Local Law

(FINAL)

Local Law #1 of 2016

A Local Law to amend Section 360-2.5 (B) of the Zoning Ordinance of the Village of Nyack as pertains to the WF Zoning District.

Legislative Statement:

On April 2, 2015, the Nyack Village Board received a Petition (and supporting documentation) from an entity known as TZ Vista, LLC, seeking to amend section 360-2.5(B) of the Zoning Code of the Village of Nyack, which section contains the zoning requirements applicable in the Waterfront Development District (WF Zoning District) in Nyack.

Nyack Zoning Code section 360-5.6, entitled "Amendments to this chapter", together with other provisions of the New York State Village Law, govern amendments to municipal zoning ordinances, and authorize a Village Board to consider zoning text amendments proposed by Petition to the Board.

Upon receipt of the Petition, the Village Board, in compliance with the provisions of its local law governing Petitions to amend the zoning text, referred the Petition for review and comments to the Nyack Planning Board (required by Village Code section 360-5.6(B)(3)(a)), and to the Rockland County Department of Planning (required by Village Code section 360-5.6(B)(3)(b), and General Municipal Law 239 (L) & (M)). Additionally, the Village Board sought comments on the Petition from the Village of Nyack Planning Consultant Robert Galvin, as well as from BFJ Planning Consultants (an experienced private consulting firm previously retained by the Village of Nyack to provide professional expertise in planning, design, environmental analysis, real estate and transportation).

Furthermore, the Village Board sought comments from the public on the Petition, and held a noticed (and very well attended) "Public Intake Session" relative to the Petition on October 1, 2015, at which time the Village Board received and considered extensive comments from both the Petitioner and members of the public on the Petition itself, as well as comments as to the public's opinions regarding <u>any</u> potential development in WF Zoning District under both the current and proposed zoning text itself It was very clear that there were a wide range of opinions expressed at the Public Intake Session, both in support of and in opposition to the text amendment proposed in the Petition. Additionally, there were varied opinions expressed on the general issue of development in the WF Zoning District, both in support and in opposition to development in general (including opinions that the land should be acquired by the Village and designated as parkland).

The comments of the aforementioned Boards, individuals, and entities, as well as the transcript from the public meeting held on October 1, 2015, are incorporated by reference into to this Legislative Statement.

The recommendations and comments referenced in this Legislative Statement were purposefully sought by the Village Board because the Board sought to assess <u>all</u> input and opinions, from the Planning Board, from objective professional planners (both public and private), as well as from members of the public, prior to even deciding whether the Board would schedule a Public Hearing to consider adopting the text amendment set forth in the Petition.

On October 8, 2015, at a regularly scheduled meeting of the Village Board, the Board reported on the status of the Petition, and decided:

1. That it would not proceed to schedule a Public Hearing on the Petition for a zoning text amendment submitted on April 2, 2015 by TZ Vista, LLC;

2. That while much of the land located within the WF Zoning District is developed, there is undeveloped private land within the district on which multi-family residential development is permitted by right under current zoning regulations, with limited municipal control over the design and public access features of such development; and,

3. That although the Village Board would not proceed with a Public Hearing the TZ Vista, LLC text amendment Petition, it was in the best interest of the Village as a whole for the Village Board itself to develop and propose, in consultation with its design professionals and staff, text amendments in the WF Zoning District that would focus on what the Board concluded in their legislative capacity were the most significant issues raised in the professional and public input on the potential for development in the WF Zoning District:

(i) The development and inclusion of design guidelines applicable any proposed development in the WF Zoning District, including but not limited to building design, materials, underground parking, and building height, and

(ii) Inclusion of better defined provisions for meaningful public access and amenities to be provided with any development in the WF Zoning District.

Therefore, following the October 8, 2105 Village Board meeting, the Village Planner and Planning Consultants developed design guidelines for inclusion in the text of the zoning regulations for the WF Zoning District.

Local Law #1 of 2016

A local law to amend Section 360-2.5(B) of the Zoning Ordinance of the Village of Nyack as pertains to the Waterfront Development District

Chapter 360-2.5 of the Zoning Code, entitled "Other Districts", specifically, section 360-2.5(B), entitled "Waterfront Development District (WF), shall be amended to read as follows:

. . .

B.

Waterfront Development District (WF).

(1)

Purpose. The purpose of the WF District is to provide for and encourage uses along and near the Hudson River related to and appropriate for a waterfront area. The zoning district is intended to encourage a proper balance of uses in and near the waterfront by facilitating water-dependent uses where public access will be provided, and to preserve the aesthetics and ambiance of the area. In order to provide a district in which commercial uses at the shoreline will be compatible with other waterfront uses and objectives and encourage the overall development of the Village, the specific intent of this section is to:

(a)

Maximize the utilization of waterfront land by water-oriented uses which require a waterfront location.

(b)

Regulate uses that may be enhanced by a location along or near the shoreline but do

not require a waterfront location.

(c)

Maximize physical public access from the land to and along the Hudson River shoreline.

(d)

Protect water quality, fish and wildlife, scenic views and natural vegetation and enhance aesthetic resources to the greatest feasible extent.

(e)

Encourage the development of permitted uses to incorporate the Development Incentives and Design Guidelines set forth in §360-2.5(B)(2)(c).

(2)

District specific standards.

(a)

Site development plan approval. All buildings and other uses of land within the WF District shall be subject to review by the Planning Board in accordance with the provisions of § **360-5.7**, and subject to review by the Village Board if an application for development in the WF Zoning District seeks a Special Permit under §360-2.5(B)(2)(c). In addition to the considerations set forth in § **360-5.7**, the Planning Board shall consider the following factors for review:

[1]

The quality and extent of views from the adjacent public streets through the property to the Hudson River.

[2]

The design and relationship of development to the waterfront as viewed from the

Hudson River.

[3]

The design and function of any easement or other access provided to the water's edge, including new bulkheading.

[4]

The eligibility of proposed development to utilize any of the development incentives set forth in § **360-2.5B(2)(c)**.

[5]

The consistency of such incentive features with the Village's Comprehensive Master Plan and related studies and plans adopted by the Village Board of Trustees.

[6]

The quality of design of the proposed development to the extent that the design incorporates Development Incentives or Design Guidelines set forth in §360-2.5(B)(2)(c), or as determined by the Architectural Review Board in accordance with its review in accordance with § 360-5.15C.

(b)

Special bulk requirements. The following requirements shall apply to all development within the WF District:

[1]

Building height. No buildings or structures shall be erected to a height in excess of 35 feet, except as provided in § **360-2.5B(2)(c)[1]**. In the WF zone, height shall be measured from the curb line of the street abutting the front yard and parallel to the Hudson River.

[2]

Building width. The total cumulative width of buildings, structures, fences or walls

more than 30 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line parallel to the adjacent street measured at the front yard. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the parcel provides more than one view corridor as required in § **360-2.5B(2)(b)[4]**.

[3]

Riverfront setback. An average setback of 50 feet shall be provided from any buildings or structures on a lot to the normal high-water line of the Hudson River unless its design requires a location closer to such water line, as determined by the Planning Board. No part of any building or structure shall be closer than 15 feet to the normal high-water line.

[4]

View corridor. In addition to any general requirements required by the View Protection Overlay District established in § **360-4.4B**, the following specific requirements apply within the WF District:

[a]

A view corridor to the Hudson River shall be maintained at the intersection where each street intersects Gedney Street or Piermont Avenue and at the northerly end of Gedney Street.

