



## Village of Nyack Planning Board Meeting Minutes

### Members Present:

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

### Also Present:

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

Meeting opened by the Chair at 7:01 pm and introduced everyone.

Minutes for the February 2<sup>nd</sup>, 2026 were approved before this meeting. The March 2<sup>nd</sup> Minutes are still under review. The Chair polled the members of the Board regarding the issue of possible conflicts of interest regarding any of the applications. There were none. The Chair then reviewed “Meeting Rules of Order”.

The following items are on the agenda for adjournment purposes only and will be continued until the next Planning Board meeting on Monday, May 4th at 7:00pm in Village Hall: 45 Route 59, 53 Burd Street and 25 Ackerman Place.

- 1. 42 Burd Street. Gisondi Family Ltd Partnership. Seeking reapproval of Site Plan application for conversion of an office building to a 4-unit residential building.**

**Eric Capellen is representing this application. He explains that nothing is changing. We are looking for reapproval for the third time.**

**The Chair states that she is concerned that the property has not been maintained. Roof shingles seem to be falling off and questions why they have not gotten a building permit and begun work? How many renewals are we allowed to give? Mr. Cappellen states that it is not cost effective at this time. Manny Carmona says there is nothing in the code saying how many renewals can be granted.**

**The Chair asks if they feel the property is more valuable with the approvals? Answer is yes. She states that assurances were made last time about maintaining the property and it has not been done.**

Layla Vrabel asks if they have considered doing the work themselves? Eric states that they have priced out contractors and materials. It is just not cost effective at this time. We know the roof is unsightly. As shingles fall off, we remove them.

Catherine Friesen understands not wanting to invest but a delapidated building in bad repair is not good for the Village. Eric Capellan says that he can speak to the owner to see if they can redo the front of the roof to improve the appearance. We have a landscaping company dealing with weeds and stuff.

Layla Vrabel suggests maybe owner can do something to make it appealing to the community – like maybe offer pop-ups during street fairs or something.

The Chair opens to public.

Kamdyn Moore asks if the extension is for approval of a multi-family? Can building be sold as it is today? What is the advantage to the Village?

The Chair directs a question to the Building Inspector: I'm disappointed that our concerns were not met the last time. What can we do to make sure they maintain the property? Manny Carmona said that a Code Enforcement Officer will be down there tomorrow morning to write up any violations.

Samuel Hart states that he doesn't want to make it hard to sell the property, but if the owner is asking too much... Samuel Hart states that he would be inclined to approve an extension.

The Chair states that she would be willing to do a 6-month extension. Layla Vrabel agrees.

Samuel Hart makes a motion to grant a 6-month extension on the Site Plan approval beginning 4/7/26 with the condition that they clean up the property. Catherine Friesen seconds this motion. Vote 4-0.

2. 11 Fourth Avenue. Shenley Vital. Continuation of Site Plan application to demolish a detached single-family dwelling for a two-lot subdivision and to develop a new detached two-family dwelling on each new lot.

Shenley Vital states that he is here to request a Neg Dec. The Village Engineer has given their opinion and I have addressed the concerns. I have submitted a Long Form EAF although minor subdivisions require a Short Form. This is a Type II action. I hope to get to ZBA and ARB. I hope that the Planning Board can issue a Negative Declaration.

The Chair states that she understands he is here for a Neg Dec, but asks if Mr. Vital is open to other aspects of this project. She is concerned about the intersection of Fourth and Gedney. The driveway on Gedney – how far is it from the corner? Is it 25 feet? The Building Inspector measures on the plan and states that it is 22 feet from the corner. The Chair asks if that would need a variance? She also states that 101 Gedney across the street has only one ingress/egress from that property. When they exit, they can't go up Ackerman so they go up Fourth Avenue. There are no sidewalks. People are using your lot to walk their dogs. No sidewalk on Gedney. I am very concerned about the intersection.

Shenley Vital states that the addition of sidewalks should be a benefit to the community. Dennis Michaels asks if he is understanding correctly that sidewalks are being installed along the entire property along Fourth and Gedney? Yes.

The Chair states that the sidewalk goes no where. It just ends. The Chair states that she is concerned with making neighborhood safe. Mr. Vital states that it is not his responsibility to install sidewalks on other properties.

Bob Galvin states that the Planning Board can declare themselves Lead Agency and as part of that, can refer this application to ARB and ZBA. Both are ok with Planning Board being Lead Agency. Dennis Michaels gives an explanation of Lead Agency.

The Chair refers to the Rockland County Planning letter that was received. She states that the first paragraph was very compelling.

Shenley Vital responds yes. During the first three times, I have presented numerous versions of this Minor Subdivision – Lot B on Fourth Avenue will be 2 times the size of most properties in the area and Lot A on Gedney will be the 2<sup>nd</sup> largest lot in this neighborhood. Gedney abuts the Waterfront District and I think this streetscape is very complimentary.

Catherine Friesen quotes from the Rockland County Planning letter “permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites”. Is this an appropriate use at this particular time?

Mr. Vital states that he has experience with the County. This is how they usually answer. They don't look at neighboring properties. Take a look. Fourth Avenue looks like a single family or mother/daughter with basement apartment.

Layla Vrabel – I'm trying to figure out how you think this is the most appropriate use? This brings higher density to an already busy corner.

Mr. Vital states that such an addition is minor and negligible – the benefit of getting an extra lot outweighs the addition of four cars. What about Tidewater?

The Chair states that there is nothing before us on that project. They don't have a permit. The Building Inspector states that they do. They broke ground and put in footings.

Shenley Vital states that this would be a lost opportunity to a Village who proports itself to be a pro-housing Village. This is one additional property. And a traffic study is not reasonable for a minor subdivision.

The Chair asks if the applicant would agree that we can't ignore potential problems that we see? Mr. Vital answers – of course not. The Chair states that in addition to the cars belonging to the tenant, there will be Amazon deliveries, other deliveries, landscapers. During the boating season, the Boat Club takes up all parking on Gedney.

Layla Vrabel asks about the common areas.

Shenley Vital states that these will be oversized lots. This is a pro-housing community. The setbacks will fit in with the neighborhood.

Layla Vrabel states the need to maintain range of housing types. Slow erosion over time of our Zoning Code.

