruction of a flood or erosion control structure*

The zoning text amendment does not contemplate such activities.