[b]

Such view corridor shall have an unobstructed width of at least 50 feet at the street line and 100 feet at a distance 300 feet from such street line, measured perpendicular to the center line, extended, of such intersecting street. Such view corridor shall be unobstructed as to height; however, buildings may be located in this corridor if their highest elevation is below that of the mean elevation of the adjacent street line.

[c]

No parking shall be allowed in the view corridor unless it is screened from view, and any landscaping within the view corridor shall be evergreen and maintained at a height no greater than four (4) feet from the mean level of the street line within the

view corridor. Landscaping, trees, trellises, and hedges may exceed four feet with Site Plan approval.

(c)

Development incentives by Special Permit. In order to encourage development which promotes the purposes for which the WF District has been established and to achieve the Design Guidelines outlined in §360-2.5(B)(2)(c)[6], the following exceptions to the bulk requirements set forth above and in the lot and bulk regulations for the WF District may be permitted by the Village Board by the issuance of a Special Permit approving the same. Any Development Incentives approved by the Village Board are applicable only to the Site Plan Application for which they have been approved. Such Site Plan application and Special Permit application must be accompanied by an Environmental Assessment Form (EAF) that evaluates the environmental impacts of the exceptions to the bulk regulations. Viewsheds shall be preserved per §360-2.5(B)(2)(b)(4).

[1]

Building height may be increased to no more than 52 feet under the conditions as follows:

(a) Maximum height may be increased by five feet for each five-percent reduction of maximum permitted average building width, up to a maximum of 52 feet (e.g., if average building width is 45%, maximum permitted height is 35 feet; if average building width is 40%, maximum permitted height is 40 feet); and,

(b) For any front yard step back, at a height of 22-24 feet, the building must step back 5 feet and at a height of 40-42 feet the building must step back an additional 5 feet. Alternatively, the building may step back a total of 10 feet at a height of 40-42 feet.

(c) Notwithstanding the provisions of this subsection, in the case of a building exceeding 40 feet in height, the exceptions to height limitations set forth in § **360-4.2C(2)**, as amended, shall be limited to four feet except for a stairwell bulkhead.

[2]

Building width may be increased to a maximum of 60% of the width of a parcel if the parcel provides two view corridors, and a maximum of 70% of the width of a parcel if the parcel provides three or more view corridors as required in § **360-2.5B(2)(b)[4]**.

[3]

Floor Area Ratio (FAR) and density. FAR may be increased to no more than 1.50 if the Site Development Plan:

[a] Provides Special Waterfront Improvements open to the public specifically incorporating the Development Incentives set forth in §360-2.5(B)(2)(c)[5]; and

[b] Incorporates the Design Guidelines for the Waterfront as set forth in §360-2.5(B)(2)(c)[6][a]-[c].

[c] Notwithstanding the provisions of this subsection, residential density shall not exceed 35 residential units per acre. Additionally, any density bonus sought under Village Code section 360-4.14 shall be subject to the limit of 35 residential units per acre set forth in this subsection, and must meet at least three (3) of the Sustainability Amenities set forth in section 360-4-14 (E).

[4] Parking located underground.

[a] Required parking spaces per unit, when provided underground, shall be:

1.0 per EU

1.50 per 1 BR

1.75 per 2 BR

2.0 per 3 or greater BR

[b] All resident parking in excess of one space per unit shall be unreserved and available for shared parking use.

[c] In addition to the resident parking spaces required by § 360-2.5B(2)(c)[4][a], a minimum of 10% additional public parking spaces shall be provided on site or within 200 feet of the site.

[5] Waterfront Access. Waterfront access shall be provided per requirements in the WF Design Guidelines, including a pedestrian walkway, one water dependent amenity (consisting of a kayak launch, pier, boat launch. or overlook), and a retail, restaurant, coffee shop or other food and beverage related use located adjacent to the pedestrian walkway. Setback from the Hudson River shall comply with section § 360-2.5(B)(2)(b)[3] but shall specifically meet the following:.

[a] Minimum 50 foot setback of any buildings from the normal high-water line of the Hudson River.

[b] Of the 50 foot setback, 30 feet must be open to the public.

[c] Of the 30 feet open to the public, a 15 foot wide continuous walkway must be provided.

[d] For the above public space, the area shall be dedicated to the Village of Nyack and maintained by the Village as parkland in perpetuity. Some variation in the location and precise width of the walkway may be allowed at the discretion of the Village Board if the flexibility enhances the operation of a water dependant use, such as a boat club, pier or boat launch.

[6] Design Guidelines. In determining whether to approve the Development Incentives identified in §360-2.5B(2)(c)[1]-[5], the Village Board of Trustees will consider the extent to which the following Design Guidelines are achieved.

[a] Gedney Street

i. Location.

a. Buildings should be set back a minimum of 12 feet and a maximum of 15 feet from the property line.

ii. Landscape Treatment.

a. Front yards should be landscaped with appropriate transition elements between the sidewalk and the adjacent ground level private dwelling units.

b. Front yards should be designed in a manner consistent with the front yards of other residential front yards in the area north of Main Street.

iii. Building Facades and Massing.

a. Building façade materials should be comprised of stone, stone veneer, brick, fiber cement board or panels, or wood. Stucco, exterior insulation finishing systems (EIFS) are discouraged.

b. Facades along Gedney Street may have a maximum of fifty percent glass below thirty-five feet and a maximum of sixty-five percent glass above thirty five feet.

c. Visual impact of larger windows should be reduced through the use of vertical subdivision of frames or other methods to reduce the visual impact.

d. Reflective glass (excluding low-E glass, Solarban, and similar lightly tinted glass types) is prohibited.

e. Parking structures facing a public street or other publicly accessible area should be architecturally integrated into the principal building using techniques such as an exterior clad in brick, architectural metal panels, a window-like facade treatment, or "liner" buildings, i.e. buildings located in front of the parking garage that screen the garage from public view.

[b] Main Street

i. Location and Orientation.

a. Buildings should be set back a minimum of 10 feet from the sidewalk.

b. Buildings along Main Street shall address the corner of Main Street and Gedney Street while allowing for access and views out to the river from Main Street approaching the corner of Main and Water Street.

ii. Landscape Treatment.

a. Main Street frontage should have a maximum of one curb cut for garage access and refuse vehicles.

b. Curb cuts should be a maximum of twenty four feet wide.

c. Landscaped area along Main Street should be designed to orient and distribute pedestrians to either the Claremont Pier or the new waterfront walkway and create a gateway to both of these riverfront places.

d. The entrance to the pedestrian access to the riverfront should be designed to clearly communicate the public nature of the pedestrian path. The entrance may include a landscape feature such as a gate, trellis, and/or a small seating area.

e. Access lanes for fire trucks and other public safety vehicles may be incorporated into the pedestrian paths and are encouraged to incorporate grass-crete/cellular grass paving system or similar treatment to avoid the appearance of excessive pavement

iii. Building Facades and Massing.

a. Buildings along Main Street should step back a minimum of ten feet over a height of thirty-five feet from the adjacent grade.

b. Materials should be comprised of stone, stone veneer, brick, fiber cement boards or panels, or wood. Stucco, exterior insulation finishing systems (EIFS) are discouraged.

c. Facades along Main Street may have a maximum of fifty percent glass below thirty-five feet and a maximum of sixty-five percent glass above thirty five feet.

d. Visual impact of larger windows should be reduced through the use of vertical subdivision of frames or other methods to reduce the visual impact.

e. Reflective glass is prohibited. Parking structures facing a public street or other publicly accessible area should be architecturally integrated into the principal building using techniques such as an exterior clad in brick, architectural metal panels, a window-like facade treatment, or "liner" buildings, i.e. buildings located in front of the parking garage that screen the garage from public view.