Bob Galvin states that ZBA and ARB will be asked for comments for SEQRA. Public comments should be given to the applicant to be given opportunity to respond.

The Chair opens to the public.

Gail Greiner of 14 Fourth Avenue states that by the applicant's own admission he does not comply with the bulk standards by 40% deviation and is trying to justify it under a "pro-housing" status. We need Stormwater Review. The applicant ignores the warning that shared gym, elevator and communal kitchen resemble prohibited multi-family use. We need to have a pre-vibration, pre-blast study done. We need to take a hard look under SEQRA.

John Stollendorf of 15 Fourth Avenue. I've lived at the property directly uphill from this property for 54 years. This is a neighborhood where we take care of each other. If Shenley wants to be a good neighbor, he should talk to us. This feels like it is being shoved down our throats. It's not a good feeling.

Lara Winterkorn of 16 Fourth Avenue. She appreciates sidewalks but is very concerned about the extra cars and extra driveway on Gedney. Doesn't understand the talk of only 4 cars. We are looking at the possibility of 16 additional cars. Also very concerned about asbestos abatement and noise during construction.

Miriam Rubinton of 30 Third Avenue states that there are lots of one-families. We love our homes. We love our neighborhood. We care about our community. We want it to remain that way. They are asking for so many variances. It is inappropriate on this lot. They should abide by current Zoning. Protect us.

Levander Taliaferro of 30 Third Avenue. I had a couple of notes. Now there is a possibility of another variance for the driveway. It's variance on top of variance. They are trying to fit a square peg into a round hole. It's got the spirit of a multi-family. He talks about a multi-family development down the other end of Gedney. That is on the Waterfront. We are a residential neighborhood and want to keep it that way.

Jill McCabe of 46 Third Avenue. I like everyone's comments and I like the comments from Rockland County. This still looks like the Clubhouse, not like a two-family. Why is this called a minor subdivision? We need a Traffic Study. There is not enough parking on the streets.

Dennis Michaels explains that a Minor Subdivision is a subdivision containing no more than 4 lots. Manny Carmona confirms that this is a Minor Subdivision and falls way under the definition.

Shenley Vital responds to public comment saying that he has offered to have a roundtable discussion. Gail Greiner from 14 Fourth Avenue says it is cloaking as a multi-family. The Gedney Street lot mirrors some of the lots already on Gedney. The interior layout and my decision to add amenities does not fall within this Board. I'm proposing a two-family with amenities. This is a positive. The 16 cars comment is not accurate. We will get to Stormwater and further studies if we can get past this point. To John from 15 Fourth – we have talked very frankly. I'm happy to meet with you and have a conversation. In response to Lara – sidewalks are a positive – I think it's great. Asbestos and Lead testing would of course be required as part of the Building Permit. These lots will be in the top 3 largest lots in the neighborhood. To Telly – common areas are amenities that add value in a competitive market. Julie – as far as retaining wall, there will not be any 8 ft retaining walls. Nothing higher than 3 feet. They say I'm a developer with no ties to the community. I have had ties to this community for 40 years. I have a multi-family on South Franklin, I donate money, I host many events for youth. I find it highly offensive. I'm not a bad person. They act like I'm the Boogeyman. I have tried to do things. In Clarkstown I had 4.5 acres that I wanted to develop into affordable housing for young people. They talk about blasting – there will be no blasting. (This is confirmed by Building Inspector). And yes, I will be properly insured.

Bob Galvin requests that applicant write a narrative stating the changes he has made since the original plans.

Sam Hart speaks in regards to the Rockland County Planning review – this is a larger lot than most. The crux of what the County is talking about doesn't compare the properties in the neighborhood.

Catherine Friesen asks about replacement of pavement with permeable pavers and states that they are great but require a lot of maintenance.

Public Hearing remains open until the next Planning Board meeting on Monday, May 4<sup>th</sup> at 7:00pm in Village Hall.

Shenley Vital says this is costly to build. If I can leave you with one thing – look at Lot B. It is essentially a single-family home. Based on the public's comments, it seems they are more focused on what they perceive that I am doing rather than what I am actually doing.

The Chair asks Bob Galvin to provide his opinion on Neg Dec. He states that he needs comment from ARB and ZBA.

Motion to declare Lead Agency under SEQRA. Vote 4-0.

3. 80 South Broadway. DR Pilla. Continuation of application for the demolition of existing gas station and construction of a new 3-story mixed-use building containing retail space on ground floor and 18 residential units on upper floors.

Dennis Lynch is here on behalf of 80 South Broadway. This is a serious Board and safety is of great concern. We were told that the Fire Inspector and Building Inspector on separate occasions delivered these plans to the Fire Department and reviewed with them. We take it seriously when a Fire District claims they did not get plans and then delivers a letter at 2:30 today to sandbag an applicant and scare this Board. Any conditions that are Fire Code conditions or Building Code conditions, we will comply with. Regarding the statement that "having a car parked underneath a building may be a fire hazard" – many building have been built with parking underneath. We are ready tonight to have the public hearing closed. Mr. Lynch introduces Sarah Murray from DR Pilla.

The Chair asks about the parking in front under the overhang. Is that a fire lane? Sarah Murray talks about having parking in front is how we get to the required number of parking spaces. This could not be a fire lane. You cannot access that area under the building with a fire truck. It is too low. Manny Carmona states no fire lane required by NYS Fire Code.

The Chair then asks about electric vehicles. Manny Carmona says the risk is always there whether it be electric or gas. At this point there are no plans for EV Chargers in garage. The concern about electric cars is for exhaust. Exhaust is a requirement.

Dennis Lynch states that there is no secret as to why this letter arrived this afternoon. It is meant to delay the Board.

Dennis Michaels states that every land use approval must comply with State Codes whether you make it a condition or not.

Catherine Friesen asks if there is anything in the letter that falls under Zoning Code? Manny Carmona says no, they are State Codes.

Manny Carmona states for the record that he has created a Fire Safety Check List. I do this for the Fire Department. Their safety is very important to us. We ask the Fire Department for their comments.

Talk about making red light/green light for garage to become a condition of the resolution.

The Chair opens public comment.

