

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Nyack

Local Law No. 12 of the year 20 24

A local law Amending Chapter 360 (Zoning) of the Code of the Village of Nyack, so as to Lower the
(Insert Title)
Maximum Allowed Building Height in the Waterfront (WF) Zoning District

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Nyack as follows:

-SEE ATTACHED-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 2024 of the (County)(City)(Town)(Village) of Nyack was duly passed by the Board of Trustees on October 24 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

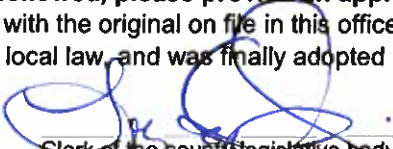
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/25/24

(Seal)

**LOCAL LAW NO. 12 OF 2024,
AMENDING CHAPTER 360 (ZONING) OF THE CODE OF
THE VILLAGE OF NYACK, SO AS TO LOWER THE
MAXIMUM ALLOWED BUILDING HEIGHT IN THE
WATERFRONT (WF) ZONING DISTRICT
(10/24/2024 ADOPTED VERSION)**

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, Purpose and Intent:

This Local Law is adopted pursuant to New York State (“NYS”) Municipal Home Rule Law (“MHRL”) §10; and in accordance with the procedures prescribed in MHRL §20, and NYS Village Law §7-706 and §21-2100. The purpose and intent of this Local Law is to adopt amendments to the Zoning Code (Chapter 360) of the Code of the Village of Nyack, which will enhance the economic viability, and livability, of the Village of Nyack’s businesses, commercial uses and residences in the Waterfront (“WF”) Zoning District, and surrounding neighborhoods, by lowering the maximum allowed building height.

Section 2 – The heading, only, of Paragraph “B,” entitled “Waterfront Development District (WF),” of §360-2.5 (Other districts), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

Waterfront District (WF).

Section 3 – Sub-Sub-Sub-Paragraph “1,” of Sub-Sub-Paragraph “c” (Development incentives by special permit), of Sub-Paragraph “2” (District specific standards), of Paragraph “B” (Waterfront Development District [WF]), of §360-2.5 (Other districts), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

[1] Building height may be increased to no more than 45 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 45 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 to 24 feet, the building must step back five feet and at a height of 40-42 feet the building must step back an additional five feet. Alternatively, the building may step back a total of 10 feet at a height of 40 to 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.

Section 4 – Sub-Sub-Sub-Paragraph “2,” of Sub-Sub-Paragraph “c” (Development incentives by special permit), of Sub-Paragraph “2” (District specific standards), of Paragraph “B” (Waterfront Development District [WF]), of §360-2.5 (Other districts), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

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

Section 5 – Exemption.

This Local Law shall not be applicable to a land development project that has obtained all necessary or required approvals from the Village’s Board of Trustees, Planning Board, Zoning Board of Appeals and Architectural Review Board (“Boards”), to the extent that any Board approval is required or necessary, prior to the effective date of this Local Law; and for which development project a building permit has been legally issued, and the developer has performed substantial construction, and incurred substantial expense, in connection with that permit (“Prior Approved Projects”). Building permits and certificates of occupancy may be issued, and amended Board approvals may be granted, for Prior Approved Projects after the effective date of this Local Law, on the condition that, and so long as, the Prior Approved Project remains in compliance with the Village Zoning Code (Village Code Chapter 360) that was in effect at the time such Prior Approved Project obtained all necessary or required Board approvals.

Section 6 – Severability.

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 7 – Effective Date.

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.