

The Village of Upper Nyack Comprehensive Plan

Comprehensive Guidelines
for a Sustainable Community

April 20, 2021

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Acknowledgements

Comprehensive Guidelines for a Sustainable Community

Table of Contents

Acknowledgements

Table of Contents

| | | |
|--------------------|--|------------------|
| Section 1: | Introduction..... | Page 1-1 |
| Section 2: | History..... | Page 2-1 |
| Section 3: | Demographics..... | Page 3-1 |
| Section 4: | Planning Goals..... | Page 4-1 |
| Section 5: | Residential Alternatives..... | Page 5-1 |
| | Map: Existing & Proposed Zoning Designations | |
| Section 6: | Business & Economic Development..... | Page 6-1 |
| | Map: Commercial Zoning Districts | |
| Section 7: | Parks, Open Space, & Recreation..... | Page 7-1 |
| | Map: Park & Recreation Areas | |
| Section 8: | Special Districts & Historic Landmarks..... | Page 8-1 |
| | Map: Special Districts & Historic Landmarks | |
| Section 9: | Transportation, Traffic, & Public Safety..... | Page 9-1 |
| | Map: Pedestrian Destination Areas | |
| | Map: Road Classifications | |
| Section 10: | Infrastructure..... | Page 10-1 |
| Section 11: | Natural Resources..... | Page 11-1 |
| | Map: Village of Upper Nyack Official Streams | |
| | Map: Hudson River Overlay Zone | |
| Section 12: | Quality of Life..... | Page 12-1 |
| Section 13: | Climate Planning & Resilience..... | Page 13-1 |
| Section 14: | Vision Statement..... | Page 14-1 |

Table of Contents

Comprehensive Guidelines for a Sustainable Community



Aerial View South Along Route 9W

Section 1: Introduction

OVERVIEW: ZONING AND COMPREHENSIVE PLANS

Zoning is the method by which municipalities control the orderly development of land and, ultimately, the physical identity of the community. Zoning is implemented through *zoning ordinances*, written regulations that subdivide a municipality into various zones and define the kinds of uses (residential, commercial, industrial, recreational, etc.) that are appropriate to, and will be allowed in, each area. Zoning ordinances further define minimum property lot size, density, placement of structures, height of structures, buffers, and other regulations that specifically define how property may be developed. Collectively, the zoning ordinances form the Zoning Ordinance for a municipality.

Section 1: Introduction

Comprehensive Guidelines for a Sustainable Community

The legal right of a municipality in New York State to enact local zoning ordinances is granted through New York’s zoning enabling statutes. The state’s enabling statutes mandate that all land use regulations established by a city, town, or village be in accordance with a comprehensive plan, or a ‘well-considered plan’.

What is a comprehensive plan? A comprehensive plan is the culmination of a public planning process whose analysis of a community’s demographics, land development trends, community resources, public needs, and role in the context of the greater regional area results in a land use planning document that:

1. Expresses a community’s goals and recommended action to achieve those goals.
2. Presents an outline for orderly growth that can inform official decision-making.
3. Provides guidance to a community in development of its annual budget and capital plan.
4. Defines a community’s vision statement that can foster community resource protection and enhancement of special places.
5. Identifies where new infrastructure is needed.
6. Responds to economic changes.
7. Prevents inconsistent development.

The comprehensive plan should provide the ‘backbone’ for a community’s zoning ordinance. A community’s zoning ordinance regulations should reflect the goals and aspirations identified in its comprehensive plan. The act of developing the zoning regulations from the comprehensive plan helps to ensure that the community’s zoning ordinance is part of a thoughtful planning process. In this way the comprehensive plan provides the legal basis for the community’s land use regulations and decisions.

A HISTORY OF UPPER NYACK’S COMPREHENSIVE PLANS

The Village of Upper Nyack’s first comprehensive plan began in the early 1980s. At that time the Village of Upper Nyack Planning Board sought to prepare a comprehensive development plan for the Village for the purpose of creating a guide for future growth and development while maintaining the general health, welfare and safety of village residents. Assisted in its work by the Village Board and its planning consultants, pertinent information was assembled and analyzed; local, county and regional factors were considered; and public hearings were held. A draft development plan was written. The plan was reviewed and revised based on comments and suggestions received from the public. From this effort the Village of Upper Nyack Planning Board in 1985 adopted Upper Nyack’s first Comprehensive Plan, named the ‘**Community Development Plan**’.