[c] Waterfront

i. Access.

a. Pedestrian access to the riverfront should be provided a minimum of every 200 feet from the nearest adjacent east-west street, and preferably align with streets east-west streets intersecting with Gedney.

b. A public waterfront area shall be provided of a minimum of 30 feet wide along the entire length the waterfront. Within that public area, a pathway shall be provided of a minimum of 15 feet or as dictated by the fire department to ensure access for emergency vehicles.

ii. Soft Shoreline Treatment

a. In providing resilience to sea level rise, storm surge, and flooding, soft or vegetated shorelines and rip rap should be used instead of vertical sheet pile bulkheads where possible.

ii. Landscape Treatment.

a. Entrance to the pedestrian access to the riverfront should be designed to clearly communicate the public nature of the pedestrian path. The entrance may include a landscape feature such as a gate, trellis, and/or a small seating area.

b. Access path should: incorporate a small seating/passive recreation area a maximum of 75 feet from Gedney Street right of way; use landscape elements such as planting, grading, garden walls, or decorative fencing to establish an implied transition between the public right of way and adjacent private dwelling units;

incorporate trees/planters for shade and pedestrian comfort, a minimum of every thirty feet.

c. Vertical transition to the riverfront should employ steps incorporating landscaping, terraces, and garden walls.

iii. Building Facades and Massing.

a. Facades located more than thirty-five feet from Gedney Street may have a maximum of sixty-five percent glass.

b. Visual impact of larger windows should be reduced through the use of vertical subdivision of frames or other methods to reduce the visual impact.

c. Reflective glass is prohibited.

d Penthouses should be incorporated into the overall massing concept of the building.

e. Buildings should be massed to create a distinctive roof silhouette characteristic of downtown Nyack buildings

f. Parking structures facing a public street or other publicly accessible area should be architecturally integrated into the principal building using techniques such as an exterior clad in brick, architectural metal panels, a window-like facade treatment, or "liner" buildings, i.e. buildings located in front of the parking garage that screen the garage from public view.

(d)

Determination of lot area. To determine the maximum number of residential dwelling units that can be allowed on a parcel of land within the WF District, and for all other uses, the lot area of the site shall be determined by subtracting from the gross acreage of the site the following:

[1]

Land below the normal high-water line of the Hudson River.

[2]

Land shown to be in the floodway or coastal high-hazard area (A and B Zones) of the Federal Emergency Management Agency's Flood Boundary and Floodway Map or Flood Insurance Rate Map.

[3]

Land located within an easement that precludes development.

(e)

Public access. Permanent public access must be provided from the adjacent public street to and along the Hudson River if the property is used for any of these uses: multifamily dwellings, art gallery, arts/crafts studio, bar or tavern, bed-and-breakfast, inn, hotel or motel, office-general, restaurant, retail sales and service, or public utility structure. Such access, in the form of a permanent easement, shall be at least 12 feet wide for at least 75% of its length and shall extend along the normal high-water line of the Hudson River for the width of the property and shall be part of a continuous connection between the north and south boundaries of the property. Porous pavement material, such as cobblestone, brick, etc., suitable for pedestrian use, at least six feet wide, shall be provided for the entire length of the easement; suitable landscaping shall also be provided. The access easement shall provide for permanently unobstructed views or vistas of the Hudson River along its entire length. Provision satisfactory to the Village Board shall be made by the property owner for maintenance of the public access.

(f)

Sidewalks. Sidewalks conforming to Village specifications shall be provided on the street frontage of the lot and/or within the right-of-way of any street located adjacent to a lot. The sidewalk material shall be continuous through the drive.

This Local Law shall be effective immediately upon filing with the Secretary of State.

Resolution

(WF

Negative Declaration)

and back-up docs.

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on April 14, 2016, at 7:30 p.m. The following resolution was duly offered and seconded, to wit:

Resolution No. 2016-24

IN THE MATTER OF A LOCAL LAW TO CONSIDER AMENDMENTS TO THE WATERFRONT WF ZONING TEXT CONTAINED IN THE VILLAGE OF NYACK ZONING CODE

RESOLUTION OF THE NYACK VILLAGE BOARD TO ISSUE A NEGATIVE DECLARATION UNDER SEQRA AND A DETERMINATION OF CONSISTENCY WITH THE VILLAGE OF NYACK LWRP

WHEREAS, the Village Board is entertaining the adoption of a Local Law pertaining to the Waterfront WF Zoning District regulations in Chapter 360, Zoning, of the Nyack Village Code (the "Proposed Action"); and

WHEREAS, the subject local law is intended to amend the Waterfront WF Zoning regulations to include, for the first time, design guidelines applicable to proposed developments in the Waterfront WF district (affecting, but not limited to, building design, facades and massing, setbacks, materials, landscaping, and the preservation of true view corridors by requiring underground parking), and to further amend the current special permit mechanism in the current Waterfront WF regulations to provide for additional public benefits on the Village's waterfront in the event of a proposed development, including meaningful public access, as well as commercial and water-dependant uses.

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), the Village Board is the only Involved Agency with respect to the Proposed Action and is therefore the Lead Agency; and

WHEREAS, the Village Board has had a Full Environmental Assessment Form prepared in connection with the Proposed Action; and

WHEREAS, the Village Board sought comments on the proposed legislation from the Village of Nyack Planning Board as required by Village Board 360-5.6(B)(3)(a), and received comments as

reflected in the February 1, 2016 minutes of the Planning Board (the Planning Board's 2/1/16 comments referenced an earlier Planning Board review and comments pertaining to a private owner's Petition for text amendment in the Waterfront WF zoning district, said earlier comments being dated June 11, 2015, and which were incorporated in the subject text amendment generated by the Nyack Village Board); and

WHEREAS, the Village Board referred the proposed local law to the Rockland County Planning Board in accordance with the Village Code and Sections 239-l and m of New York State General Municipal Law, and the Rockland County Planning Board responded to the above mentioned referral by means of its letter dated February 19, 2016 (the Rockland County Planning Board's 2/19/16 comments referenced an earlier County Planning Board review and comments pertaining to a private owner's Petition for text amendment in the Waterfront WF zoning district, said earlier comments being dated August 19, 2015, and which were incorporated in the subject text amendment generated by the Nyack Village Board); and

WHEREAS, the Village Board held Public Hearings on the proposed Waterfront WF zoning text amendments on February 25, 2016, and March 10, 2016 (with a 10 day written public comment submission window through March 20th after the March 10th Public Hearing); and

WHEREAS, in addition to the mandated comment referrals set forth above, the Nyack Village Board also solicited comments and an environmental assessment and analysis on the proposed Waterfront WF text amendments from the Village of Nyack Planning Consultant, Robert Galvin, and a private planning consulting firm, BFJ Planning; and

WHEREAS, at its regularly scheduled Village Board meeting held on March 24, 2016, the Village Board received an update on the progress of an Environmental Assessment of the Proposed Action by Simon Kates from BFJ Planning, prepared at the request of the Village Board to support the EAF Part 3 that the Village Planner was producing for the Waterfront WF zoning text amendment; and

WHEREAS, BFJ Planning subsequently produced a more detailed Environmental Analysis for the Nyack Village Board to support the EAF Part 3 prepared in connection with the Proposed Action, presented at the regularly scheduled meeting of the Village Board at its regularly scheduled meeting held on April 14, 2016, which analysis focused on the incremental increase in the potential environmental impact under a "worst case" scenario between a development built under the current

Waterfornt WF zoning regulations as compared to a development built under the proposed Waterfront WF text amendments, specifically as pertains to:

- Views
- Shadows
- Traffic
- School Children
- Community/Neighborhood character
- Open Space
- Municipal services

WHEREAS, at its regularly scheduled Village Board meeting held on March 24, 2016, the Village Board received a report from the Village Planner recommending revisions/clarifications to the text of the proposed Waterfront WF zoning amendments, which the Planner developed based upon comments received at the public hearings, in comments and letters from neighbors, and the input from the referring agencies referenced in this Resolution; and

WHEREAS, Nyack Village Code Chapter 342-5 (c), the Nyack Waterfront Consistency Review process, vests jurisdiction in the Village Board of Trustees to determine consistency with the Village's LWRP on Unlisted actions covering three or more acres; and

WHEREAS, the Village Planner has provided the Village Board with a Coastal Assessment Form for the purposes of undertaking the LWRP Consistency Review process; and

WHEREAS, the Village Board of Trustees has considered the scope of the Proposed Action, and Village Planner's Consistency Review analysis (together with the documents referenced therein) in the context of evaluating the LWRP policy standards and conditions to make a Consistency Determination.

