

VILLAGE OF NYACK  
BOARD OF TRUSTEES  
PUBLIC MEETING AGENDA

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June 11th, 2015  
7:30 pm  
9 North Broadway  
Nyack, New York 10960

**Pledge of Allegiance**

**'Nyack thanks....'**

**Adoption of Minutes** – Regular meeting of May 28<sup>th</sup>, 2015

**Public Comment:** *(discussion of Agenda Items only – 3 minute time limit)*

**Action Items:**

**Resolution No. 2015-37** Resolution approving use of River Rowing Association pilot Canoe instruction program.

**Public Comment:** *(Open Public Discussion/any topic – 3 minute time limit)*

**Public Hearing(s):**

***Held open*** - To amend Chapter 360 of the Code of the Village of Nyack, entitled "Zoning", to change the definition and method of calculating Floor Area Ratio, modify the regulations pertaining to accessory apartments for Ambulance Corps members, modify the code provisions relating to maintenance and restoration of nonconforming structures, and modify the threshold for Architectural Review Board review of projects.

**Resolution No. 2015-36** Resolution pertaining to the matter of the Amendments to Chapter 360, the Zoning Code of the Village of Nyack.

**Department Reports to the Board**

- Orangetown Police Department
- Village Administrator
- Village Attorney
- Village Clerk

**Old Business**

*Land Use Technical Committee (LUTC)  
Vendor applications/process*

**Communications**

**New Business**

**Public Comment:** (*Open Public Discussion/any topic – 3 minute time limit*)

**Comments from the Board of Trustees**

**Executive Session (if any)**

*Personnel*

**Adjournment.**

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of Nyack Village Board was convened on June 11, 2015, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2015-37

**RESOLUTION OF THE NYACK VILLAGE BOARD APPROVING THE  
RIVER ROWING ASSOCIATION'S REQUEST TO RUN  
A PILOT OUTRIGGER CANOE INSTRUCTION PROGRAM FROM THE  
ECO-DOCK ADJACENT TO MEMORIAL PARK**

WHEREAS, event organizer River Rowing Association has requested permission to conduct a pilot outrigger canoe paddling instruction program until mid-August at the Eco-Dock adjacent to Memorial Park, and

WHEREAS, the Village Board of Trustees is desirous of supporting water related uses at the riverfront;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby approves the River Rowing Association's pilot outrigger canoe paddling instruction program until mid-August at the Eco-Dock adjacent to Memorial Park, on the condition that

- (1) The RRA provide the Village with appropriate insurance certificates covering the program.
- (2) That the RRA execute an Agreement with the Village specifically acknowledging that the RRA's insurance will be primary to that maintained by the Village in the event that a claim arising out of the program is made, and
- (3) That the RRA execute an Indemnification Agreement with the Village providing that the RRA defend and indemnify the Village in the event that a claim arising out of the program is made.

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to address any logistic concerns regarding parking and the use of parking area adjacent to the Eco-Dock.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Laird-White	[ ]	[ ]	[ ]	[ ]
Trustee Parker	[ ]	[ ]	[ ]	[ ]
Trustee Hammond	[ ]	[ ]	[ ]	[ ]
Trustee Foster	[ ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**RESOLUTION OF THE VILLAGE OF NYACK BOARD OF TRUSTEES**

**STATE OF NEW YORK  
COUNTY OF ROCKLAND: VILLAGE OF NYACK**

-----X  
In the Matter of the Amendments to Chapter 360, the  
Zoning Code of the Village of Nyack

RESOLUTION  
2015-36

-----X

WHEREAS, the Village Board of the Village of Nyack has noticed a Public Hearing with regard to a motion by the Village Board to amend various provisions of the Nyack Zoning Code, specifically as pertains to change the definition and method of calculating Floor Area Ratio, modify the regulations pertaining to accessory apartments for Ambulance Corps members, modify the code provisions relating to maintenance and restoration of nonconforming structures, and modify the threshold for Architectural Review Board review of projects.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code were held on May 28, 2105, and

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1), and

WHEREAS, at least 10 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to various parties pursuant to Village Law Section 7-706 (2)(a), (b), (c), (d);

WHEREAS, at least 60 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to the Village of Nyack Planning Board for review and comment;

WHEREAS, At least 30 days before prior to the initial Public Hearing a referral was made to the Rockland County Planning Department (including the Notice of Public Hearing, the proposed law, affected sections of the Village Code, the EAF & materials necessary to determine environmental significance) pursuant to G.M.L. Section 239-m;

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and found as follows:

That the proposed Zoning Code amendment was subject to SEQRA (NYCRR §617.6[a][1][i]) as an “Action”.