Don Feerick attorney representing Keith Taylor, owner of Hannemann's Funeral Home. Mr. Lynch is right. This is a very serious Board that deals with serious safety issues. We have concerns about boundaries and plans and calculations for supportive excavation. Eve's letter asks for calculations. Plans are submitted and once again her review says plans received and no calculations provided. We need these calculations. We need to be able to review. They are trying to rush you to make a decision.

The Chair asks in terms of the business next door which is solemn and sacred, how will they be affected by demolition and construction during funeral services. Will they be good neighbors and not be jackhammering during funerals?

Dennis Michaels states that this is a nice thought, but either you impose it as a condition or you're don't. It is not enforceable by the Village.

Manny Carmona says that the Building Department has to go by the Code. We cannot stop construction.

Bob Galvin says most funeral homes in Mamaroneck are on Route 1. Most funerals are in the evening. They all operate during construction.

Catherine Friesen asks about the calculations. Don Feerick states that the public is entitled to the calculations.

Dennis Lynch says we are not hiding anything from the public. Dominick can speak about calculations.

Dominick Pilla says we have all the calculations. Engineers do not put calculations on the plans.

Don Feerick states that this proposed building will be 6 inches away from neighboring properties.

Dennis Lynch states that we will pay for the cost of two soundproof windows for the funeral home. Keith Taylor told him to keep his windows.

Dennis Michaels says we are not getting into this.

Dominick Pilla says what we sent over to Eve's office was SOE's calculations.

Don Feerick says that on 2/10 Mr. Pilla put in response SOE and calculations provided. On 2/27 Eve's letter states that they are in receipt of plans but no calculations.

The Chair asks Bob Galvin to prepare a draft resolution to be considered at the next meeting. 80 S Broadway public hearing will remain open until the next Planning Board meeting on Monday, May 4<sup>th</sup> at 7:00pm here in Village Hall. This application will go to ARB in May.

4. **32 South Franklin Street. Jonathan Hodosh. Continuation of Site Plan application for a rear addition to add five dwelling units to an existing three dwelling unit property.**

Ira Emmanuel states that this application went to ZBA for comment because it would require a parking variance. The project required 8 new parking spaces. Mr. Hodosh had a conversation with Andy Stewart. He said that 8 spaces could be leased at Artopee Lot. Now we can eliminate the need for a parking variance.

Dennis Michaels states that the Village Board of Trustees are the ones that make the decision to approve a lease agreement between 32 S Franklin and the Village.

Catherine Friesen asks how this affects business and visitors to town?

The Chair is concerned about how this is fair to other property owners that have to figure out how to supply parking.

Ira Emmanuel says a sum of money would be paid to the Village. This is a policy. Payment in lieu of parking. Payment of a fee per space. VBOT shall set the fee. Fee will be paid in lump sum.

Layla Vrabel questions that the Village Board sets the fee for the parking spots?

Ira Emmanuel says we'll flush it all out with the VBOT.

Jonathan Hodosh, Architect for this project states that he was not at ARB when they went for comment, but a colleague was. He was surprised to hear comments about height and width.

The Chair asks if this project will have a name? No – just street number.

Bob Galvin asks about the substation next door. Was there ever talk about building above the substation? Yes, we had a conversation with Andy.

The Chair asks if there is anyone from the public who would like to speak? No.

Layla Vrabel asks if everything was approved with the easement? No issue with the bulk on the lot? Any excavation plans?

Samuel Hart makes a motion to declare Lead Agency under SEQRA. Catherine Friesen seconds this motion. Vote 4-0.

Public Hearing on this application remains open until the next Planning Board meeting on Monday, May 4<sup>th</sup> at 7:00 pm in Village Hall.

The Chair closed the meeting at 10:02 pm.

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

  
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*Mary Screene, Clerk/Secretary*

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**OFFICIAL RECORD SUBMISSION: 11 Fourth Avenue Subdivision - April 13 Meeting**

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**From** Gail Greiner <gail.greiner@gmail.com>

**Date** Sat 4/11/2026 8:29 AM

**To** Mary Screene <maryscreene@nyack.gov>

**Cc** Joe Rand <joerand@nyack.gov>; Andy Stewart <Administrator@nyack.gov>; planning@nyack.gov <planning@nyack.gov>; Linda Donnelly <ldonnelly@nyack.gov>; Manny Carmona <chiefbuildinginspector@nyack.gov>; Manny Carmona <chiefbuildinginspector@nyack.gov>; marketstat@aol.com <marketstat@aol.com>; Dennis Michaels <dmichaels@nyack.gov>; Linda Donnelly <ldonnelly@nyack.gov>

**This email originated from outside of the organization.**

**TO:** Chairperson Rothschild and Members of the Nyack Planning Board **CC:** Mayor Joseph Rand, Linda Donnelly (Village Clerk), Robert Galvin (Village Planner), Andy Stewart (Village Administrator), Manuel Carmona (Chief Building Inspector), Dennis Michaels (Village Attorney), and Mary Screene (Planning Board Secretary)

Dear Chairperson Rothschild and Members of the Planning Board,

We are submitting this final unified objection to the 11 Fourth Avenue subdivision. The "updated" documents submitted by the applicant for the April 13th meeting—including the March 27th Narrative and the March 26th Health Department referral—prove that this application remains incomplete, environmentally hazardous, and detrimental to our neighborhood.

**Note on Missing Records:** Before we address the technical issues, we would like to point out that the official minutes from the February 2nd Planning Board meeting have not yet been posted. Under state law, these are supposed to be public within two weeks. We understand how difficult that can be, given the number of meetings; however, the fact that they haven't been posted prior to this meeting means it's much harder for the public to see if the developer addressed all of the concerns raised by the Board, or if they're just glossing over or dismissing them in these new documents.

**1. Admission of Non-Compliance:**

In their March 27 Narrative, the developer admits the project does "not strictly comply with the applicable bulk standards," attempting to justify a 40% deviation from density requirements by citing "pro-housing" status.

## 2. Failure to Secure County Health Approvals:

The RCDOH letter (March 26, 2026) confirms the applicant has failed to apply for the required stormwater management review (County Mosquito Code).