THEREFORE BE IT RESOLVED, upon a review of the Coastal Assessment Form (CAF), the long form complete Environmental Assessment Form (EAF), and the Village's LWRP policies; the Village Board hereby determines, pursuant to the provisions of Chapter 342 of the Code of the Village of Nyack, that the Proposed Action is consistent, to the maximum extent practicable, with the policies of the LWRP and that the Proposed Action will not substantially hinder the achievement of any of the policies set forth in the LWRP, based upon the reasoning set forth in the "Addendum to Costal Assessment Form – Proposed WF District Zoning Amendments", which expands upon the answers to categories in Part III of the Coastal Assessment Form.

AND BE IT FURTHER RESOLVED AS FOLLOWS:

1. The Village Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.

2. After conducting a "hard look" at the Full Environmental Assessment Form and other materials related to the Proposed Action, including but not limited to the Environmental Analysis prepared by BFJ Planning Consultants, the Village Board hereby adopts the attached Negative Declaration for the reasons stated therein, thereby finding that the Proposed Action will have no significant adverse impact upon the environment and thereby ending the SEQRA process.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	Yea	Nay	Abstain	Absent
Mayor Laird-White	[ ]	[ ]	[ ]	[ ]
Trustee Parker	[ ]	[ ]	[ ]	[ ]
Trustee Hammond	[ ]	[ ]	[ ]	[ ]
Trustee Foster	[ ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Proposed Waterfront WF District Zoning Amendments		
Project Location (describe, and attach a general location map): Village of Nyack (Waterfront WF District)		
Brief Description of Proposed Action (include purpose or need): The proposed zoning code amendments include the following: a.) Provide a special permit process under the jurisdiction of the Board of Trustees requiring evaluation of environmental impacts of the exceptions to the bulk requirements; b.) Amend the Development Incentives in the WF District for the permitted FAR and Building Height and to provide for additional public benefits on the waterfront including meaningful public access water-dependent uses and amenities; c.) Provide specific design guidelines including but not limited to building design, facades and massing, materials, landscaping treatment, setbacks, underground parking and preservation of view corridors. See Enhanced EAF Part 3 attached.		
Name of Applicant/Sponsor: Village of Nyack	Telephone: 845-358-4249 E-Mail: bobgalvin@nyack-ny.gov	
Address: 9 North Broadway		
City/PO: Nyack	State: NY	Zip Code: 10960
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

RESET FORM

B. Government Approvals

B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes☐No	Nyack Village Board - Zoning Code Amendment	2/25/16
b. City, Town or Village Planning Board or Commission ☐Yes☐No		
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☐No		
d. Other local agencies ☐Yes☐No		
e. County agencies ☑Yes☐No	GML Review	
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑Yes☐No

If Yes,

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes☐No

If Yes, identify the plan(s):

Nyack LWRP

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

RESET FORM

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
WF - Waterfront District

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Nyack UFSD

b. What police or other public protection forces serve the project site?
Town of Orangetown Police Department

c. Which fire protection and emergency medical services serve the project site?
Nyack Fire Department; Nyack Community Ambulance Corps

d. What parks serve the project site?
Nyack Memorial Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
_____

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
_____
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

RESET FORM

f. Does the project include new residential uses? ☐Yes☐No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes☐No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes☐No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐Yes☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i .What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes☐No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes☐No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes☐No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

RESET FORM

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: _____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed _____
- expected acreage of aquatic vegetation proposed to be removed _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

RESET FORM

- Do existing sewer lines serve the project site? ☐Yes☐No
- Will line extension within an existing district be necessary to serve the project? ☐Yes☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes☐No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

RESET FORM

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

RESET FORM

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

_____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

n.. Will the proposed action have outdoor lighting? ☐ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products (185 gallons in above ground storage or an amount in underground storage)? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

RESET FORM

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

RESET FORM

c. Is the project site presently used by members of the community for public recreation? ☐Yes☐No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes☐No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes☐No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes☐No

If Yes:

i. Has the facility been formally closed? ☐Yes☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes☐No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

RESET FORM

v. Is the project site subject to an institutional control limiting property uses? ☐Yes☐No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐Yes☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes☐No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐Yes☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes☐No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes☐No

j. Is the project site in the 100 year Floodplain? ☐Yes☐No

k. Is the project site in the 500 year Floodplain? ☐Yes☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes☐No
If Yes:

i. Name of aquifer: _____

RESET FORM

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? ☐Yes ☐No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☐No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☐No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☐No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☐No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☐No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

RESET FORM

e. Does the project site contain, or is it substantially contiguous to, a building, 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? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Village of Nyack Date February 10, 2016

Signature Robert James Galvin, AICP Title Village Planner

PRINT FORM

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

Agency Use Only [If applicable]
Project : Proposed WF District Zoning Amendments
Date : 2/12/16

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.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☑ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

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) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

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) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
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	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
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	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
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	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____		☐	☐

4. Impact on groundwater

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. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
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	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
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	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D,2,h, D.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	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:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
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	☐	☐
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	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐

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	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
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	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	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	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
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	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources (See Enhanced EAF Part 3)
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.)
If "Yes", answer questions a - g. If "No", go to Section 10.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
If "Yes", answer questions a - e. If "No", go to Section 11.

☐ NO ☑ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
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	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: No archeological sites identified - CRIS (examined site surveys)	E3g	☐	☐

d. Other impacts: John Green House is located on Main Street near Gedney - local historic house connected to notable Nyack personage - not listed on National Register		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", 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	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
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	☐	☐

11. Impact on Open Space and Recreation

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.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts:		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
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	☐	☐
c. Other impacts:		☐	☐

13. Impact on Transportation (See Enhanced EAF Part 3)
The proposed action may result in a change to existing transportation systems. (See Part 1. D.2.j) ☑ NO ☐ YES
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k) ☑ NO ☐ YES
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
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	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. (See Part 1. D.2.m., n., and o.) ☑ NO ☐ YES
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
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	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____		☐	☐

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.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	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	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
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 E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____			

17. Consistency with Community Plans (See Enhanced EAF Part 3)
The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES
(See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

	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 E1a, E1b	☐	☐
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	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
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, D1d, D1f, D1d, Elb	☐	☐
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 D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character (See Enhanced EAF Part 3)
The proposed project is inconsistent with the existing community character. ☐ NO ☑ YES
(See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

	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	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
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 D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Agency Use Only [If Applicable]

