

LOCAL LAW NO. 5 OF 2024,
TO AMEND CHAPTER 360 (ZONING) OF THE CODE OF THE VILLAGE OF NYACK, SO AS
TO MODIFY THE ORDER THAT DEVELOPMENT APPLICATIONS, THAT REQUIRE
REVIEW BY MULTIPLE DECISIONMAKING BODIES, ARE SCHEDULED FOR REVIEW
(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 amend §360-5.4(D)(2)(a) of the Zoning Code (Chapter 360) of the Code of the Village of Nyack ("Village"), so as to modify the order that development applications, that require review by multiple decisionmaking bodies of the Village, are scheduled for review, so that, after administrative review by the Building Inspector, applications will first proceed to the Planning Board, because the Planning Board (i) has the broadest, and the most robust, jurisdiction and review authority, and (ii) is almost always the Lead Agency under the State Environmental Quality Review Act (SEQRA); and, therefore, is the most suitable decisionmaking body to begin the review process. The Village's "decisionmaking bodies" are defined in Zoning Code §360-5.2, which are the (i) Building Inspector, (ii) Planning Board, (iii) Zoning Board of Appeals, (iv) Architectural Review Board and (iv) Board of Trustees. This Local Law is adopted by the Village Board of Trustees after having heard from the Village's Planning Board, Land Use Technical Committee, Chief Building Inspector and the Village Planner, as part of their initiative to streamline the land use board 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 land use board Members.

Section 2 – Sub-Sub-Paragraph "a," of Sub-Paragraph "2" (Applications requiring multiple reviews or referrals), of Paragraph "D" (Step three), of §360-5.4 (General development review procedures), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to read as follows:

(a) Development applications that require review by multiple decisionmaking bodies shall be scheduled for review in the following order, unless a different order is agreed to by both the applicant and the decisionmaking body with final decisionmaking authority:

[1] Building Inspector.

[2] Planning Board.

[3] Architectural Review Board.

[4] Zoning Board of Appeals.

[5] Board of Trustees.

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.