## 3. New Environmental Red Flags:

The EAF Mapper Report (March 27, 2026) flags the site for Endangered Shortnose and Atlantic Sturgeon and proximity to three NYSDEC Remediation Sites (IDs: 344046, 546031, C344067).

## 4. Persistent Multifamily "Cloaking":

The applicant continues to ignore the Village Engineer's warning that the shared gym, elevator, and communal kitchen are "atypical of a two-family home" and resemble prohibited multifamily use.

## 5. Impact on Public Health and Safety:

This application represents a direct threat to the safety of our neighborhood. The applicant's narrative dismisses the need for a traffic study, yet fails to address the cumulative impact on the Gedney/Fourth Avenue corridor—an area that already supports over 250 households across West Shore Towers and Rivercrest. Adding a non-compliant, multifamily-style building to this narrow corridor creates an unacceptable risk to pedestrian and traffic safety.

Furthermore, the lack of a Vibration/Pre-Blast Study and Geotechnical Investigation for an 8-foot rock cut near historic foundations is a major safety failure. This is not just a technical oversight; it is detrimental to the physical safety and property stability of the surrounding residents.

## 6. Conclusion:

We request that the Planning Board take a "hard look" as required by SEQRA and deny the application or require a full Environmental Impact Statement (EIS).

Respectfully submitted,

Concerned residents of Nyack

- Gail Greiner, 14 Fourth Ave
- Francis Wilkinson, 30 4th Ave
- Sakina Jaffrey, 30 4th Ave
- John Gromada, 8 1st Ave
- Barbara Cohig, 8 1st Ave
- Lara Winterkorn, 16 4th Ave

- Daniel Fenjves, 16 4th Ave
- Julie Manoharan, 40 3rd Ave
- Alexei Clay, 40 3rd Ave
- Nick Del Pizzo, 35 4th Ave
- Mari Del Pizzo, 35 4th Ave
- Therese Dadivas, 17 4th Ave
- Timothy Dempsey, 17 4th Ave
- Chris Carroll, 30 6th Ave
- Elizabeth Gott, 104 Gedney
- Mark McGuy, 104 Gedney
- Barbara Atwell, 27 4th Ave
- Jill McCabe, 46 3rd Ave
- Levander Taliaferro, 30 3rd Ave
- Miriam Rubinton, 30 3rd Ave

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## Opposition to 11 Fourth Avenue Subdivision/Variance

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From LEE TELLY <ltelly74@gmail.com>

Date Mon 4/13/2026 6:47 PM

To Mary Screene <maryscreene@nyack.gov>

**This email originated from outside of the organization.**

Dear Members of the Nyack Planning Board,

I am writing as a Nyack resident to formally express my opposition to the proposed subdivision and development at 11 Fourth Avenue, and to respectfully urge the Board to deny this application or require a full Environmental Impact Statement before any vote is taken.

I want to be clear that this is not about opposing development in general. It is about this application, this site, and the documented record of unresolved problems that the applicant has failed to address despite multiple opportunities.

The developer's own March 27th Narrative openly admits the project does not strictly comply with applicable bulk standards. That is not a community objection — that is the applicant's own language. The proposed density of 12.8 units per acre represents a 47% deviation above the TFR zoning district limit. A 47% overage is not a minor variance. It is a fundamental incompatibility with the residential character this Board is charged with protecting.

Beyond the density issue, the Rockland County Department of Health has confirmed that the applicant has never applied for the required stormwater management review under the County Mosquito Code. This application cannot be considered complete while a required county review has not even been initiated. The EAF Mapper Report dated March 27th flags the site in proximity to habitat for endangered Shortnose and Atlantic Sturgeon, and identifies three active NYSDEC Remediation Sites in the immediate area. These are not hypothetical concerns. They are on the record.

The Village Engineer has already flagged that the shared gym, elevator, and communal kitchen proposed for these so-called two-family homes are atypical of that use. I share that concern. This project has the footprint and amenities of multifamily housing wrapped in a zoning classification it does not honestly fit.

There is also no traffic impact analysis on file for the Gedney and Fourth Avenue corridor, and no Vibration or Pre-Blast Study for what would be an 8-foot rock cut adjacent to historic foundations. These are not optional studies. For a project of this scale and complexity, they are basic due diligence.

I am asking the Board to take the hard look that SEQRA requires. The community has shown up before on this same application at this same address and raised these same concerns. The record has not improved. The outstanding requirements have not been met. I do not believe it is appropriate to move

this application forward in its current state.

Thank you for your time and for your service to this community. I intend to attend the April 13th meeting and offer these comments in person.

Respectfully,

Levander Taliaferro  
30 3rd. Ave  
Nyack, NY

Miriam Rubinton  
30 3<sup>rd</sup> Avenue  
Nyack, NY 10960

Village of Nyack Planning Board  
9 North Broadway  
Nyack, NY 10960

April 13<sup>th</sup>, 2026

Re: Opposition to Proposed Subdivision and Development at 11 Fourth Avenue

Dear Chairperson and Members of the Planning Board,

I am writing once again as the homeowner whose property directly abuts 11 Fourth Avenue to strongly oppose the proposed subdivision and development.

This proposal would have a direct impact on my home, my property, and my quality of life. It is not a modest application. It is an effort to overbuild an undersized site with a project that exceeds the density permitted in the TFR zoning district and relies on significant variances and unresolved technical issues.

The Rockland County Department of Planning found that the proposal would create a residential density of approximately 12.8 units per acre, which is 47 percent greater than what is permitted, and warned that the ability of existing infrastructure to accommodate that increase must be evaluated. The County also raised concerns about added strain on roads, sewer systems, stormwater systems, and the public water supply, and recommended that the proposal be modified to reduce the number of units and bring the density closer to what zoning allows.

The design itself also raises serious concern. The Village Engineer noted that the proposal includes a lobby area with an elevator, a gym, and large common spaces intended to promote social interaction and community, features that are not typical of a true two-family home and are more often associated with multifamily apartment buildings. As a neighbor, that matters. This does not read as a modest two-family development that fits naturally into the surrounding area. It reads as a more intense multifamily style project being forced onto a lot that cannot comfortably support it.