Project : Proposed WF District Zoning Amendments

Date : 4/9/16

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The proposed action consists of proposed text amendments to the WF Zoning District with the intent to improve the impact of future waterfront development on public access to the waterfront and neighborhood character. Under the Village Board's jurisdiction, any Site Plan and Special Permit applications for development projects that intend to take advantage of Development Incentives must be accompanied by an Environmental Assessment Form (EAF) that evaluates the environmental impacts of the exceptions to the bulk regulations. The text amendments require that the Board of Trustees evaluate the impacts of the exceptions to the bulk requirements and the application's adherence to Design Guidelines. Under the text amendments, the current zoning remains in place. If a developer wishes to take advantage of the incentives under the proposed amendments, he will be required to provide 30' of public open space and a pedestrian walkway along the entire length of the property instead of the current 12' for 75%, provide underground parking which precludes a sea of surface parking and maximizes view corridors, provide added parking for public acess, include a restaurant/coffee shop or similar use and a water dependent amenity adjacent to the walkway, provide public access to the Riverwalk every 200 feet of a potential development from the nearest east-west streets, increase setbacks from Gedney and Main Streets and conform to specific design guidelines. For the first time, design guidelines are being added to mandate a development to be more architecturally in keeping with the general character of Nyack. These guidelines include specified building setbacks at different heights from Main Street and Gedney Street, and to ensure that landscape treatments, building façade materials, and glazing areas are appropriate and consistent with the surrounding context. The Enhanced EAF Part 3 which is attached reviews the history of the proposed text amendments to the WF District. It explains the proposed changes to the existing WF text in detail. It explains the revisions to the legislation in response to public comment. These changes include: reducing the glazing above the third story; increasing the parking requirements for a one-bedroom unit; prohibiting reflective glass; designating the riverfront walkway as parkland under the control of the Village; requirement of three sustainability measures; increase setback from Gedney Street to 12'. It provides an analysis of the environmental impacts of the "reasonable worst case" scenario, defined as the incremental increase between the existing zoning and the proposed text amendments. It analyzes the following areas: views, shadows, utilities, traffic, public school children, community character; open space; and Village and School District taxes. There are two possible development properties: TZ Vista and the Nyack Boat Club representing 5.04 acres. The density increase would go from 33 units per acre (with existing sustainability incentives) to 35 units per acre. This translates into an incremental total of 9 units. The proposed text amendments preserve the existing view protection corridors and can maximize view sheds by placing parking underground. Incremental trip generation represents 3 - 4 trips in the peak hours. Based upon this analysis of the "reasonable worst case" scenario, the proposed text amendments are not anticipated to produce any adverse impacts. Qualitative impacts such as views, shadows, community character and open space are maintained or improved as a result of the proposed text amendments. View corridors under existing zoning are preserved, while an increase in shadows is minor given the relatively limited increase in building height. The proposed text amendments strengthen protections for community character and open space by adding provisions that ensure that new buildings in the WF District are similar in character to the existing context and expand the area of waterfront open space required in the District. Quantitative impacts such as utilities, traffic, school children are minor and can be absorbed given existing capacity. The impact on Village/School District property taxes will be substantially improved versus the existing zoning. The proposed text amendments are consistent with the current Comprehensive Master Plan (CMP) and build upon the CMP's recommendations. Based on the review of the Enhanced EAF and other provided information, the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Enhanced EAF Part 3, NYS CRIS System, Rockland County GML Referral (8/19/15), Nyack PB Report (7/9/15), Village Comprehensive Plan (2007), Public Testimony at public hearings, Scenic Hudson Letter (3/10/16), Written Comments from Mr. John Gromada (3/18/16), Consistency w/ existing CMP, ARB re: Design Guidelines (3/16/16), Ira Emanuel, Esq (2/25/16), Ken Sharp, John Green House (2/10/16), CMP Survey (3/16), NYSDEC.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Village of Nyack Board of Trustees as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Proposed WF District Zoning Amendments

Name of Lead Agency: Village of Nyack Board of Trustees

Name of Responsible Officer in Lead Agency: Jen Laird White

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Robert Galvin, AICP Date: 4/9/16

For Further Information:

Contact Person: Robert Galvin, AICP

Address: 9 North Broadway, Nyack NY 10960

Telephone Number: 845 - 358-4249

E-mail: marketstat@aol.com; bobgalvin@nyack-ny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Nyack WF District Text Amendment—Environmental Assessment

I. Introduction

The Village of Nyack Board of Trustees is exploring a proposed text amendment to the WF Zoning District with the intent to improve the impact of future waterfront development on public access to the waterfront and neighborhood character. The Village Board began reviewing the WF District zoning text following a petition for a zoning text amendment by TZ Vista, LLC to revise the WF District, which was sent to the Village Board on April 2, 2015. The interest of TZ Vista, LLC was to revise the WF District to align with development plans for parcels at the northeast corner of the intersection of Gedney Street and Main Street. At a Village Board meeting on October 8, 2015, the Village Board decided that it would not proceed to schedule a Public Hearing on the petition for a zoning text amendment by TZ Vista, LLC. Rather, the Village Board determined that there is undeveloped, privately-owned land within the WF Zoning District on which multi-family residential development is currently permitted as-of-right with limited municipal control over design features and public access of potential future development. The Village Board determined that although it would not proceed with the petition for a zoning text amendment, that it would be in the best interest of the Village for the Village Board to review the WF District Zoning Text to ensure that future development in the WF District provided for adequate waterfront access and protections of community character

The proposed WF District text amendment would institute the following changes to the existing WF District zoning text:

1. Specifies that building height is measured from the curb line of the street abutting the front yard. In the existing WF District zoning text, there is no specific mention of where building heights are measured.
2. Require that Site Plan applications and Special Permit applications for development projects that intend to take advantage of Development Incentives must be accompanied by an Environmental Assessment Form (EAF) that evaluates the environmental impacts of the exceptions to the bulk regulations. Note that viewshed preservation as currently required in the Nyack Zoning Code Section §360-2.5(B)(2)(b)(4) remain unchanged.
3. Increase maximum building height from 45' to 52'.
4. Require front yard step backs of five feet at a height of 22-24 feet and an additional 5 feet at a height of 40-42 feet, or a step back of 10 feet at 40-42 feet.
5. Allow building width to be increased to 70% of the width of a parcel if the parcel provides three or more view corridors.
6. Increase maximum FAR to 1.50.
7. Limit residential density to a maximum of 35 units per acre. The current maximum density is 24 units per acre in the underlying WF Zoning District or up to 33 units per acre if a development provides sustainability amenities which allow up to a maximum 40% increase in density.
8. Update parking requirements to require that no more than one parking space may be reserved per unit—the remaining required parking spaces shall be unreserved and available for shared parking use. In addition, a minimum of 10% additional parking spaces shall be provided on site or within 200 feet of the site. Additionally, the proposed text amendment requires underground parking to reduce the visual impact of parking lots on the waterfront.

9. Waterfront access requirements are strengthened to require a retail/restaurant/coffee shop or similar use and a water-dependent use adjacent to the pedestrian walkway, a minimum 50 foot setback of any building from the Hudson River with 30 feet of the setback open to the public and 15 foot wide continuous walkway.
10. Design guidelines are proposed to be added to the zoning text in order to provide building setbacks from Main Street and Gedney Street, and to ensure that landscape treatments, building façade materials, and glazing areas are appropriate and consistent with the surrounding context. Further, pedestrian access to the waterfront is required a maximum of 200 feet from the nearest east-west streets. The proposed text makes adherence to design guidelines mandatory in order to achieve the special permit to the Village Board. The design guidelines included in the special permit are stronger from a legal standpoint than the current ability of the Architectural Review Board to request design concessions during site plan approval.

