

Village of Nyack

9 North Broadway, Nyack, NY 10960

Meeting of the Village Board of Trustees

February 26, 2026 7:00 pm

YouTube meeting livestream access link (public comment is in-person only):

www.nyack.link/youtube

1. **Pledge of Allegiance**
2. **Mayor Rand’s Remarks and Comments from the Village Board of Trustees**
3. **Public Comment on Any Topic (1-3 minutes depending on the quantity of speakers)**
4. **Public Hearing –**
5. **Adoption of Minutes – Minutes 2/12/26, 2/20/26**
6. **Action Items**

THE DRAFT RESOLUTIONS SET FORTH BELOW ARE FOR CONSIDERATION BY THE VILLAGE BOARD OF TRUSTEES (“BOARD”), WHICH RESOLUTIONS MAY BE APPROVED, OR MAY NOT BE APPROVED, OR MAY BE APPROVED WITH MODIFICATION(S), OR MAY BE TABLED WITHOUT ANY ACTION BEING TAKEN BY THE BOARD – THEIR INCLUSION IN THIS AGENDA IS NOT, IN ANY WAY, DETERMINATIVE OF A DECISION, IF ANY, TO BE MADE BY THE BOARD.

6.1 Resolution No. 2026-37 Resolution of the Nyack Village Board Accepting Audited Voucher Summary

WHEREAS, the Audited Voucher Summary was presented to the Nyack Village Board of Trustees at its regularly scheduled meeting of February 26th, 2026.

RESOLVED, that General Fund Claims set forth on pages 1 through 10 in the below-listed amounts are approved for payment:

General Fund– \$169,336.02

Parking Fund – \$79,151.31

Water Fund – \$42,112.68

Capital Projects Fund – \$20,448.25

Trust and Agency Fund - \$2,884.64

6.2 Resolution No. 2026-38 Resolution of the Nyack Village Board Approving Closure of Jackson Ave by the Pride Center, June 26, 2026

RESOLVED, the Board of Trustees of the Village of Nyack approves the closure of Jackson Ave by the Pride Center, Tuesday, June 26, 2026, for the purpose of an event, sponsor to reimburse village costs of street closure labor.

6.3 Resolution No. 2026-39 Resolution of the Nyack Village Board Approving Wedding Event in Memorial Park, October 3, 2026.

RESOLVED, the Board of Trustees of the Village of Nyack approves a permit application from Abigail Hammond for a wedding event in the gazebo in Memorial Park, October 3, 2026, noon – 3 pm.

6.4 Resolution No. 2026-40 Resolution of the Nyack Village Board Approving Druidfest in Memorial Park May 9, 2026.

RESOLVED, the Board of Trustees of the Village of Nyack approves a permit application from Morgana Brennan for a vendor fair for Druidfest in Memorial Park, May 9, 2026, 8 AM – 8 PM.

6.5 Resolution No. 2026-41 Resolution of the Nyack Village Board Approving a Field and Forage Flower Market in Hezekiah Easter Veterans Square in 2026

RESOLVED, the Board of Trustees of the Village of Nyack approves a permit application from Field and Forage for a flower vendor fair Saturdays, in Hezekiah Easter Veterans Square in 2026, on the following dates: 4/18, 2/25, 5/2, 5/9, 5/16, 5/23, 5/30, 6/6, 9/5, 9/12, 9/19, 9/26, 10/3, 10/10.

6.6 Resolution No. 2026-42 Resolution of the Nyack Village Board Approving Closure of South Broadway for Spirit of Sobro Halloween Event, October 2, 2026.

RESOLVED, the Board of Trustees of the Village of Nyack approves the closure of South Broadway for Spirit of Sobro Halloween Event, October 2, 2026, event sponsor to reimburse the Village for any DPW labor over \$500.

6.7 Resolution No. 2026-43 Resolution of the Nyack Village Board Approving Grant Application for Sidewalks in the Vicinity of Piermont Ave and Main Street

WHEREAS, After thorough consideration of the various aspects of the problem and study of available data, the Board of Trustees of the Village of Nyack has hereby determined that certain

work, as described in its application and attachments, herein called the "Project", including sidewalk improvements in the vicinity of Piermont Ave, Main Street and nearby streets connecting the business zone to the waterfront, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, The New York State Department of Transportation has made funds available from the Federal Highway Administration through the Transportation Alternatives Program to support bicycle, pedestrian, multi-use path projects and programs and expand opportunities for non-vehicular transportation choices; and

WHEREAS, the activities of the Project herein improve mobility, provide safe routes for pedestrians to access daily needs, public transportation and recreational opportunities, enhance the character of the village and contribute to its revitalization, and further the Village of Nyack's plans for ADA-compliant sidewalks throughout the entire village; and

WHEREAS, the Village deems it to be in the public interest and benefit under these acts to authorize and direct Joseph Rand, as Mayor of the Village of Nyack, New York, to file an application for funds to the New York State Department of Transportation, Transportation Alternatives Program; and

WHEREAS, because of the importance of the project to the public benefit, the Village intends to expedite the implementation of the project where feasible and advance the project to construction within 24 months of award.

NOW, THEREFORE, BE IT RESOLVED BY - the Board of Trustees of the Village of Nyack:

1. That Joseph Rand, as Mayor, is hereby authorized to file an application for funding in support of the construction of an ADA-compliant sidewalk system in the Village's historic waterfront and central business district
2. That the Municipality will fund as a match at least 20% of the cost of the Project and will pay for all cost overruns should they occur, and that funds will be available to initiate the Project's field work upon execution of a contract with New York State Department of Transportation.