What is especially troubling is that important studies and reviews are still outstanding. The County identified the need for stormwater management review, review and signoff under the Rockland County Stream Control Act, properly engineered retaining wall plans signed and sealed by a licensed New York

State professional engineer, installation of soil and erosion control measures before grading or construction begins, and confirmation that there will be no net increase in the peak rate of stormwater discharge from the site. The Rockland County Health Department also stated that an application must be made to the Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

The County further noted that the plans are difficult to review and that important zoning information still needs to be clearly provided, including the actual square footage of each unit and the amount of usable open space on each lot. These are basic items the Board should have before even considering approval.

As the homeowner next door, I am deeply concerned about the practical consequences of approving a project like this before the record is complete. This proposal involves major site disturbance, retaining walls, grading, and construction very close to my home. If the required studies and agency reviews are not completed first, the burden and risk fall on adjacent homeowners like me.

I respectfully ask the Planning Board to protect neighboring properties and the character of this area by denying this application. At a minimum, the Board should require the applicant to substantially reduce the scope of the proposal and complete all required studies, engineering, and agency reviews before any further consideration.

Thank you for your time and consideration.

Sincerely,

*Miriam Rubinton*

Miriam Rubinton

**To:** Nyack Planning Board

**From:** Julie Manoharan  
40 3rd Ave, Nyack, NY, 10960

**Re:** 11 4th Ave: Planning Board Meeting on 4/13

To whom it may concern:

I'm writing to submit comments for the 4/13 Planning Board agenda item on 11 4th Ave, as I will not be able to attend. For context, my entire southern property line is shared with 11 4th Ave.

As a resident whose property shares its entire property line with 11 4th avenue, I'm extremely concerned with this plan. To reiterate my concerns:

- **Violating village code:** Mr Vital is proposing splitting a plot that does not meet Nyack's village requirements for subdivision. I have yet to understand why this kind of exception would be made without an exceptional reason, and have heard no conversation of this point at the many Planning Board meetings I've attended.
- **Retaining wall:** As previously stated, the engineer's report notes that the proposed retaining wall would "destroy" my garden trellis. I have heard no discussion of this at the Planning Board and do not understand how the village could approve a development plan that would so clearly and negatively affect neighboring structures. This would represent an economic, physical, and emotional loss as this was one of the last projects I worked on with my late mother.
- **Altering the scale and character of the neighborhood:** I've raised this concern at every Planning Board meeting I've been at. This development would clearly alter the scale (taller, more closely spaced) and character (the communal living space is questionable and the architecture is in stark discord with the neighborhood) with the surrounding neighborhood. Assessing appropriate development is - as far as I understand - a central mandate of the Planning Board, yet I haven't heard this point considered or discussed by the board at all (I've heard many of my neighbors make this point, but silence from the board). Simply put, and quoted directly from the Village website: this development would not "be in harmony with the surrounding residential area."
- **Erosion and flooding:** Mr Vital proposes to level the plot at 11 4th Ave. This would create a steep drop off for neighbors on 3rd Ave. It is essential that this environmental and topographical alteration be assessed so ensure that erosion will not create land degradation for neighbors, and that flooding will not occur at 11 4th Ave.
- **Standing water:** I'm particularly concerned about standing water that this proposal will create immediately next to my property. This would lead not only to foul smells, but also to increased mosquito breeding grounds, and rip environments for bacteria growth.
- **Stewardship of nature and species:** There are multiple old growth trees along the 11 4th property line, whose roots would be severely disturbed if this plan progresses. At the very least, an assessment of damage is needed. Additionally, the plot and surrounding

area are home to an array of animals whose habitat will be destroyed by this development

- **Foot and car traffic:** Gedney sees significant car and foot traffic. There are always multiple people walking, others walking dogs, others running, and steady traffic from developments by the water. This additional development would increase traffic on a particularly blind and dangerous corner, but for some reason the board has not asked (or followed through on) a traffic study.

I sincerely hope that the Board considers these comments, in addition to the many concerns of my neighbors. There is a way to build on the 11 4th Ave plot responsibly, and this is not it - as evidenced by the unified and longstanding opposition to this plan.

Moreover - and I intend this in the spirit of transparency and collaboration - I have not heard the Planning Board

1. explicitly explain the issues with which it concerns itself so that the public can make relevant comments
2. address *any* of the comments raised by myself or my neighbors. If the Board/village disagrees or has policy that opposes the concerns of the community, it's the Board's responsibility to explain those for the sake of public understanding and preserving the spirit of community that exists in Nyack.

I truly hope that this process can turn toward collaboration and understanding, since it seems to have reached a standstill that corrupts the character of the community, wastes the time of the Board and the residents, and has no clear path to resolution - whatever that may be.

With hopefulness for a better process,

Julia Manoharan  
40 3rd Ave  
Nyack, NY

April 17, 2026

**TO:** Chairperson Rothschild and Members of the Nyack Planning Board

CC: Mayor Joseph Rand, Linda Donnelly (Village Clerk), Robert Galvin (Village Planner), Andy Stewart (Village Administrator), Manuel Carmona (Chief Building Inspector), Dennis Michaels (Village Attorney), and Mary Screene (Planning Board Secretary)

Dear Chairperson Rothschild and Members of the Planning Board,

As the Board and its consultants review the SEQRA criteria for 11 Fourth Avenue, we submit this supplemental letter to ensure the administrative record is comprehensive, technically accurate, and procedurally sound.

**Notice regarding the Administrative Record:** We would like to state for the record that the official minutes for the February 2, 2026 Planning Board meeting were only recently posted and made available to the public *after* the April 13th hearing. Consequently, the public was unable to reference the Board's prior discussions or the Village Attorney's procedural guidance during that session. We ask that this letter, which references those newly available minutes, be fully incorporated into the record to rectify this gap in public review.

In light of the findings in the Rockland County Planning Commissioner's GML Review, we maintain that a **Positive Declaration** and a full **Environmental Impact Statement (EIS)** are the only procedural vehicles capable of addressing the documented complexities of this site:

**1. Mandatory Analysis of Lower-Density Alternatives** The Rockland County Planning Commissioner (GML-26-0078) found that the project exceeds allowed residential density by 47%, warning of "undesirable land use precedent" and "overutilization." A Positive Declaration **mandates** a formal study of alternatives—such as the two single-family homes suggested by the County—to determine if the applicant's objectives can be met with less strain on Village infrastructure.

