

LOCAL LAW NO. 3 OF 2024,
TO AMEND CHAPTER 360 (ZONING) OF THE CODE OF THE VILLAGE OF
NYACK, SO AS TO EXEMPT LOT LINE CHANGES TO ABUTTING REAL
PROPERTY, THAT DO NOT CREATE A NEW LOT, FROM PLANNING BOARD
REVIEW AND APPROVAL
(ADOPTED 06/13/2024)

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 exempt applications to the Building Department of the Village of Nyack ("Village") from the requirement that the application be reviewed and approved by the Village's Planning Board ("PB"), so long as the application only requests a change to boundaries of abutting real property without creating a new lot (i.e., a "lot line change"), without requesting approval of (i) a site development plan, (ii) a special use permit, or (iii) other land development that involves erection or construction of a building or structure, or land clearing or grading. 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 PB'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 PB Members. The Village Board of Trustees finds that modifying lot lines without creating a new lot, which do not request approval of any construction or building, or land grading or clearing, activities as part of the lot line change, are merely modifications on "paper" that do not warrant PB review and approval.

Section 2 – Paragraph "B" (Applicability), of §360-5.8 (Subdivision of land), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

B. Applicability. Whenever any subdivision of land is proposed, and before any contract for the sale of, or any offer with respect to, any part thereof, and before any permit for the erection or construction of a building or structure, or for land clearing or grading, in such proposed subdivision shall be issued, the subdivider shall apply in writing for approval of such proposed subdivision in accordance with the following procedures. A lot line change shall not be deemed to be a subdivision that requires review, and approval, by the Village Planning Board. Proposed subdivisions shall be classified as follows:

- (1) Major subdivision: any subdivision containing more than four lots, or any subdivision requiring any new public street extension or the extension of municipal facilities.
- (2) Minor subdivision: a subdivision containing not more than four lots which has frontage on an existing public street and which does not require any new municipal street, street extension, or extension of municipal facilities.

Section 3 – Paragraph “A” (Purpose and applicability), of §360-5.9 (Special use permits), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

- A.** Purpose and applicability. This section provides for the review and approval of special permit uses, as identified by Table 3-1 of this chapter, by the Zoning Board of Appeals or Planning Board. Such uses typically have unique or widely varying operating characteristics or unusual site development features. While they may be appropriate in a given zoning district, the procedure below encourages public review and evaluation of the specific characteristics of the proposed use and the site in order to assure that proposed special permit uses are in harmony with this chapter and will not adversely affect the surrounding neighborhood or the community at large.

Section 4 – §360-6.1 (Words defined) of Article VI (Definitions), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to the extent only of adding a new definition, which new definition shall read as follows:

LOT LINE CHANGE

An adjustment, modification or alteration of the boundaries of abutting real property, which adjustment, modification or alteration does not create a new lot.

Section 5 – The definition of “Subdivision” within §360-6.1 (Words defined), of Article VI (Definitions), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

SUBDIVISION

The division of any single lot into two or more lots, with or without streets or highways. Subdivision does not include a lot line change.

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 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.