6.8 Resolution No. 2026-44 Resolution of the Nyack Village Board Approving a Specialized Utility Billing Auditing Agreement with National Auditing Services & Consulting LLC (NASC) and Energy Professionals LLC.

WHEREAS, the auditing of utility billing and franchise fee revenues is a specialized field and is beyond the capacity of Village staff, and it is not unusual for utilities to incorrectly bill for services and for franchisees to incorrectly pay for franchise benefits,

WHEREAS, the attached agreement provides utility auditing services with a contingency fee of 50% for new revenues actually paid to the village as a result of the audits to be performed,

RESOLVED, the Board of Trustees of the Village of Nyack approves an auditing agreement with National Auditing Services & Consulting LLC (NASC) and Energy Professionals LLC. for the review of Village electric, natural gas, diesel fuel, cable franchise, (including wireless) billing, to identify any refunds, credits, savings, reductions or unclaimed funds due the Village.

6.9 Resolution No. 2026-45 Resolution of the Nyack Village Board Setting a Public Hearing on the Village 2026-2027 Budget

WHEREAS, pursuant to NYS Village Law, the Draft Tentative FY 26-27 Budget must be delivered to the Village Clerk for public access by March 20, 2026, a public hearing on the Tentative Budget must take place before April 15, 2026, and the final budget adoption deadline is May 1, 2026,

RESOLVED, the Fiscal Year 2026-2027 budget public hearing will take place on Thursday, April 9, 2026, at 7:30 PM.

7. Department Reports to the Village Board of Trustees (based on availability).

- 8.1 – Orangetown Police Department
- 8.3 – Village Administrator
- 8.4 - Village Clerk

8. Old Business

- 8.1 Nyack Memorial Park Shoreline Path Project

9. New Business

- 9.1 Draft local law amending chapter 360 (zoning) of the code of the village of Nyack, so as to add provisions regarding adaptive reuse and/or tear-downs of eligible religious and/or educational buildings and uses, for the purpose of constructing multi-family dwellings.
- 9.2 Schedule meeting of the Board of Trustees for a budget workshop.
- 9.3 Consider re-scheduling upcoming Village Board meeting
- 9.4 Tree planting plan to beautify 9-11 Memorial, Upper Lawn, Memorial Park

10. Communications

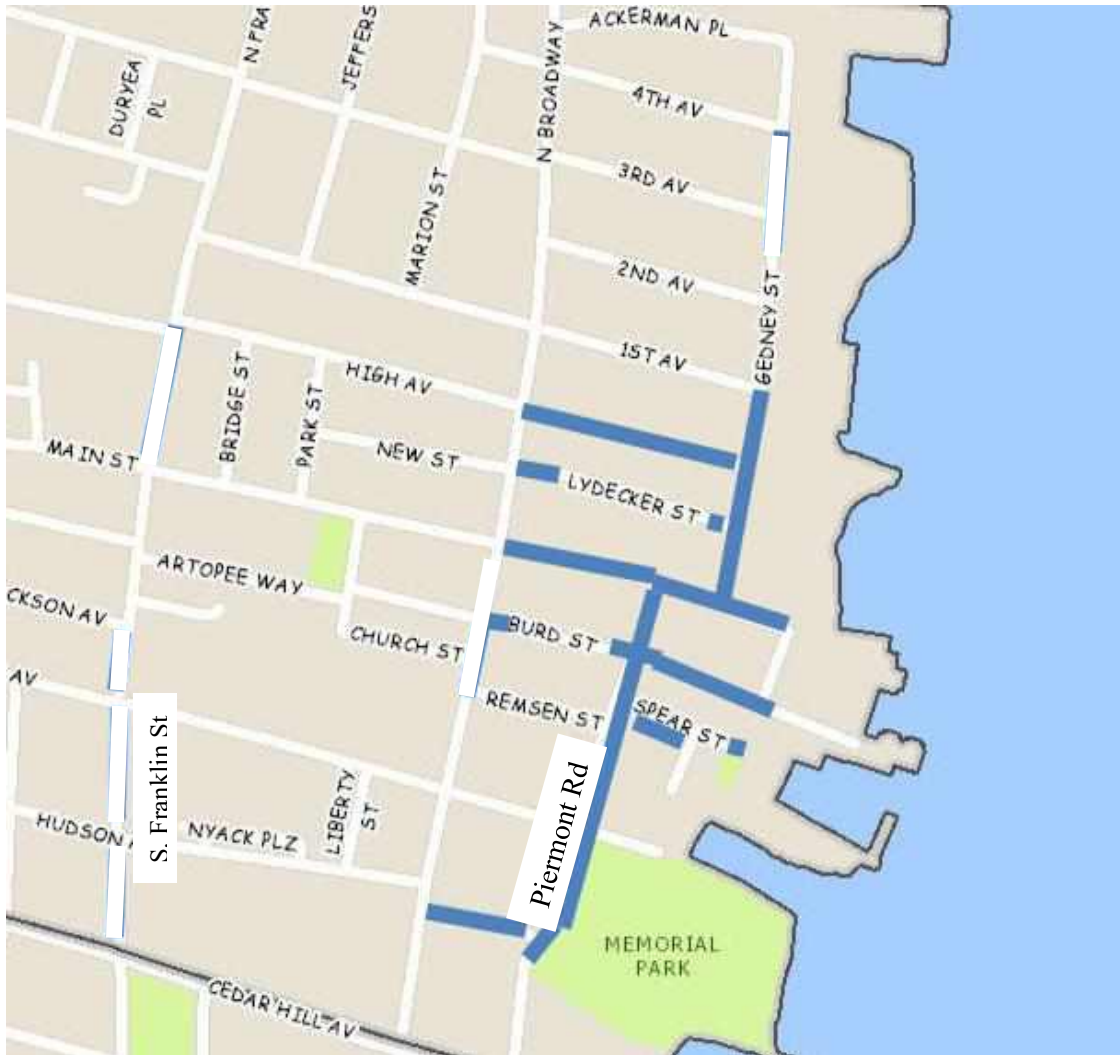
- 10.1 Anne Bryant Butterfly Garden trellis request

