

DRAFT RESOLUTIONS FOR CONSIDERATION AT 2-10-22 MEETING

BOARD OF TRUSTEES: SPECIAL MEETING OF FEBRUARY 10, 2022

PROPOSED RESOLUTIONS RELATED TO THE SEQRA REVIEW OF THE PROPOSED ZONING LAW, SUBDIVISION LAW, PLANNING BOARD LAW AND STORMWATER MANAGEMENT LAW AND RESOLUTIONS ADOPTING SUCH LAWS

RESOLUTION ADOPTING NEGATIVE DECLARATION

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ISSUING A NEGATIVE DECLARATION WITH RESPECT TO THE ADOPTION OF PROPOSED LOCAL LAWS # 11 OF 2021 (ZONING LAW) (TO BE RENUMBERED LOCAL LAW # 5 OF 2022), # 2 OF 2022 (SUBDIVISION LAW), # 3 OF 2022 (PLANNING BOARD LAW) AND # 4 OF 2022 (STORMWATER MANAGEMENT LAW) OF THE VILLAGE OF UPPER NYACK.

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt the above-referenced Local Laws (collectively, the “Land Use Local Laws”); and

WHEREAS, the adoption of the Land Use Local Laws is a Type 1 Action under the New York State Environmental Quality Review Act (“SEQRA”) and the Board of Trustees is the only involved agency in the adoption of the Land Use Local Laws (the “Action”); and

WHEREAS, the Members of the Board of Trustees have received and reviewed the Full Environmental Assessment Form, Parts 1, 2, and 3 with exhibits (collectively, the “EAF”) prepared for the Action; and

WHEREAS, the EAF was reviewed and discussed at a public hearing on the proposed Zoning Law on January 20, 2022, at which time members of the public were provided with an opportunity to make comments. Prior to that hearing, the EAF was made available to the public on the Village’s website and at Village Hall; and

WHEREAS, copies of the EAF and the proposed Land Use Local Laws were circulated to the Rockland County Department of Planning, the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments were received from those agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts a Negative Declaration of Environmental Significance for the Action pursuant to SEQRA based on the information and the reasons stated in the EAF Parts 1, 2 and 3 and the exhibits thereto, which have been reviewed by the Board of Trustees and are incorporated herein, and authorizes the Mayor, or her designated agent, to complete and execute the EAF Part 3 and to file the Negative Declaration in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Mayor, or her designated agent, to take such further steps as may be necessary to discharge the Board of Trustees’ responsibilities under SEQRA.

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RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING THE PROPOSED REPEAL AND REPLACEMENT OF THE VILLAGE'S ZONING LAW

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the "Board of Trustees") is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and

WHEREAS, proposed Local Law # 11 of 2021, A Local Law repealing and replacing the Zoning Ordinance of the Village of Upper Nyack, adopted January 18, 1962, last amended on April 13, 2021 by Local Law No. 3 of 2021, commonly known as the 1962 Zoning Ordinance of the Village of Upper Nyack (the "Proposed Zoning Law") was introduced to the Board of Trustees at its meeting of November 18, 2021; and

WHEREAS, the Proposed Zoning Law as originally proposed and as revised (revision date January 3, 2022) were posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled "Zoning Code Update" <https://www.uppernyack-ny.us/zoning-code-update> and were also available for review in the Village Clerk's office; and

WHEREAS, the original text of the Proposed Zoning Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m in or around November 2021; and

WHEREAS, duly noticed public hearings on the Proposed Zoning Law were held on December 9, 2021, December 16, 2021, January 20, 2022 and February 10, 2022; and

WHEREAS, by letter dated December 14, 2021 the Rockland County Department of Planning commented on the Proposed Zoning Law; and

WHEREAS, in response to comments made by members of the public and the Rockland County Department of Planning the Proposed Zoning Law was revised (revision date January 3, 2022); and

WHEREAS, on January 6, 2022, copies of the Proposed Zoning Law as revised were circulated to the Rockland County Department of Planning, the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments were received from such agencies; and

WHEREAS, on January 6, 2022 copies of the Proposed Zoning Law as revised and in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Zoning Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Zoning Law and related land use laws

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(collectively, the “Action”), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, following the adoption of the Negative Declaration the duly noticed public hearing on the Proposed Zoning Law was continued and all who wished to comment on the Proposed Zoning Law at the public hearing were afforded the opportunity to do so and the public hearing was closed; and

WHEREAS, the Board of Trustees finds that the adoption of the Proposed Zoning Law is in the best interest of the Village.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts the Proposed Zoning Law, as revised January 3, 2022 as drafted. This local law will be renumbered to be known and designated as Local Law # 5 of 2022.

RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall take all other actions necessary to comply with all other notice and filing requirements of applicable laws.

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RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING LOCAL LAW # 2 OF 2022, THE SUBDIVISION LAW OF THE VILLAGE OF UPPER NYACK

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and

WHEREAS, proposed Local Law # 2 of 2022, the Village of Upper Nyack Subdivision Law (the “Proposed Subdivision Law”), was introduced to the Board of Trustees at its meeting of January 20, 2022; and

WHEREAS, the Proposed Subdivision Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m on January 6, 2022 and no comments on the proposed local law were provided by the Rockland County Department of Planning; and

WHEREAS, on January 6, 2022, copies of the Proposed Subdivision Law were circulated to the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments have been received from those agencies; and

WHEREAS, on January 6, 2022 copies of the Proposed Subdivision Law in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Subdivision Law was posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled “Zoning Code Update” <https://www.uppernyack-ny.us/zoning-code-update> and was also available for review in the Village Clerk’s office; and

WHEREAS, the Proposed Subdivision Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Subdivision Law and related land use laws (collectively, the “Action”), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, on February 10, 2022 a duly noticed public hearing was held to consider the adoption of the Proposed Subdivision Law; and

WHEREAS, all who wished to comment on the Proposed Subdivision Law at the public hearing were afforded the opportunity to do so and the public hearing was closed; and

WHEREAS, the Board of Trustees finds that the adoption of the Proposed Subdivision Law is in the best interest of the Village.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts Village of Upper Nyack Local Law #2 of 2022, the Subdivision Law of the Village of Upper Nyack, as drafted.

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RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall take all other actions necessary to comply with all other notice and filing requirements of applicable laws.

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RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING LOCAL LAW # 3 OF 2022, THE PLANNING BOARD LAW OF THE VILLAGE OF UPPER NYACK

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and

WHEREAS, proposed Local Law # 3 of 2022, the Village of Upper Nyack Planning Board Law (the “Proposed Planning Board Law”), was introduced to the Board of Trustees at its meeting of January 20, 2022; and

WHEREAS, the Proposed Planning Board Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m on January 6, 2022 and no comments on the proposed local law were provided by the Rockland County Department of Planning; and

WHEREAS, on January 6, 2022, copies of the Proposed Planning Board Law as revised were circulated to the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments have been received from those agencies; and

WHEREAS, on January 6, 2022 copies of the Proposed Planning Board Law in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Planning Board Law was posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled “Zoning Code Update” <https://www.uppernyack-ny.us/zoning-code-update> and was also available for review in the Village Clerk’s office; and

WHEREAS, the Proposed Planning Board Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Planning Board Law and related land use laws (collectively, the “Action”), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, on February 10, 2022 a duly noticed public hearing was held to consider the adoption of the Proposed Planning Board Law; and

WHEREAS, all who wished to comment on the Proposed Planning Board Law at the public hearing were afforded the opportunity to do so and the public hearing was closed.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts the Village of Upper Nyack Local Law # 3 of 2022, the Planning Board Law of the Village of Upper Nyack, as drafted.

RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall

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take all other actions necessary to comply with all other notice and filing requirements of applicable laws.

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RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING LOCAL LAW # 4 OF 2022, THE STORMWATER MANAGEMENT LAW OF THE VILLAGE OF UPPER NYACK

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and

WHEREAS, proposed Local Law # 4 of 2022, the Village of Upper Nyack Stormwater Management Law (the “Proposed Stormwater Management Law”), was introduced to the Board of Trustees at its meeting of January 20, 2022; and

WHEREAS, the Proposed Stormwater Management Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m on January 6, 2022 and no comments on the proposed local law were provided by the Rockland County Department of Planning; and

WHEREAS, on January 6, 2022, copies of the Proposed Stormwater Management Law as revised were circulated to the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments have been received from those agencies; and

WHEREAS, on January 6, 2022 copies of the Proposed Stormwater Management Law in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Stormwater Management Law was posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled “Zoning Code Update” <https://www.uppernyack-ny.us/zoning-code-update> and was also available for review in the Village Clerk’s office; and

WHEREAS, the Proposed Stormwater Management Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Stormwater Management Law and related land use laws (collectively, the “Action”), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, on February 10, 2022 a duly noticed public hearing was held to consider the adoption of the Proposed Stormwater Management Law; and

WHEREAS, all who wished to comment on the Proposed Stormwater Management Law at the public hearing were afforded the opportunity to do so and the public hearing was closed.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts the Village of Upper Nyack Local Law # 4 of 2022, Proposed Stormwater Management Law, as drafted.

RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall

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take all other actions necessary to comply with all other notice and filing requirements of applicable laws.