Over the course of several months, the Village of Nyack Board of Trustees solicited comment on the proposed WF District text amendment from a wide range of stakeholders and made revisions to the proposed text amendment in response to stakeholder feedback and public comment. Upon receiving the petition and in compliance with local law governing petitions to amend the zoning text, the Village Board referred the petition for review and comments by the Nyack Planning Board and to the Rockland County Department of Planning. The Village Board received letters of comment from the Village of Nyack Planning Board on July 9, 2015 and from the Rockland County Department of Planning on August 19, 2015. The Village Board also solicited comments from the Village of Nyack Planning Consultant, Bob Galvin, and a private planning consulting firm, BFJ Planning. The Village Board sought comments from the public at a Public Intake Session on October 1, 2015 and later at a Public Hearing which was held on February 25, 2016 and which remained open until March 10, 2016 with additional written comments received until March 20, 2016. The Village also received a letter of comment and support by Scenic Hudson on March 10, 2016.

At the Village Board meeting on March 24, 2016, Village Planner Robert Galvin suggested an additional seven zoning clarifications and revisions to the proposed WF District text amendment. These proposed clarifications and revisions were developed based upon comment at the public hearing, comment and letters from neighbors, and letters from Village representatives. For example, item one on Glazing Area resulted from comment on the potential for large glazing areas to increase bird strikes, and item seven on building setbacks from Gedney Street resulted from a comment by the Architectural Review Board. Although these changes have not yet been finalized by the Village Board, they have been considered for this report and the impact of these changes would all limit any potential adverse impact. The seven clarifications and revisions are:

1. Glazing Area.

Reduce the maximum area of glazing above the third story from 75% to 65%.

2. Parking Requirements.

Increase parking requirements for a one-bedroom unit from 1.25 to 1.50

3. Public Access.

Modify language to stipulate that the riverfront walkway is to be designated as a park maintained by the Village. The language may indicate that the park is deeded to the Village or that the Village maintains an easement over the parkland. The specific language should be determined by the Village Board and the Village attorney.

4. Sustainability Incentives.

The density bonus in the WF district should remain subject to the requirement to achieve Sustainability Amenities, which is currently required in order to achieve the 40% density bonus. The special permit include language that requires a development to achieve at least three of the Sustainability Amenities in section 360-4.14 E.

5. Mixed Use and Water Dependent Uses.

Greater specificity should be added to the requirement that "one water dependent amenity and a retail, /restaurant, coffee shop or other food and beverage related use adjacent to the pedestrian walkway." This section should also specify that water dependent amenities may include a kayak launch, pier, overlook, or maintenance of an existing pier or boat launch.

6. Waterfront Walkway.

Some variation in the location and precise width of the waterfront walkway can be allowed at the discretion of the Village Board if this flexibility enhances the operation of a water dependent use, such as a boat club.

7. Setback from Gedney Street.

Increase the setback from Gedney Street from ten feet to twelve feet to allow for a more generous area that allows for a curb, planting strip, and sidewalk between the street and the building.

8. Soft Shoreline Treatment

In providing resilience to sea level rise, storm surge, and flooding, design guidelines should suggest that soft or vegetated shorelines and rip rap be used instead of vertical sheet pile bulkheads where possible.

II. Impact Assessment

This report is intended to provide an evaluation of a reasonable worst case scenario of the incremental increase in potential impacts associated with the proposed WF District text amendment. The proposed WF District text amendment itself includes a requirement that a site specific environmental assessment form (EAF) be undertaken by any prospective applicant that applies for the special permit. Therefore, this expanded Part 3 does not examine site specific issues such as hazardous materials, access and site lighting/landscaping.

The primary areas that were analyzed to determine the incremental increase in the potential impact included the following categories:

- Views
- Shadows
- Utilities
- Traffic

- School Children
- Community/Neighborhood Character
- Open Space
- Village and Public School Taxes

The key for looking at the above categories is the concept of the incremental difference between what the current zoning allows and the proposed special permit. At the March 20, 2016 public hearing session on the proposed WF District text amendment, Daniel Richmond of Zarin and Steinmetz submitted comments dated March 10, 2016 which cited the case of Fisher v. Giuliani in which the court asks for an analysis of the "reasonable worst case" under the State Environmental Quality Review Act (SEQR). This report is meant to review assumptions of the "reasonable worst case" and on the environmental categories listed above. It should be emphasized that the proposed zoning text requires a site specific EAF in order to determine site specific environmental impacts.

The incremental increase was measured in terms of the difference in number of units and area/bulk between a base project that is allowable under the existing permit to the Village Board in the WF District and a potential project that would be allowable under the proposed text amendment. It is assumed that there are two potential development sites in the WF District—the TZ Vista site, which prompted the original petition to review the WF District text, and the Nyack Boat Club site. Although there are no known plans to redevelop the Nyack Boat Club site, this report assumes potential development on this site as part of a reasonable worst case scenario.

Under the existing permit to the Village Board, there are two potential scenarios that allow for a different density, measured in number of dwelling units per acre. The existing zoning allows up to 24 dwelling units per acre (du/acre). However, a potential project would also have the option to provide sustainability amenities which would allow for a density increase up to 40% (33 du/acre). The proposed text amendment would increase this to 35 du/acre and the FAR to 1.50 (Table 1).

Table 1: Proposed WF District Text Amendment Comparison

	Underlying Zone	Existing Permit to the Village Board		Proposed Text Amendment Special Permit
		Underlying Density	Green Incentives	
Height (Feet)	35'	45'	45'	52'
Density (du/acre)	24	24	33	35
FAR	0.65	0.90	0.90	1.50

Due to the variable densities that are allowed under the existing permit to the Village Board, there is a range in the incremental increase in density that could occur under the proposed text amendment (Table 2). However, the existing WF District zoning text is written in such a way as to incentivize achieving green incentives that allow for a higher density (measured in units per acre). This higher density scenario under the existing zoning is considered to be the reasonable worst case scenario. A developer who builds under the existing WF District text is expected to act in his or her own best interest in pursuing the maximum allowable density. Therefore, the existing permit to the Village Board with Green Incentives is the scenario that is identified as the reasonable worst case scenario under the existing zoning. The incremental increase between the density with green incentives and the density

under the proposed WF District text amendment is the most reasonable point of comparison between the existing zone and the proposed text amendment.

Table 2: Proposed WF District Text Amendment—Incremental Increase in Density			
	TZ Vista Site	Nyack Boat Club Site	Total
Area (acres)	3.41	1.63	5.04
Existing Permit with Green Incentives (units)	113	54	167
Proposed Text Amendment Special Permit (units)	119	57	176
Incremental Increase (units)	**6**	**3**	**9**

There is also a possibility of a "no action" or "no build" for this site. A "no build" scenario has mixed consequences for the community. While it would result in fewer of certain types of environmental impacts (e.g., traffic and schoolchildren), a "no build" scenario is less advantageous with respect to several other environmental impacts, notably waterfront access (there is currently no waterfront access on the potential development sites within the WF District) and environmental remediation. Currently, a portion of the TZ Vista site is a brownfield which would not be remediated under a "no build" scenario.