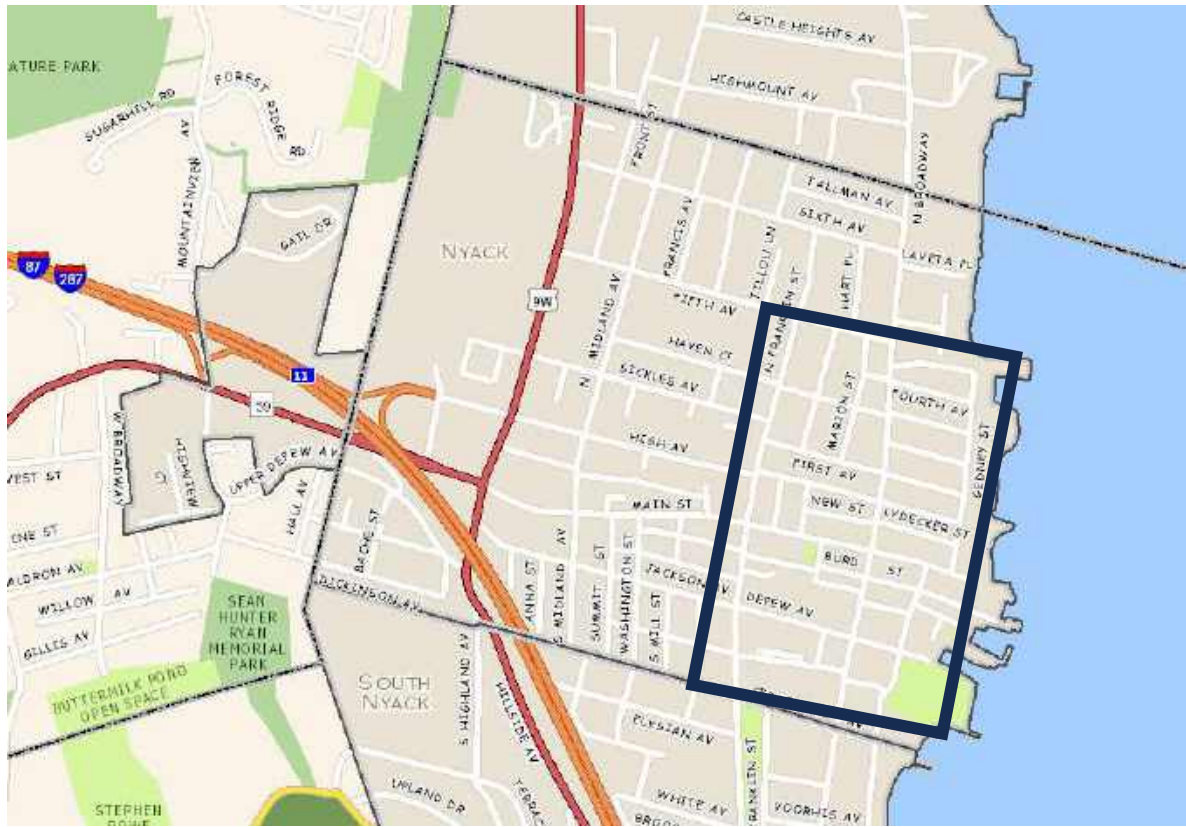
11. Public Comment

- 12. Executive Session**
- 13. Adjournment**

Village of Nyack TAP Grant Application - Map

 = New Sidewalk Construction





Weston & Sampson PE, LS, LA, Architects PC

74 Lafayette Avenue, Suite 501

Suffern, New York 10901

(845) 357-4411 x 7117

Date: 1/13/2026

Prepared By: E Mancuso

BUDGET ESTIMATE SUMMARY
2026 TAP Grant - Various Roads

Project NO NY0206

Item #	Item	Qty	Unit	Unit Price	Total
1	Mobilization	1	LS	\$ 36,800.00	\$ 36,800.00
2	Clearing and Grubbing	1	LS	\$ 23,000.00	\$ 23,000.00
3	Unclassified excavation	280	CY	\$ 69.00	\$ 19,320.00
4	Tree removals	1	LS	\$ 24,150.00	\$ 24,150.00
5	Sawcutting	9000	LF	\$ 7.00	\$ 63,000.00
6	Concrete Curb (6" x 8" x 20 ")	9000	LF	\$ 86.25	\$ 776,250.00
7	Concrete Sidewalk, Width varies, 5" Thick	530	CY	\$ 1,840.00	\$ 975,200.00
8	Concrete apron, width varies, 6 " Thick	175	CY	\$ 1,840.00	\$ 322,000.00
9	Repair bituminous drives	350	SY	\$ 57.50	\$ 20,125.00
10	Embedded Detectable Warning Surface	312	SF	\$ 86.25	\$ 26,910.00
11	Full depth road section - pavement repair	1350	SY	\$ 86.25	\$ 116,437.50
12	Topsoil Seed and Fertilizer	960	SY	\$ 57.50	\$ 55,200.00
13	Hardwood mulch	100	SY	\$ 40.25	\$ 4,025.00
14	Replace street signs w/ new poles	45	EA	\$ 230.00	\$ 10,350.00
15	Trees - deciduous 2 1/2 inch caliper	20	EA	\$ 862.50	\$ 17,250.00
16	Trees - evergreen 2 inch caliper	8	EA	\$ 862.50	\$ 6,900.00
17	Shrubs	30	EA	\$ 402.50	\$ 12,075.00
18	Reset Mailbox structures	25	EA	\$ 230.00	\$ 5,750.00
19	Soil Erosion and Sediment Control	1	LS	\$ 13,800.00	\$ 13,800.00
20	Traffic Control devices	1	LS	\$ 28,750.00	\$ 28,750.00
21	Maintenance and Protection of Traffic	256	M/HR	\$ 300.00	\$ 76,800.00

