

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. 14 of the year 2024

A local law Amending Chap. 360 (Zoning) of the Code of the Village of Nyack, so as to Allow (i) Retirement Homes, Nursing Homes and Assisted Living Facilities, and (ii) Multifamily Dwellings, in the "M" Zoning District

Be it enacted by the Board of Trustees of the

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. 14 of 2024 of the (County)(City)(Town)(Village) of Nyack was duly passed by the Board of Trustees on November 14 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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) *(Name of Legislative Body)* (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.

* 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.)

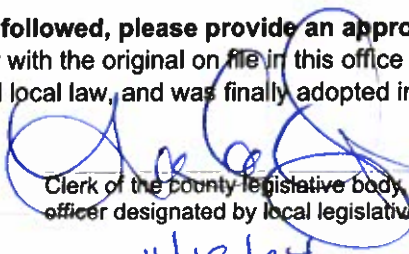
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: 11/18/24

(Seal)

**LOCAL LAW NO. 14 OF 2024,
AMENDING CHAPTER 360 (ZONING) OF THE CODE OF THE
VILLAGE OF NYACK, SO AS TO ALLOW
(i) RETIREMENT HOMES, NURSING HOMES AND ASSISTED
LIVING FACILITIES, AND
(ii) MULTIFAMILY DWELLINGS,
IN THE M ZONING DISTRICT
(ADOPTED 11/14/2024)**

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 enhance the economic viability, and livability, of the Village of Nyack’s (“Village”) Manufacturing District (“M Zoning District”), by allowing, as a Special Permit Use in the M Zoning District: (i) Retirement Homes, Nursing Homes and Assisted Living Facilities, and (ii) Multifamily Dwellings.

Section 2 – Column M, within the column for Other Districts, within the Residential Use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to remove the horizontal blank line, in the row entitled “Dwelling, multifamily (4+ units),” and to replace the horizontal blank line with the following language.

S⁵

Section 3 – Column M, within the column for Other Districts, within the Residential Use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to remove the horizontal blank line, in the row entitled “Retirement home, nursing home or assisted-living facility,” and to replace the horizontal blank line with the following language.

S⁵

Section 4 – Column M, within the column for Other Districts, within the Residential Use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, within the blank/empty space in the row entitled “Adaptive Reuse,” the following language.

S⁵

Section 5 – Sub-Sub-Paragraph “a”, of Sub-Paragraph “1A” (“Adaptive Reuse”), of Paragraph “A” (Residential), of §360-3.2 (Use-specific standards), of Chapter 360 (Zoning), of the Code of the Village of Nyack is amended to read as follows:

- (a) Adaptive Reuse projects are allowed by Special Permit Use from the Village Planning Board in the DMU-1 Zoning District, and from the Village Board of Trustees in the M Zoning District. For purposes of Adaptive Reuse projects, Retirement Homes, Nursing Homes and Assisted Living Facilities shall be considered residential uses.

Section 6 – Sub-Sub-Sub-Paragraph “3” (Setbacks) of Sub-Sub-Paragraph “a”, of Sub-Paragraph “1A” (“Adaptive Reuse”), of Paragraph “A” (Residential), of §360-3.2 (Use-specific standards), of Chapter 360 (Zoning), of the Code of the Village of Nyack is amended to read as follows:

- [3] Setbacks - yards. Existing principal structures and uses with nonconforming setbacks may remain and shall be considered legal.

Section 7 – A new Sub-Sub-Paragraph “d,” of Sub-Paragraph “3” (Retirement home, nursing home or assisted-living facility), of Paragraph “A” (Residential), of §360-3.2 (Use-specific standards), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is added/inserted to read as follows:

- (d) The operator of a Retirement Home, a Nursing Home or an Assisted Living Facility (“facility”), shall retain, hire or contractually engage, continuously and without interruption, ambulance or ambulette services for the purpose of serving the residents of the facility, which ambulance or ambulette services shall be available to the residents 24 hours per day, and seven days per week; and which ambulance or ambulette services shall be procured by, and at the sole cost and expense of, the operator of the facility. Upon request by the Village Building Inspector or Village Administrator (“Village official”), the operator of the facility shall promptly provide, to the requesting Village official, sufficient documentation that will enable the Village official to verify that the operator of the facility has complied with this requirement. Nothing herein shall be deemed to preclude the residents of a facility from using any public or governmental emergency service provider.

Section 8 - Column M, of 360 Attachment 2, Table 4-1 entitled “Dimensional Standards,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, within the row entitled “Building height (stories),” is amended to read as follows:

2(r)

Section 9 - Column M, of 360 Attachment 2, Table 4-1 entitled “Dimensional Standards,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, within the row entitled “Building height (feet),” is amended to read as follows:

35(r)

Section 10 - Column M, of 360 Attachment 2, Table 4-1 entitled "Dimensional Standards," of Chapter 360 (Zoning), of the Code of the Village of Nyack, within the row entitled "Minimum usable open space (per du)," is amended to read as follows:

(r)

Section 11 - Column M, of 360 Attachment 2, Table 4-1 entitled "Dimensional Standards," of Chapter 360 (Zoning), of the Code of the Village of Nyack, within the row entitled "Minimum dwelling unit size (square feet)," is amended to read as follows:

600

Section 12 – "Dimensional standards table notes," of 360 Attachment 2, Table 4-1 entitled "Dimensional Standards," of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to the extent only of adding a new section/paragraph, which new section/paragraph shall read as follows:

(r) In the M Zoning District, Adaptive Reuse projects shall be subject to the bulk regulations of Zoning Code §360-3.2(A)(1A). The requirements of Zoning Code §360-3.2(A)(3)(b) shall be applicable to Multifamily Dwellings.

Section 13 – Column M, within the Residential section of the Use column, of 360 Attachment 3, Table 4-2, entitled "Minimum Parking Requirements," of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to replace "NA", within the row entitled "Dwelling, multifamily (4+ units)," with the following new language:

0.85 per EU 1.25 per 1 BR 1.70 per 2 or greater BR

Section 14 – Column M, within the Residential section of the Use column, of 360 Attachment 3, Table 4-2, entitled "Minimum Parking Requirements," of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to replace "NA," within the row entitled "Retirement home, nursing home or assisted-living facility," with the following new language:

1 per every 2 beds

Section 15 – "NOTES," at the bottom of the last page of 360 Attachment 1, Table 3-1, entitled "Permitted Uses," of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to the extent only of adding a new Note to be numbered "5:"

5. Special Permit Use applications for (i) Retirement Homes, Nursing Homes and Assisted Living Facilities, (ii) Multifamily Dwellings, and (iii) Adaptive Reuse, shall be reviewed, and approved or denied, by the Village Board of Trustees.

Section 16– 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 17 – 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.