1. Views

The proposed text amendment preserves the existing view corridors as required by the View Protection Overlay District established in Section 360-4-4B in the Village Code (see Figure 1). The existing view corridors parallel east-west streets. The view corridor requirements are not changed by the proposed text amendment and therefore are not impacted by the proposed text amendment. The existing text that preserve view corridors read as follows:

- "A view corridor to the Hudson River shall be maintained at the intersection where each street intersects Gedney Street or Piermont Avenue and at the northerly end of Gedney Street.
- "Such view corridor shall have an unobstructed width of at least 50 feet at the street line and 100 feet at a distance 300 feet from such street line, measured perpendicular to the center line, extended, of such intersecting street. Such view corridor shall be unobstructed as to height; however, buildings may be located in this corridor if their highest elevation is below that of the mean elevation of the adjacent street line.
- "No parking shall be allowed in the view corridor unless it is screened from view, and any landscaping within the view corridor shall be maintained at a height no greater than three feet from the mean level of the street line within the view corridor."

In addition to preserving the geometry of existing view corridors, the proposed text amendment also improves upon the potential visual impact of development in the WF District by requiring underground parking. This eliminates the possibility for expansive surface parking within viewsheds along the waterfront.

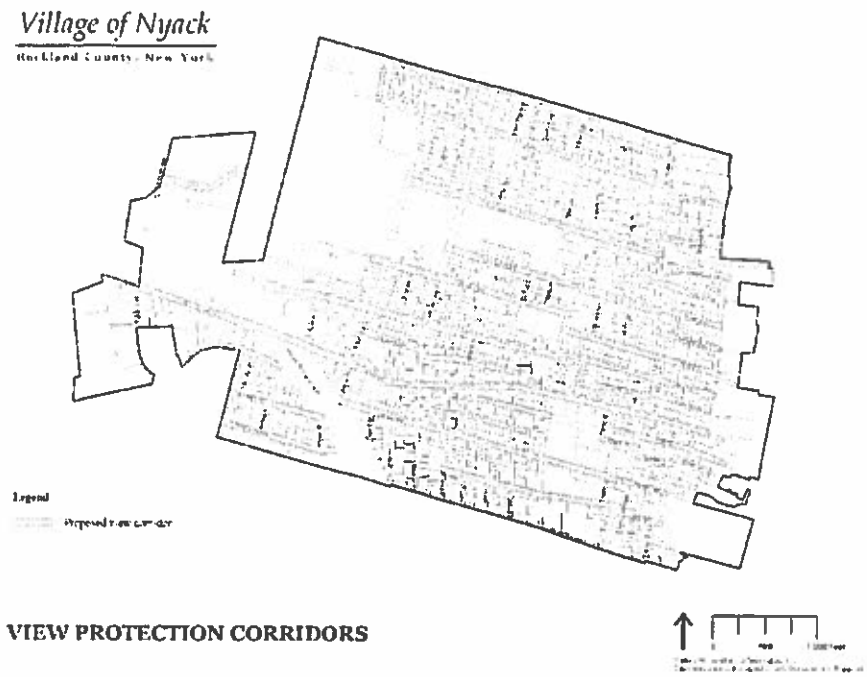

Figure 1: View Protection Corridors

2. Shadows

The proposed text amendment increases the maximum building height from 45' to 52'. This increase of seven feet is projected to have a small impact on incremental shadows cast on adjacent properties and the Hudson River. Further, there are no sunlight-sensitive resources that would be impacted by the incremental shadows produced by the proposed text amendment. Given the increase in required setbacks from the Hudson River that are included in the text amendment and the small increase in maximum building height, it is anticipated that shadow impacts are *de minimus*. One example of this is provided by the New York City Environmental Quality Review (CEQR) Technical Manual, in which any increase of ten feet or less does not require a shadow analysis.

3. Utilities

The reasonable worst case scenario of new construction on the two developable sites is an incremental increase of nine units. This incremental increase will place an additional demand on the municipal water supply and sanitary sewerage systems, however the impact is not expected to strain capacity of local utilities.

4. Traffic

The reasonable worst case scenario of new construction on the two developable sites is an incremental increase of nine units, which will produce an incremental increase in trip generation based upon the potential increase in dwelling units. These trip generation figures are used to assess incremental traffic impacts under the proposed text amendment versus under the existing permit to the Village Board. These figures generate an incremental increase in trip generation of two trips during the AM peak hour and two trips during the PM peak hour (Table 3). This increase during peak hours will not have any

significant adverse impacts on traffic. According to New York State Department of Transportation (NYSDOT) traffic counts for Broadway, this incremental increase in peak hour travel represents 0.002% of current daily travel on Broadway.

Table 3: Traffic Generation

		AM Peak Hour			PM Peak Hour		
	Units	Entry	Exit	Total	Entry	Exit	Total
Existing Permit with Green Incentives	167	16	34	50	38	27	65
Text Amendment	176	16	37	53	40	29	69
Incremental Increase				**3**			**4**

5. School Children

The reasonable worst case scenario of new construction on the two developable sites is an incremental increase of nine units. The proposed text amendment would result in an incremental increase in school aged children of approximately one public school child according to the Rutgers University, Center for Urban Policy Research Residential Demographic Multipliers. The Rutgers Residential Demographic Multipliers estimate a higher gross number of school aged children for rental units versus ownership units. However, the net difference between the WF District text and the proposed text amendment under a rental scenario is still one public school child.

The Nyack School District serves residents of Nyack, Central Nyack, South Nyack, Upper Nyack, Grand View and Valley Cottage and includes three elementary schools, one middle school, and one high school. According to the New York State Board of Education, Nyack School District Enrollment has remained steady over the past 10 years (Table 4). The estimated incremental increase in public school students generated by the proposed WF District text amendment would represent an increase of 0.0003% of total enrollment (Table 5).

Table 4: Nyack School District Enrollment, 2005-06 to 2014-15

	K-5	6-8	9-12	Total	Change
2005-06	1,288	631	946	2,865	
2006-07	1,327	645	968	2,940	2.6%
2007-08	1,370	628	962	2,960	0.7%
2008-09	1,345	657	914	2,916	-1.5%
2009-10	1,360	649	910	2,919	0.1%
2010-11	1,353	680	889	2,922	0.1%
2011-12	1,350	641	889	2,880	-1.4%
2012-13	1,302	674	906	2,882	0.1%
2013-14	1,306	703	922	2,931	1.7%
2014-15	1,331	711	916	2,958	0.9%

Source: New York State Education Department

Table 5: Public School Children

	Public School Children	Public School Children

	Own	Rent
Existing Permit with Green Incentives	15	31
Proposed Text Amendment Special Permit	16	32
Incremental Increase	**1**	**1**

6. Community/Neighborhood Character

The proposed text amendment is expected to produce a net-positive result with regards to community/neighborhood character versus the existing permit to the Village Board. The benefits provided by the proposed text include Design Guidelines that prescribe certain beneficial elements of a potential development project that are not included in the existing zoning. The Design Guidelines:

- Require building stepbacks at certain heights to reduce the building's height impact on Gedney Street and Main Street
- Limit the façade materials to ensure that building facades are consistent with surrounding architecture
- Specify maximum glazing areas to ensure that building facades are consistent with surrounding architecture
- Require a minimum setback from the Hudson River
- Promote activation of the waterfront by requiring a retail use and water dependent use

7. Open Space

The proposed text amendment provides a substantial net benefit over the existing zoning for the WF district. Under the existing permit to the Village Board, the required setback from the Hudson River is a minimum of 15' and an average of 50'. The provision for public access requires a width of 12' for at least 75% of the waterfront. The proposed text amendment increases the minimum setback from the Hudson River to 50' and requires public access along the Hudson River to be a minimum of 30' wide for the entire length of the site. The Board has requested that the text amendment require that the public access area be deeded to the Village and reserved as a public park. In addition, the proposed text amendment requires pedestrian access a minimum of 200 feet from the nearest adjacent east-west street, which is meant to enhance integration of any future development with the surrounding street network by connecting street ends to the waterfront through the development sites.