Subtotal	\$ 2,634,092.50
Contingency	\$ 368,772.95
Surveying	\$ 131,704.63
Design	\$ 316,091.10
Inspection	\$ 263,409.25
Easements	\$ 172,500.00
TOTAL	\$ 3,886,570.43

Sidewalk easements, or ROW taking may be required on Piermont, Spear Street and Gedney



AGREEMENT - LETTER OF AUTHORIZATION

We, (hereafter, The Client), hereby retain National Auditing Services & Consulting LLC (NASC) and Energy Professionals LLC to conduct a review of our electric-gas-water-sewer-propane-oil-diesel fuel-cable-franchisecable-telecommunication (including wireless) billing, to identify any refunds, credits, savings, reductions or unclaimed funds due the Client.

Client represents that it is authorized to enter into this agreement. Client gives NASC and Energy Professionals authorization to act as agent for the undersigned to review the above charges and to obtain any information (i.e. historical records, etc.) deemed necessary by NASC to perform its review and file refund applications, to inquire information regarding our status, and to receive any information relating to them adequately auditing our account, hence therefore processing any refund claims to secure any credits(s), adjustment(s) to our account or refund check(s) and NASC is authorized to negotiate all settlement drafts for which we the undersigned may be legally entitled.

Client agrees to provide NASC with copies of bills and/or other documentation if available, which NASC and/or Energy Professionals deems to be necessary. Client understands that this documentation may be necessary to substantiate any claims on Client’s behalf.

Client and NASC agree that all information exchanged and received during audit/review will not be revealed directly or indirectly to anyone, including but not limited to subdivisions, partners, or related subsidiaries. Acknowledges that all information and audit data supplied in report(s) or analysis are and will remain the exclusive property of NASC.

Client will pay NASC “Fifty Percent” (50%) for ONLY one of the following, A) 50% of any refund, credit or savings obtained or located for historical savings. If no historical refunds or credits can be obtained, then NASC will be entitled to B) 50% of any future refunds, credits or savings obtained or located for a future of thirty-six (36) months (hereinafter collectively “Fee”). A Fee shall be due when the benefit of the adjustment is *actually received* by the client. Refunds, credits or savings are defined as obtaining either a refund check, an offset against open charges or an offset or reduction in future charges. ***In the event no refund, credit or savings is obtained, then no fee shall be due to NASC from the Client.***

All payment for Fees are due within 30 days of being invoiced. Any payment made after said 30-day grace period shall be assessed an interest charge of 1.5% per month. Should NASC be compelled to institute any court proceeding or to engage counsel for the purpose of collecting a Fee due under this agreement, then Client shall be responsible to reimburse NASC for the reasonable fees including attorney’s fees and costs incurred in such a proceeding. This agreement shall be governed by the laws of the State of Connecticut. Except as specifically stated otherwise herein, this Agreement sets forth the entire understanding of the parties relating to the subject matter hereof, and all prior understandings, written or oral, are superseded by this Agreement. This Agreement may not be modified, amended, waived or supplemented except as provided herein.

This agreement shall be effective until rescinded by either party in writing by certified mail upon thirty (30) days notice. Any issues that NASC submits prior to the termination of this agreement, which results in a refund, credit or savings, shall result in a Fee due to NASC.

[Client Acceptance:]

FIRM NAME: _____ FEIN: _____

ADDRESS: _____ CITY _____ STATE _____ ZIP _____

Signature: _____ Print Name: _____

Title: _____ Date: _____

Phone: __ (____) _____ Fax: __ (____) _____ Email: _____

AGREED TO NASC BY: _____ DATE: _____

**LOCAL LAW NO. ____ OF 2026, AMENDING
CHAPTER 360 (ZONING) OF THE CODE OF THE
VILLAGE OF NYACK, SO AS TO ADD
PROVISIONS REGARDING ADAPTIVE REUSE
AND/OR TEAR-DOWNS OF ELIGIBLE
RELIGIOUS AND/OR EDUCATIONAL
BUILDINGS AND USES, FOR THE PURPOSE OF
CONSTRUCTING MULTI-FAMILY DWELLINGS**
(02/12/2026 DRAFT)

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 foster the renovation and reuse of buildings originally constructed for religious or educational uses, and which have historic, architectural, economic, cultural or other value to the Village of Nyack (“Village”), and are at risk of becoming under-utilized, blighted, vacant or *restricted in future uses*, by encouraging the adaptive and flexible reuse of such buildings to allow greater economic and efficient use and occupancy of the property, and to increase the supply of housing (including affordable units) in the Village, and with no net loss of usable open space or outdoor recreational areas on the property, by virtue of allowing redevelopment for multi-family housing in the Single-Family Residential-1 (SFR-1), Single-Family Residential-2 (SFR-2), Two-Family Residential (TFR), and Office Mixed Use (OMU), Zoning Districts. The Village’s housing shortage, and affordability crisis, justify, under specified criteria, the override of certain Village Zoning Code regulations when religious and/or educational buildings and/or land are used for multi-family housing that must include a minimum proportion of affordable units, which will help to keep lower-income residents in the Village, and leverage religious and/or educational institutions’ uniquely beneficial community role in serving their communities by enabling them to utilize their stagnant assets to increase the Village’s housing inventory (including affordable units) without direct fiscal cost to the Village.