**2. Geological Integrity and Structural Safety** In previous correspondence, we referenced "blasting." We want to clarify for the record that the proposed 8-foot vertical rock cut on this steep slope will involve **mechanical rock hammering (mechanical excavation)**. As established in the Board's discussion of 53 Burd Street in the February minutes, the Board recognizes the importance of engineering oversight for residential infrastructure. We ask for the same rigor here: a Positive Declaration is necessary to ensure the Board receives a professional **Geotechnical Report** and a **Vibration Monitoring Plan** *before* a determination is made. This is essential to protect the structural integrity of adjacent historic foundations from vibration-induced settlement. While Mr. Vital was asked by Chairperson Rothschild if he had insurance for foundation damage, the neighborhood requires the technical assurance that no damage will occur.

**3. Infrastructure and Cumulative Traffic Impact** A 47% density excess puts an unplanned burden on 100-year-old sewer and water systems. Furthermore, per the Chair's comments in the February 2nd minutes regarding the Gedney/Fourth Avenue bottleneck, a formal **Traffic and Pedestrian Safety Study** is required. An EIS ensures these impacts are studied **cumulatively** rather than in isolation.

**4. Correction of the Environmental Record** The County GML Review (Point #5) explicitly identified that the applicant's **Environmental Assessment Form (FEAF)** is factually incorrect regarding **NYSDEC Remediation Sites** and **endangered sturgeon habitats**. A Positive Declaration provides the framework to correct these inaccuracies and formally consult with the NYSDEC, shielding the Village from claims of an "incomplete" environmental review.

**5. Prevention of Illegal Segmentation** Under SEQRA, the Board is required to review the "Whole Action," which includes both the subdivision and the subsequent construction of the two-family dwellings. We note that in the February 2nd minutes, the Village Attorney identified the Board as the Lead Agency for this "Whole Action." To avoid the procedural error of Illegal Segmentation, the Board cannot issue a Negative Declaration based solely on the lot-line changes while deferring the impact of a 47% density increase to a later building permit stage. A Positive Declaration is the only way to ensure the environmental and infrastructure impacts of the complete project are evaluated as one single action.

**6. Response to Applicant's Narrative and Procedural Integrity** While Mr. Vital has characterized neighbor concerns as "fear of change," our position is based strictly on the technical data. The Rockland County GML Review provides an objective, third-party assessment of the project's risks.

**7. Openness to Dialogue and Collaborative Solutions** Finally, the neighborhood remains open to a productive dialogue with Mr. Vital. One of our neighbors has already had an initial sit-down with him, and we hope to continue those discussions toward a code-compliant project that respects the safety and infrastructure capacity of the Fourth Avenue corridor.

**Conclusion** A Positive Declaration ensures the Board's final decision is legally defensible and protects the safety of all residents. It is the appropriate procedural step to resolve the significant infrastructure and environmental questions raised by the County.

Respectfully,

Gail Greiner, 14 4th Ave  
Liz Gott, 104 Gedney  
Mark McGuy, 104 Gedney  
Julie Manoharan, 40 3rd Ave  
Alexei Clay, 40 3rd Ave  
Jill P. McCabe, 46 3rd Ave  
Miriam Rubiton, 30 3rd Ave  
Levander Talaferro, 30 3rd Ave



NYACK JOINT FIRE DISTRICT  
P.O. BOX 732  
NYACK, NEW YORK 10960

April 13, 2026

Village of Nyack  
Planning Board  
9 N. Broadway  
Nyack, New York 10960

**RE: 80 South Broadway PB Application**

To the Honorable Board:

I am the Chairperson of the Nyack Joint Fire District (“NJFD”). I respectfully submit this letter on behalf of the NJFD for the Board’s consideration in reviewing the application of 80 South Broadway to construct a mixed commercial/residential use building. It is on tonight’s calendar.

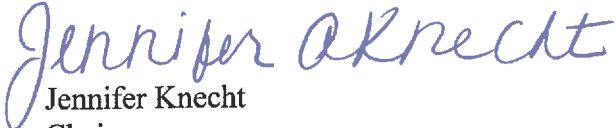
As set forth below, the NJFD has concerns about firefighting operations on the subject property and in the area. Among the items of concern for us are emergency radio communications, the number and placement of emergency exits, and the ability of our fire apparatus to respond to fires on all corners of this site. With these concerns in mind, we have received and reviewed the plans that the Village provided to us.

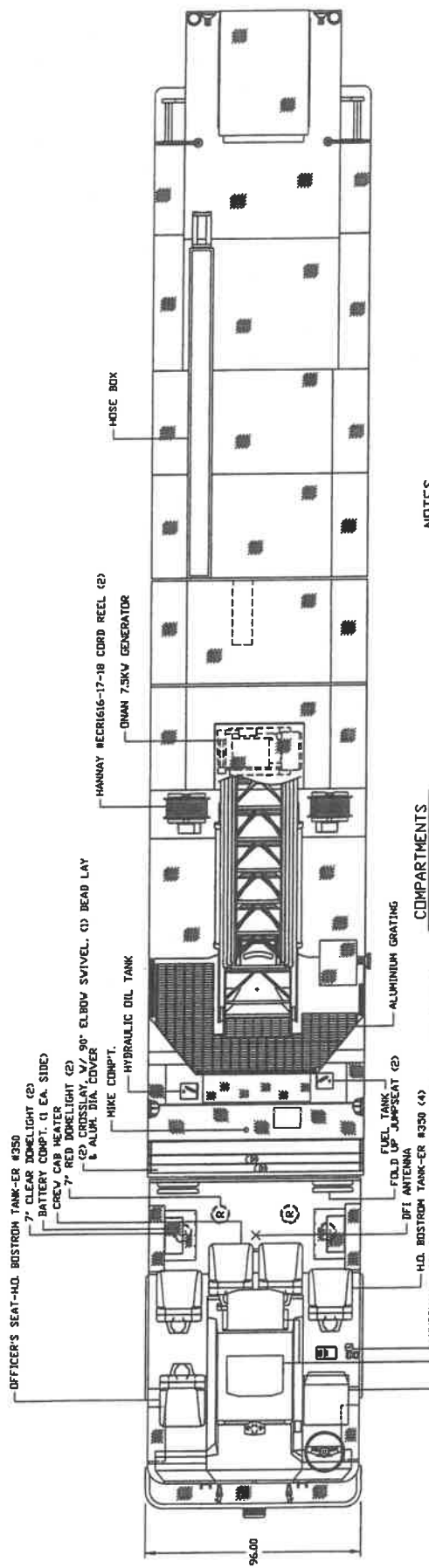
We offer the following comments of concern: [1] **Street-Front Parking:** The parking spaces in front of the building are a serious concern because, if a car catches fire or there is an emergency in front of the commercial spaces, there is no way for occupants of the commercial spaces to vacate the building. [2] **No Secondary Exit:** There does not appear to be any secondary exit from the commercial spaces to afford safe passage because the current retaining wall abuts the spaces in the back and sides. [3] **Underground Parking:** We did not see an exhaust to eliminate smoke and carbon monoxide from the garage. Electric vehicles take an enormous amount of water to extinguish a battery fire. The entire garage will fill up with noxious smoke making entering extremely dangerous and difficult. [4] **Aerial Fire Apparatus:** Our ladder trucks can reach the north, south and east locations, but we cannot safely access the west side. We are attaching specifications for our current ladder truck to show you the difficulty we will encounter. [5] **Parking:** Parking cannot inhibit a fire lane or impede access. When locations are tight, a car