That the proposed Zoning Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Zoning Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Zoning Code amendment had a preliminary classification as a “Unlisted” action under SEQRA.

5. That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendments to the Zoning Code and their magnitude:

a. That the Board has reviewed the EAF (see EAF attached, including the narrative of the proposed Phase II Zoning Changes prepared by the Village Planner, the CAF, and the reports of the referral agencies prepared in relation to the proposed amendments to the Zoning Code with a view to identifying potential environmental concerns.

b. That the Village Board has finds that the intent underlying the proposed amendments to the Zoning Code, as more particularly detailed in the legislative intent set forth in the text of the amendments, encompasses, inter alia, the Board’s desire to further goals of the Comprehensive Master Plan by encouraging residential development in Nyack’s downtown, promoting infill development in the downtown, providing a range of housing choices to residents, and furthering the Village’s sustainability policies. Further, the Village Board finds that the proposed amendments to the Zoning Code will also serve to streamline the land use process for residents, the building department, and the land use boards.

BE IT FURTHER RESOLVED, the Village the Board of Trustees, based upon the findings made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the action under consideration, and upon the record pertaining to the proposed amendments to the Zoning Code find and determine that:

- 1) The Village Board is in possession of all information reasonably necessary to make the determination as to the Environmental significance of the proposed amendments to the Zoning Code.
- 2) The Village Board finds that the impact analysis attached to the EAF reveals that the proposed legislation will have no environmental impact which cannot be mitigated, and that the development potential relating to the amendments would not cause (1) a substantial adverse change in existing air quality, ground or surface water quality or quantity, parking, traffic or noise levels; a substantial increase in potential for erosion, flooding, leaching or drainage problems, (2) the removal or destruction of large quantities of vegetation or fauna; substantial

interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources, (3) the impairment of the environmental characteristics of a Critical Environmental Area, (4) the creation of a material conflict with a Nyack's LWRP, current plans or goals as officially approved or adopted, (5) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character, (6) a major change in the use of either the quantity or type of energy, (7) the creation of a hazard to human health, (8) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses, (9) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action, (10) the creation of a material demand for other actions that would result in one of the above consequences, or (11) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment. The Village Board notes that any small environmental impacts associated with any potential development can be addressed and mitigated throughout the land use board review process.

3) Based upon the forgoing, and upon the record herein, that this action shall not have any significant impact upon the environment that can not be mitigated.

3) That the Nyack Village Board makes and adopts a “Negative Declaration” under the provisions of SEQRA, finding and determining that the action will have no negative effect on the environment.

BE IT FURTHER RESOLVED, the Village the Board of Trustees has reviewed the CAF prepared by the Village Planning Consultant, and determined that there are no significant effects on any coastal resource area as a result of the proposal, nor any significant effects on delineated coastal resources identified on the Coastal Assessment Form as a result of the project. The Village Board reached this determination by considering the CAF Form prepared by the Village Planning Consultant within the context legislative intent expressed by the Village Board, the EAF and the analysis accompanying the same.

Furthermore, the Village Board has reviewed the LWRP policy standards and conditions with a view towards determining whether the application is consistent with such policies and standards. Specifically, and based on the Village Board’s review of the analysis of the potential impact of the legislation as set forth in the EAF, the Village Board determines that the proposed legislation is consistent with and does not conflict with the LWRP standards.

Therefore, the Village Board determines that the legislation does not conflict with the Local Waterfront Revitalization Plan, and the Village Board further determines that the application is consistent with LWRP policy standards and conditions.

BE IT FURTHER RESOLVED, the Village the Board of Trustees has considered the criteria under Village Code section 360-5.6(C) with respect to the proposed text amendment of the

zoning code, considered the comments of the Rockland County Planning Board on the proposal, and finds that amending the zoning code as set forth in the legislation will benefit the health safety and welfare of the residents; and further finds that the zoning code amendments are consistent with the Comprehensive Plan's goals of by encouraging residential development in Nyack's downtown, promoting infill development in the downtown, providing a range of housing choices to residents, and furthering the Village's sustainability policies. Further, the Village Board finds that the proposed amendments to the Zoning Code will also serve to streamline the land use process for residents, the building department, and the land use boards.

The Board specifically finds that the concerns raised by the Rockland County Department of Planning have been adequately addressed in the legislation \_\_\_\_\_, and the required corrections have been made.

BE IT FURTHER RESOLVED, the Village the Board of Trustees approves the Zoning Code amendments as proposed.

This resolution was adopted by a unanimous resolution of the Board of Trustees at the regular meeting of the Board on \_\_\_\_\_.