Section 2 – Paragraph “A” (Residential), of §360-3.2 (Use-specific standards) of Article III (Use Regulations), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to the extent only of adding new Sub-Paragraphs “1B” and “1C,” which new Sub-Paragraphs “1B” and “1C” shall read as follows:

(1B) Adaptive Reuse of Religious and/or Educational Buildings.

- (a) Special Use Permit Authority. The Village Board of Trustees (“BOT”) may grant a special use permit, subject to, and in accordance with, the provisions set forth in this sub-paragraph 1B, to allow a multi-family housing use of an

eligible building, irrespective of whether such multi-family housing use is allowed or not in the applicable Zoning District; and such adaptive reuse of an existing building may occur within its existing footprint irrespective of whether the existing footprint is dimensionally non-conforming (“Adaptive Reuse”). As part of the special use permit, the BOT may modify the Dimensional Standards (Table 4-1) of the Village’s Zoning Code, so long as the BOT determines that each modification is necessary to preserve the building and to allow its Adaptive Reuse; which grant of a special use permit shall also require site development plan approval by the Planning Board. This special use permit authority, granted to the BOT, shall be in lieu of, rather than in addition to, the Zoning Board of Appeals’s special use permit authority relating to schools, educational facilities, houses of worship and places of religious instruction in residential and Office Mixed Use (OMU) Zoning Districts.

- (b) Eligible Building. An eligible building shall mean any building sited on a lot of less than four acres in size, except as prescribed in §360-3.2(A)(1B)(e)[2] below, and which building is used and occupied, or if vacant or abandoned has most recently been used and occupied, as a school, educational facility, house of worship, place of religious instruction, or a religious convent or monastery, and which building was originally constructed for said type(s) of religious and/or educational use and occupancy (“eligible use”); and which building (i) has a subsisting Certificate of Occupancy (“CO”) that permits the use and occupancy of the building as an eligible use, or (ii) although lacking a CO for an eligible use, is a legal nonconforming use for an eligible use, or (iii) is vacant or abandoned, but its last most recent CO was for an eligible use, or, if it lacked such a CO, then its last most recent legal nonconforming use was for an eligible use.
- (c) Exterior Alterations. As a condition of the special use permit, the applicant shall continue to retain, unchanged, the existing eligible building’s exterior architecture, except for minor changes essential to accommodate necessary appurtenances; or shall demonstrate, to the satisfaction of the BOT, that all proposed exterior alterations are generally consistent with the existing eligible building’s architecture, style and design, and with the neighborhood in which it is located.
- (d) Parking. As part of the special use permit authority of the BOT, the BOT may modify the Zoning Code’s accessory off-street parking requirements based on the applicant’s information regarding the parking impact of the proposed Adaptive Reuse project; and/or parking may be provided on another privately owned lot (or lots) within 500 feet of the entrance to the building subject of the application, subject to the BOT’s approval of any legal instruments, including the recording of same in the Rockland County Clerk’s Office, that the BOT may require to memorialize said off-site private parking.

- (e) Restrictions on Uses, and Floor Area Ratio, in Particular Zoning Districts. For an eligible building sited on a lot located in the Single-Family Residential-1 (SFR-1), Single-Family Residential-2 (SFR-2), Two-Family Residential (TFR) or Office Mixed Use (OMU) Zoning Districts, the only uses that are permitted in such Zoning Districts shall be those that are allowed as per the applicable Permitted Uses (Table 3-1) of this Chapter (Zoning); except that, for an eligible building as prescribed in this subparagraph 1B, the BOT may approve, by special use permit, multi-family housing, so long as the following additional conditions and requirements are complied with.

- [1] A minimum of *eleven percent (11%)* of the eligible building's total dwelling units shall be affordable and workforce for-sale housing units, or affordable and workforce rental units, in accordance with Chapter 120 (Affordable Housing) of the Village Code ("Chapter 120 affordable units").

Alternatively, rather than complying with the aforesaid *11%* minimum Chapter 120 affordable units, a minimum of ___ percent (___%) of the eligible building's total dwelling units must, instead, be occupied, or set-aside and reserved for occupancy, only by volunteers and their immediate respective families ("Volunteer Dwelling Units"). For the purposes of this alternative, a "volunteer," in order for the dwelling unit to count for inclusion in the said minimum percentage of Volunteer Dwelling Units, must be a member in good standing with a not-for-profit fire company, ambulance company, emergency services company, or other first responder organization or association ("not-for-profit first responder entity") that is either headquartered within, or primarily serves, the Village; and, upon request by the Village, the not-for-profit first responder entity shall promptly provide all documentation reasonably required by the Village so as to verify qualification of a Volunteer Dwelling Unit ("verification of Volunteer Dwelling Unit status").

A third alternative, rather than complying with the said *11%* minimum Chapter 120 affordable units, is that, instead, a minimum of ___ percent (___%) of the eligible building's total dwelling units must be Chapter 120 affordable units, plus a minimum of ___ percent (___%) of the eligible building's total dwelling units must be volunteer first responder units (subject to verification of Volunteer Dwelling Unit status).