parked or stationed out-of-place can impede all emergency responses. There is no margin for error in the current configuration of the building. [6] **Elevators:** We are frequently called to elevator rescues and this building will be no different. Given the commercial spaces and the lack of alternate, easily accessible entrances, our ability to respond to elevator rescues is constrained due to the difficulty in gaining access.

Given these considerations, the NJFD finds it necessary to object to the approval of the proposal before meaningful review is afforded to us.

Very truly yours,

  
Jennifer Knecht  
Chairperson

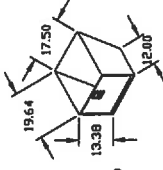
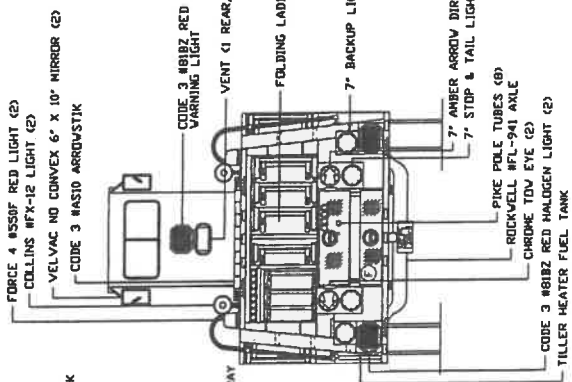


**NOTES**

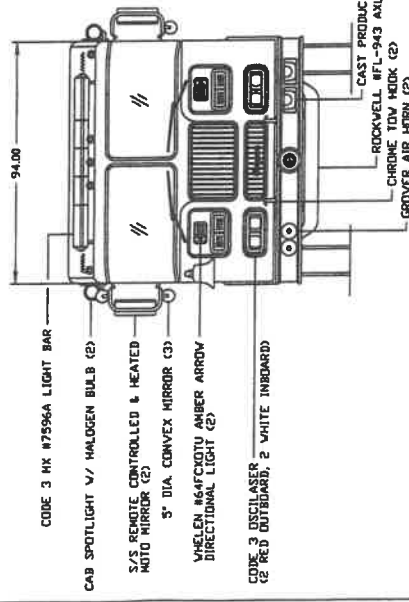
- ALL VERTICALLY HINGED COMP'T. DOORS TO HAVE HANSEN DOOR STAYS
- PROVIDE HIGH POLISHED S/S BOBYSIDE RUB RAILS
- ALL COMP'T FLOORS & SHELVES TO HAVE BLACK DRI DECK
- FRONT GRILLE, & AIR BOTTLE COMP'T. DOORS TO HAVE HIGH POLISH
- CUSTOMER TO LOCATE SLATTED ALUM. FLOORING FOR (3) COMP'TS. ON APPROVED LINE DRAWING
- EA. COMP'T. 'B' TO HAVE (2) S/S ADJ. SHELVES
- COMP'T'S. 'C', 'D' & R.H. 'E' TO EA. HAVE (1) S/S ADJ. SHELF
- L.H. COMP'T. 'E' TO HAVE (1) SOON S/S ROLL OUT TRAY
- SEAGRAVE FLAME LOG'S TO BE SHIPPED LOOSE
- LADDER BANKING ALACO
- PVC PIKE POLE TUBES W/TUB CLIPS (12) 24FT. 2 SEC. #2300-24 24FT. 2 SEC. #2300-24 14FT. ROOF #2304-14 35FT. 2 SEC #2300-35 16FT. ROOF #2304-16 35FT. 2 SEC #2300-35 20FT. ROOF #2304-20 40FT. 2 SEC #2300-40 10FT. FOLDING

**COMPARTMENTS**

Label	Quantity	Width	Height	Depth
A	TWO	17.00	12.00	HIGH
B	FOUR	46.00	55.19	HIGH
C	TWO	46.00	12.25	DEEP
D	ONE	46.00	24.50	HIGH
E	TWO	33.00	24.50	HIGH
F	ONE	36.00	8.00	HIGH
G	TWO	19.00	8.00	HIGH
H	ONE	8.00	10.00	HIGH
I	FOUR	8.00	8.00	HIGH
J	FOUR	8.00	8.00	HIGH



