

**LOCAL LAW NO. _____ OF 2024,
TO AMEND CHAPTER 360 (ZONING) OF THE CODE OF THE VILLAGE OF
NYACK, SO AS TO ALLOW APPLICATIONS, THAT REQUEST SIMPLE OR
BASIC SIGN DESIGN CHANGES, TO BE REVIEWED AND APPROVED BY
THE BUILDING DEPARTMENT ONLY**

[02/29/2024 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 exempt exterior and window Sign Permit applications, which applications request simple or basic design changes to existing signs, from the requirement that the application be reviewed and approved by the Village of Nyack’s (“Village”) Architectural Review Board (“ARB”); and which Sign Permit applications shall still be required to be submitted to the Village Building Department, but shall only be administratively reviewed by a Village Building Inspector. This Local Law is adopted by the Village Board of Trustees after having heard from the Village’s Land Use Technical Committee, the Village’s Chief Building Inspector and the Village Planner, as part of their initiative to streamline the ARB’s application and review process, so as to make it more efficacious, less complicated, more user friendly, and less costly for applicants; and this Local Law will also serve to more effectively utilize limited Village staff and resources, and improve the experience of applicants and ARB Members.

Section 2 – A new sub-paragraph “3”, of paragraph “B” (Applicability), of §360-5.13 (Sign permit), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is inserted to read as follows:

- (3) A Sign Permit application, which requests simple or basic design changes to a legally existing sign, shall not be required to be reviewed and approved by the ARB, but shall be required to be submitted to the Village Building Department, and shall only be administratively reviewed by a Village Building Inspector. A simple or basic design change shall only include a proposed new sign that (i) is the same size, shape and dimension of, and in the same location as, the legally existing sign, and/or (ii) only proposes a change to the name of the business as stated on the legally existing sign. Regardless of the foregoing, a Village Building Inspector, in his or her sole discretion, may determine that a Sign Permit application must be reviewed and approved by the ARB, which discretion shall be on the basis that the proposed change(s) to the design are not simple or basic, due to the changes not being in keeping with the purpose considerations set forth in §360-5.13(A).

Section 3 – 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 4 – Effective Date.

This Local Law shall take effect thirty days after a copy has been filed with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.

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. 1 of the year 2024

A local law to amend chapter 260 (zoning) of the code of the Village of Nyack, so as to allow
(Insert Title)
applications that request simple basic sign changes, to be reviewed and approved by
the building department only

Be it enacted by the Village 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. 1 of 2024 of the (County)(City)(Town)(Village) of Nyack was duly passed by the Board of Trustees on February 29 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 *(Elective Chief Executive Officer*)* 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:

3.5.24

(Seal)