[2] An eligible building's maximum density shall not exceed that of the Multifamily Residential-3 (MFR-3) Zoning District. The eligible building shall also be subject to the maximum floor area ratio (FAR) restrictions proscribed for the Multifamily Residential-2 (MFR-2) Zoning District; however, if an eligible building is sited on a lot in excess of four acres, and within 750 feet of a commercial Zoning District, then the BOT may approve of any use that is allowed in the Downtown Mixed Use-2 (DMU-2) Zoning District, subject to the maximum FAR restrictions proscribed for the DMU-2 Zoning District and so long as there is no net loss of usable open space or outdoor recreational areas on the property.

(f) The applicant, requesting the BOT's grant of a special use permit for an Adaptive Reuse project, shall be the deeded owner of the school, educational facility, house of worship, place of religious instruction or religious convent or monastery that qualified the property as constituting an eligible building (as defined above in this sub-paragraph 1B), and shall remain the applicant until the BOT grants final approval of the special use permit, and until the final approvals of all other applicable Village land use boards are granted, approving of the Adaptive Reuse project. The applicant may authorize, in a written and signed document satisfactory in form and substance to the Village's Chief Building Inspector and Village Attorney, another person, company, corporation, limited liability company, association, organization or business entity, including a for-profit entity, to administratively handle, conduct and carry-out the application process on behalf of the applicant.

(g) Additional Conditions. The BOT may impose additional conditions, as part of its approval of the special use permit contemplated in this sub-paragraph 1B, as the BOT may deem to be necessary so as to protect, preserve and/or enhance the neighborhood surrounding the eligible building, and to encourage the most appropriate Adaptive Reuse of the eligible building and its appurtenant property, which additional conditions may include those that are intended to ensure that there will be no net loss of usable open space or outdoor recreational areas on the property.

(1C) Teardowns of Religious and/or Educational Buildings, to be Replaced by New Construction of Multi-Family Housing.

(a) Special Use Permit Authority. The Village Board of Trustees ("BOT") may grant a special use permit, subject to, and in accordance with, the provisions set forth in this sub-paragraph 1C, to allow the construction of a new multi-family housing building and use, on a lot upon which is sited an existing eligible building (as defined above in sub-paragraph 1B of Article III of this Chapter), irrespective of whether such multi-family housing building and use is allowed or not in the applicable Zoning District ("Teardown and New

Construction”). A Teardown and New Construction project shall be subject to the Dimensional Standards set forth in the following sub-sub-paragraph; **and shall also require site development plan approval by the Planning Board.** This special use permit authority, granted to the BOT, shall be in lieu of, rather than in addition to, the Zoning Board of Appeals’ special use permit authority relating to schools, educational facilities, houses of worship and places of religious instruction in residential and Office Mixed Use (OMU) Zoning Districts.

- (b) The Dimensional Standards applicable to a Teardown and New Construction project are set forth in the table below (“sf” means square feet); *which Dimensional Standards shall not be applicable to a Teardown and New Construction project, so long as all newly built buildings and structures are fully, completely and wholly contained within the footprint and envelope of the buildings and structures to be torn down, which newly built buildings and structures shall be subject to the Dimensional Standards of an Adaptive Reuse as contemplated in sub-paragraph 1B above.*

Zoning District	SFR	TFR	OMU	DMU-2
Use	Multi-Family	Multi-Family	Multi-Family	Mixed Use, Multi-Family, Commercial Development **
Minimum Lot Size	7,500 sf	10,000 sf	7,500 sf	N/A
Minimum Lot Width	75’	50’	50’	N/A
Minimum Lot Depth	N/A	N/A	N/A	N/A
Minimum Front Yard Setback	25’	25’	N/A	N/A
Minimum Rear Yard Setback	15’	15’	25’	None required for 1st Story or 17’ whichever is less but shall be 15’ minimum under other conditions
Minimum Side Yard Setback (one)	7.5’	7.5’	10’	None required, but if provided, min. of 5’
Minimum Side Yard Setback (combined)	22.5’	22.5’	20’	None required, but if provided, min. of 5’
Minimum Open Space	500’	500’	N/A	No net loss of open space and recreational areas on lot

Maximum Floor Area Ratio (FAR)	0.6	0.6	0.6	2.0
Maximum Height (stories)	2	2	2	3 (4 w/BOT special permit)
Maximum Height (feet)	32'	32'	35'	40'

**If the lot is greater than four acres, then the BOT may permit uses that are allowable in the DMU-2 Zoning District, including mixed use residential and commercial development, with a minimum of *fifteen percent (15%)* affordable dwelling units, subject to the maximum FAR regulations allowed in the DMU-2 Zoning District, and with no net loss of open space and recreational areas on the lot.

- (c) Exterior Alterations. As a condition of the special use permit, the applicant shall demonstrate, to the satisfaction of the BOT, that the proposed exterior architecture, design and style, of the new building to be constructed, are generally consistent with that of the existing eligible building proposed to be torn-down, and with the neighborhood in which it is located.
- (d) Parking. As part of the special use permit authority of the BOT, the BOT may modify the Zoning Code’s accessory off-street parking requirements based on the applicant’s information regarding the parking impact of the proposed Teardown and New Construction project; and parking may be provided on another privately owned lot (or lots) within 500 feet of the entrance to the proposed new building, subject to the BOT’s approval of any legal instruments, including the recording of same in the Rockland County Clerk’s Office, that the BOT may require to memorialize said off-site private parking.
- (e) Restrictions on Uses for a Teardown and New Construction project. For a Teardown and New Construction project, the BOT may approve, by special use permit, multi-family housing, so long as the following additional conditions and requirements are complied with.

