

**LOCAL LAW NO. 4 OF 2024,**  
**TO AMEND CHAPTER 360 (ZONING) OF THE CODE OF THE VILLAGE OF**  
**NYACK, SO AS TO EXEMPT, FROM ARCHITECTURAL REVIEW BOARD**  
**REVIEW AND APPROVAL, CERTAIN CHANGES TO EXTERIOR ELEVATIONS**  
**OF SINGLE-FAMILY AND TWO-FAMILY RESIDENCES.**  
(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 Architectural Review Board (“ARB”), so long as the application requests changes to an exterior elevation, or elevations, of a single-family or a two-family residence, and which changed elevation(s) is/are not facing a public street or road, and so long as the changes (i) total less than 30% of the square footage of the changed elevation(s), not including the roof, and (ii) do not protrude, in whole or in part, more than 24” away from the exterior elevation of the building where the changes are located. 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. While the Village Board of Trustees recognizes the importance of the exterior aesthetics of one and two family homes, this exception to the ARB review and approval process will not degrade the Village’s regulatory protections relating to architectural appearance, since less than 30% of the square footage of an elevation, and protrusions that are no greater than 24” away from the exterior elevation of the building, are de minimis; and changes to elevations that are facing a public street or road shall remain subject to ARB approval.

**Section 2 – New Sub-Paragraphs “1” and “2,” of Paragraph “A” (Purpose and applicability), of §360-5.14 (Building permit [no board review required]), of Chapter 360 (Zoning), of the Code of the Village of Nyack, are inserted to read as follows:**

- (1) The erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change (“changes”) to the exterior elevation, or elevations, of a single-family or a two-family residence, which changed elevation(s) is/are not facing a public street or road, so long as the changes (i) total less than 30% of the square footage of the changed elevation(s), not including the roof, and (ii) do not protrude, in whole or in part, more than 24” away from the exterior elevation of the building where the changes are located, is exempt from the requirement that the application be reviewed and approved by the ARB; however, such changes shall still be subject to all other applicable regulations, if any, of the Village’s Zoning Code. Any change to an elevation facing a public street or road shall be subject to ARB review and approval.

- (2) The installation or placement of mechanical equipment, such as emergency power generators, air conditioner condenser units and ground-source heat pumps, outside of a single-family or a two-family residence, so long as the total cubic volume of all such mechanical equipment, located in the same yard, is not in excess of 80 cubic feet, is exempt from the requirement that the application be reviewed and approved by the ARB; however, such installation or placement of mechanical equipment shall still be subject to all other applicable regulations, if any, of the Village Zoning Code.

### **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.