8. Village and School Tax Impacts

Per the 2016 Village of Nyack property tax rates and the 2015-16 Nyack School District property tax rates, the proposed text amendment would provide an increase in property tax revenue versus the reasonable worst case scenario in the underlying zoning. The Village and School Tax Impacts were estimated using the projected sales prices of the proposed TZ Vista site and applying those projected sales prices to a hypothetical development on the adjacent Nyack Boat Club site. Under this scenario, the gross tax revenue generated under the proposed WF District text amendment was compared to the tax revenue generated under the existing permit to the Village Board with green incentives. The same projected average sales price was used in each scenario. This analysis produced an incremental increase in tax revenue for the Village and School District of $217,528 (Table 6).

Per a meeting with the Nyack Village Clerk, the current Village property tax collected from the TZ Vista site is approximately $18,000 annually. This figure is expected to increase to more than $456,000 annually under the proposed WF District text amendment, or net increase of nearly $440,000 per year in Village property taxes for the TZ Vista site alone. The most recent proposed development for the TZ Vista site includes above-average unit sizes, which may inflate unit costs over a different type of development on that site. Even presuming a reduction in unit size by 20% and a proportional reduction in net gains in tax revenue, the TZ Vista site can be expected to generate an increase of more than $350,000 annually in Village property taxes. Additional tax districts within the Town of Orangetown and Rockland County are expected to receive similar net benefits under the proposed WF District text amendment.

Under the reasonable worst case scenario, the proposed WF District text amendment is expected to produce an incremental increase of one additional public school student versus the existing permit to the Village Board. Per 2015-16 Nyack School District data for enrollment and budget, the per capita cost to educate each student is approximately $26,000 per year. The incremental increase in school district taxes is projected to significantly exceed this figure and the total incremental increase in tax revenue for the Village and the School District is projected to exceed $200,000 annually.

Table 6: Village and School District Tax Impact

		Existing Permit to Village Board with Green Incentives	Proposed Special Permit to the Village Board
Number of Units		166	176
Estimated Average Sales Price		$625,471	$625,471
Estimated Sales Price		$104,028,387	$110,333,138
Equalization Rate	50%		
Assessed Value		$52,014,194	$55,166,569
Tax Rates (per $1,000)			
Village of Nyack	.012219060	$635,565	$674,084
Nyack School District	.056785540	$2,953,654	$3,132,663
Gross Tax Revenue		$3,589,219	$3,806,747
Incremental Increase in Tax Revenue			**$217,528**

III. Summary and Conclusion

Based upon this analysis of the reasonable worst case scenario of development under the proposed WF District text amendment versus the existing zoning, the proposed text amendment is not anticipated to produce any adverse impacts. Qualitative impacts such as views, shadows, community character and open space are maintained or improved as a result of the proposed text amendment. View corridors under existing zoning are preserved, while an increase in shadows is minor given the relatively limited increase in building height. The proposed text amendment strengthens protections for community character and open space by adding provisions that ensure that new buildings in the WF District are

similar in character to the existing context and expand the area of waterfront open space required in the District. Quantitative impacts such as utilities, traffic, school children are very minor and can be absorbed given existing capacity. Further, the impact on Village and School District property taxes will be improved versus the existing zoning.

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 and on the Village website. 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 _____X_____

2. Application for an Approval _____

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

_____N/A_____

B. Describe nature and extent of proposed activity:

The proposed zoning code amendments include the following: a.) Provide a special permit process under the jurisdiction of the Board of Trustees requiring evaluation of environmental impacts of the exceptions to the bulk requirements; b.) Amend the Development Incentives in the WF District for the permitted FAR and Building Height and to provide for additional public benefits on the waterfront including meaningful public access water-dependent uses and amenities; c.) Provide specific design guidelines including but not limited to building design, facades and massing, materials, landscaping treatment, setbacks, underground parking and preservation of view corridors.

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

Village of Nyack (Waterfront WF District)

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

a.) Name of Applicant: __Village of Nyack Board of Trustees_____

b.) Mailing Address: ____9 North Broadway, Nyack, NY 10960_____

c.) Telephone Number: Area Code (845) 358-0548_____

3. Will the action to be directly undertaken, require funding or approval by either a state or federal agency? No ___X_____ 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	X		
2. Flood Hazard Areas	X		
3. Tidal or Freshwater Wetland			X
4. Scenic Resource	X		
5. Critical Environmental Areas			X
6. Structures, sites or sites districts of historic, Archeological or cultural significance (John Green House)	X		

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

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

1. Waterfront site	X		
2. Construction or reconstruction of a flood or erosion control structure			X

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

__1992 – adopted Local Waterfront Revitalization Program_(LWRP)_____

__2007 – adopted of Comprehensive Plan _____

_2011 - adoption of Comprehensive Plan revisions to Zoning Code_____

_2015 – Zoning Code amended to allow density bonus for sustainable initiatives in WF District_____

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

None

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.

Preparer's signature: Robert James Galvin, AICP Date: 2/10/16

Preparer's Name/Title: Robert James Galvin, AICP
Village Planner Date: 2/10/16

ADDENDUM TO COASTAL ASSESSMENT FORM
Proposed WF DISTRICT Zoning Amendments

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. All buildings would be 50 feet from the mean high water mark.

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. The proposed text amendments include resilency features. Any proposed development would need a special permit review by the Village Board as well as a site plan review by the Planning Board. The Applicant would need to provide a long form EAF which will be evaluated by the Village Board and its Planner and consultants.

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 district is not within a NYSDOS-mapped Scenic Area of Statewide Significance (SASS). There would be no designated scenic resources of statewide significance. The proposed text amendments preserve the view corridors and can enhances them by placing parking underground. The text amendments increases public access with a doubling of the width of the public accessible promenade along the entire length of the property. This enhances the scenic views for the public.

5. Critical Environmental Areas
The WF district is not located in or near a designated Critical Environmental Area.

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. SHPO review would be provided as part of the SEQRA long form and an evaluation of a project's environmental impacts.

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 amendments 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. The project using development incentives would increase the public access to 30' from 12' along the entire length of the property. Public access to the waterfront would be required every 200' from the nearest east-west streets. The resulting public access would be dedicated as a park under the control of the Village of Nyack. Additionally, the text amendments require a water dependent use and a restaurant/café, retail adjacent to the public walkway.

3. Land and water uses
The proposed zoning text amendment will encourage increased public access to the riverfront, preservation and enhancement of view corridors, and specific design guidelines that ensure that landscape treatments, building façade materials, and glazing areas are appropriate and consistent with the surrounding context and in keeping with the general character of Nyack.

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. An Enhanced EAF Part 3 was developed and provided to the Village Board. A number of changes have been made to the legislation in response to public comment both at the public hearing and in written form. These changes included 1) reducing the maximum area of glazing above the third story from 75% to 65%; 2) Increase parking requirements for a one-bedroom unit from 1.25 to 1.50; 3) modify language to stipulate that the riverfront walkway is to be designated as a park maintained by the Village; 4) the special permit includes language that requires a development to achieve at least three of the Sustainability Amenities; 5) specify that water dependent amenities may include a kayak launch, pier, overlook, or maintenance of an existing pier or boat launch; 6) variation in the location and precise width of the waterfront walkway can be allowed at the discretion of the Village Board if this flexibility enhances the operation of a water dependent use, such as a boat club; 7) increases the setback from Gedney Street from ten feet to twelve feet to allow for a more generous area that allows for a curb, planting strip, and sidewalk between the street and the building.

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.

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. LWRP consistency review would be undertaken by the Village Board for individual projects over 3 acres.

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 or 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.