[1] A minimum of *fifteen percent (15%)* of the Teardown and New Construction project’s total dwelling units shall be affordable and workforce for-sale housing units, or affordable and workforce rental units, in accordance with Chapter 120 (Affordable Housing) of the Village Code (“Chapter 120 affordable units”).

Alternatively, rather than complying with the aforesaid *15%* minimum Chapter 120 affordable units, a minimum of ___ percent (___ %) of the Teardown and New Construction project’s total

dwelling units must, instead, be occupied, or set-aside and reserved for occupancy, only by volunteers and their immediate respective families (“Volunteer Dwelling Units”). For the purposes of this alternative, a “volunteer,” in order for the dwelling unit to count for inclusion in the said minimum percentage of Volunteer Dwelling Units, must be a member in good standing with a not-for-profit fire company, ambulance company, emergency services company, or other first responder organization or association (“not-for-profit first responder entity”) that is either headquartered within, or primarily serves, the Village; and, upon request by the Village, the not-for-profit first responder entity shall promptly provide all documentation reasonably required by the Village so as to verify qualification of a Volunteer Dwelling Unit (“verification of Volunteer Dwelling Unit status”).

A third alternative, rather than complying with the said 15% minimum Chapter 120 affordable units, is that, instead, a minimum of ___ percent (___%) of the Teardown and New Construction project’s total dwelling units must be Chapter 120 affordable units, plus a minimum of ___ percent (___%) of the Teardown and New Construction project’s total dwelling units must be volunteer first responder units (subject to verification of Volunteer Dwelling Unit status).

- [2] A Teardown and New Construction project’s maximum density shall not exceed that of the Multifamily Residential-3 (MFR-3) Zoning District. The Teardown and New Construction project shall also be subject to the maximum floor area ratio (FAR) restrictions proscribed for the Multifamily Residential-2 (MFR-2) Zoning District; however, if a Teardown and New Construction project is sited on a lot in excess of four acres, and within 750 feet of a commercial Zoning District, then the BOT may approve of any use that is allowed in the Downtown Mixed Use-2 (DMU-2) Zoning District, subject to the maximum FAR restrictions proscribed for the DMU-2 Zoning District and so long as there is no net loss of usable open space or outdoor recreational areas on the property.
- [3] The applicant, requesting the BOT’s grant of a special use permit for a Teardown and New Construction project, shall be the deeded owner of the school, educational facility, house of worship, place of religious instruction or religious convent or monastery that qualified the property as constituting an eligible building (as defined above in sub-paragraph 1B of Article III of this Chapter), and shall remain the applicant until the BOT grants final approval of the special use permit, and until the final approvals of all other

applicable Village land use boards are granted, approving of the Teardown and New Construction project. The applicant may authorize, in a written and signed document satisfactory in form and substance to the Village's Chief Building Inspector and Village Attorney, another person, company, corporation, limited liability company, association, organization or business entity, including a for-profit entity, to administratively handle, conduct and carry-out the application process on behalf of the applicant.

- (f) Additional Conditions. The BOT may impose additional conditions, as part of its approval of the special use permit contemplated in this sub-paragraph 1C, as the BOT may deem to be necessary so as to protect, preserve and/or enhance the neighborhood surrounding the Teardown and New Construction project, which additional conditions may include those that are intended to ensure that there will be no net loss of usable open space or outdoor recreational areas on the property.

Section 3 – Within the Use column, of the Residential section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, directly beneath the existing language “Adaptive Reuse,” the following new language as a new type of Use.

Adaptive Reuse, or Teardown and New Construction, of eligible religious and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B) and/or (1C).

Section 4 – Column SFR, within the column for Residential Districts, within the Residential use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, within the blank/empty space in the new row to be entitled “Adaptive Reuse, or Teardown and New Construction, of eligible religious and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B) and/or (1C),” the following language.

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Section 5 – Column TFR, within the column for Residential Districts, within the Residential use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, within the blank/empty space in the new row to be entitled “Adaptive Reuse, or Teardown and New Construction, of eligible religious

and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B) and/or (1C),” the following language.

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Section 6 – Column OMU, within the column for Other Districts, within the Residential use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, within the blank/empty space in the new row to be entitled “Adaptive Reuse, or Teardown and New Construction, of eligible religious and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B) and/or (1C),” the following language.

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Section 7 – 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 8 – Effective Date.

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.

INTEROFFICE MEMORANDUM

TO: MAYOR RAND AND TRUSTEES

FROM: ANDY STEWART, VILLAGE ADMINISTRATOR

SUBJECT: PARK TREE PLANTING IN APRIL 2026

DATE: FEBRUARY 26, 2026

The Tree Committee is proposing a plan for three additional trees and planted beds for the area just uphill of the 9-11 Memorial on the south edge of the Upper Lawn (Phase 1). The project has been reviewed by and has the support of the Parks Commission. Phase 2 of the project involves filling in between the trees with some more shrubs and pollinator gardens to help beautify and also deter people from using the eroded trail on the hillside. The project does not reduce available space for sledding. Phase 1 costs are covered by donations to the Tree Committee. Phase 2 will require support from DPW and Pollinator Pathway volunteers. The attached plan, developed by Marcy Denker, shows the proposed layout.