RADIO COMPARTMENT  
LOCATED UNDER OFFICER'S SEAT



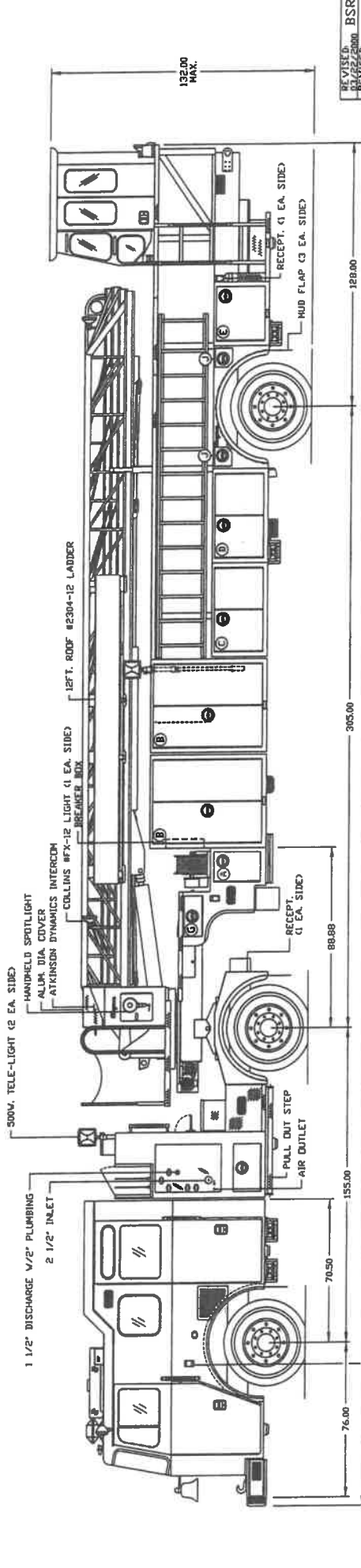
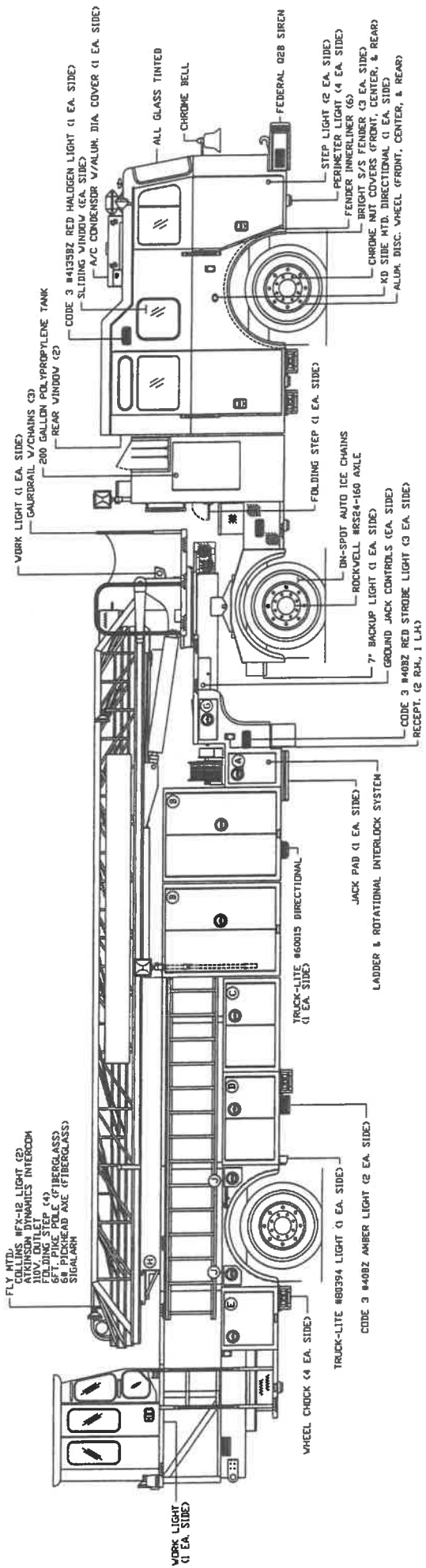
NOTE: DIMENSIONS SHOWN ARE APPROX. AND SUBJECT TO MINOR DEVIATIONS AS MAY OCCUR OR BE NECESSARY IN CONSTRUCTION. THE INDICATED VEHICLE HEIGHT REPRESENTS A CALCULATED DIMENSION. THE ACTUAL HEIGHT OF THE UNIT AS SHIPPED FROM THE FACTORY MAY VARY BY 3/4 INCH. MINOR DETAILS NOT SHOWN WHERE THERE MAY BE NONCONFORMITY BETWEEN THE ILLUSTRATION AND THE SALES ORDER, THE ORIGINAL SALES ORDER AND ALL APPROVED SALES ORDER CHANGES WILL PREVAIL.

MODEL TT 96 DA  
PROPOSED FOR  
VILLAGE OF UPPER NYACK  
UPPER NYACK, NEW YORK

SALES ORDER 76321

**Scagnola Fire Apparatus**  
CLINTONVILLE, WISCONSIN 54929

REVISED BSR 11/25/98  
REVISED BSR 11/25/98  
DRAWN BY: BSR  
DATE: 10/15/98  
SCALE: 1/2"=1FT  
NO. PE13226



NOTE: DIMENSIONS SHOWN ARE APPROX. AND SUBJECT TO MINOR DEVIATIONS AS THEY OCCUR OR BE NECESSARY IN CONSTRUCTION. THE INDICATED VEHICLE THE UNIT AS SHIPPED FROM THE FACTORY. THE ACTUAL HEIGHT OF THE NUMBER DETAILS NOT SHOWN WHERE THERE MAY BE A DISCREPANCY BETWEEN THE ILLUSTRATION AND THE SALES ORDER. THE ORIGINAL SALES ORDER AND ALL APPROVED SALES ORDER CHANGES WILL PREVAIL.

66837

MODEL TT 96 DA  
 PROPOSED FOR  
 VILLAGE OF UPPER NYACK  
 UPPER NYACK, NEW YORK

SALES ORDER 76321

Springfield Fire Apparatus  
 CLINTONVILLE, WISCONSIN 54929

REVISED	BSR	REVISED	BSR
03/22/2000	03/22/2000	03/22/2000	03/22/2000
REVISED	BSR	REVISED	BSR
10/13/98	10/13/98	10/13/98	10/13/98
REVISED	BSR	REVISED	BSR
11/23/98	11/23/98	11/23/98	11/23/98
DRAWN BY: BSR			

DATE: 10/13/98  
 SCALE 1/2"=1' FT  
 NO. PE13226

PAGE ONE OF TWO