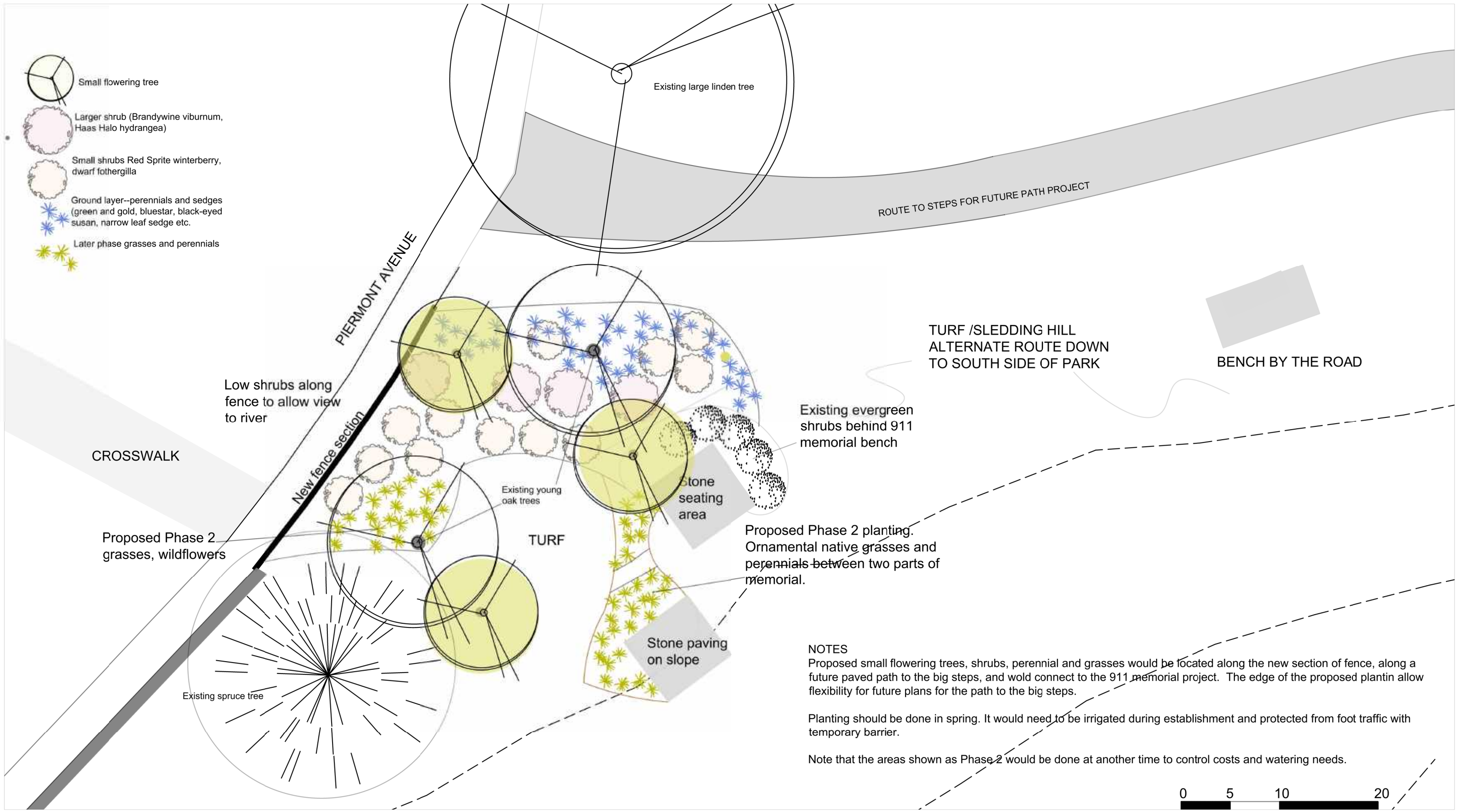
Memorial Park Planting Proposal

1. Trees Three trees have been ordered for the project to be planted in April as part of the spring planting. The soil preparation and tree planting can be done as part of the Nyack Tree Proect event in April.

2 Other Planting. The shrubs and other plants can be planted after the trees, also this spring. This planting can be organized as a collaborative effort among the Parks Commission, Tree Committee, Polliinator Pathway and DPW.

3. Cost The Tree Committee has arranged for a donation of \$4000 for each of the past three years that has covered mor than the cost of the spring plantings. We expect that will happen again this year. The cost of the project is estimated to be \$2,000-2500.

4. Watering It it not possible to plant plants that don't need water. Having a plan for watering if there is not enough rain during the establishment period is critically important. Support from DPW will be important. The group is reviewing options for a water barrel with soaker hoses. worth a try. This is what Gisondi suggested for Mill Street. have a rain barrel that could be used for this. Or we can do with a barrel and ordinary hose.



NYACK MEMORIAL PARK -- SOUTH ENTRANCE WAY PLANTING DESIGN Phase I
 Marcy Denker, Landscape Designer February 15, 2026

From: Anne Bryant <annebryant48@gmail.com>
Sent: Thursday, February 5, 2026 10:58 AM
To: Andy Stewart <Administrator@nyack.gov>
Subject: Agenda Item for Village Board

This email originated from outside of the organization.

The Garden Club of Nyack would like to construct a trellis at the entrance to the Butterfly Garden in Memorial Park. In the early days of the garden, there was a driftwood art piece in place; we would like to replicate it in a more permanent fashion. We have not proceeded to any detailed conception of the arched trellis other than as a thing of beauty in itself and as support for the native honeysuckle growing there; we realize there will be numerous levels of review and approval. We are starting with the Board. May we proceed with plans to have an arched trellis constructed at the entrance to the Butterfly Garden in Memorial Park?

Anne Bryant

Butterfly Garden of Nyack Coordinator

845 548-7582