The Community Development Plan remained in effect until 1999 when the Village adopted an amended and renamed Plan, entitled ‘**The Village of Upper Nyack Comprehensive Plan**’. Prepared at the request of the Village Board of Trustees, this amended plan contained revisions intended to address changes to the demographics and living/working patterns of the Village’s residents and provided an outline for more specific action through the mechanism of the Village Zoning Ordinance. Revisions to the Village Zoning Ordinance included minor adjustments in residential districts to conform more closely to existing neighborhood characteristics, the substitution of a residential conservation district for a slope formula in hillside or scenic areas, and the addition of new bulk requirements for business uses.

UPDATING UPPER NYACK’S COMPREHENSIVE PLAN

This 2020 update to the **Village of Upper Nyack Comprehensive Plan** will be the Village’s first comprehensive plan in the 21st century. Two decades have elapsed since the last comprehensive plan was written. Much has changed in Upper Nyack and the greater Hudson Valley region during this period of time, and much has stayed the same. It has been the intent of the Village of Upper Nyack Board of Trustees, along with the Village of Upper Nyack Comprehensive Plan Committee, to develop a new **Village of Upper Nyack Comprehensive Plan** in an open, thorough, thoughtful, inclusive, and visionary process. It is the further intent of the Board of Trustees and the Comprehensive Plan Committee that this new **Village of Upper Nyack Comprehensive Plan** provides an accurate understanding of Upper Nyack at this point in its history and defines the goals that will provide guidance to its future.



Aerial View North Towards Hook Mountain



Historic Color Postcard View of Hudson River Shoreline Looking North to Hook Mt.

Section 2: History

OVERVIEW

Upper Nyack's location on the west shore of the Hudson River and immediately south of Hook Mountain has influenced every era of the Village's history. The industries and methods of transportation that have been historically linked to the river, along with the majestic views the river and the mountain provide, have uniquely shaped Upper Nyack. And because the Village is bounded on the east and north by these two great natural resources, the Village's two primary streets, North Broadway and North Midland Avenue, are not typical through streets. This

geographical factor has spared Upper Nyack from the drive-through, automobile-oriented, commercially focused pattern of land use development prevalent in the region. With these natural boundaries, and the dominance of the downtown business district of the Village of Nyack for all the Nyack riverfront villages, Upper Nyack has always been, apart from the western edge of the Village that Route 9W traverses, more residential and less commercial in its basic character.

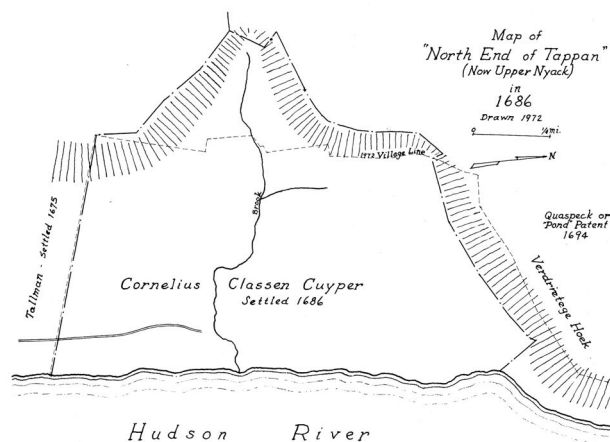
HISTORY

INDIGENOUS PEOPLE

The Nyack area was traditionally part of the territory of the Tappans, a related group of Algonkian-speaking Lenape. Members of the Nyack tribe had been here for only a few generations, having been displaced from their long-time home in Coney Island by Dutch purchase and settlement. The indigenous people left this area very quickly after selling the land to the Dutch, leaving no record of assimilation or intermarriage with the white settlers. European diseases and alcoholism took a heavy toll on these indigenous people, and most moved west or north with other Lenape tribes. The existing names and pictograph signatures of those who signed the deed, and the collections of arrowheads, axes, and pottery fragments that have been found give us hints about their way of life, but lacking a written history, most of the story of the indigenous people who originally occupied this area is lost.

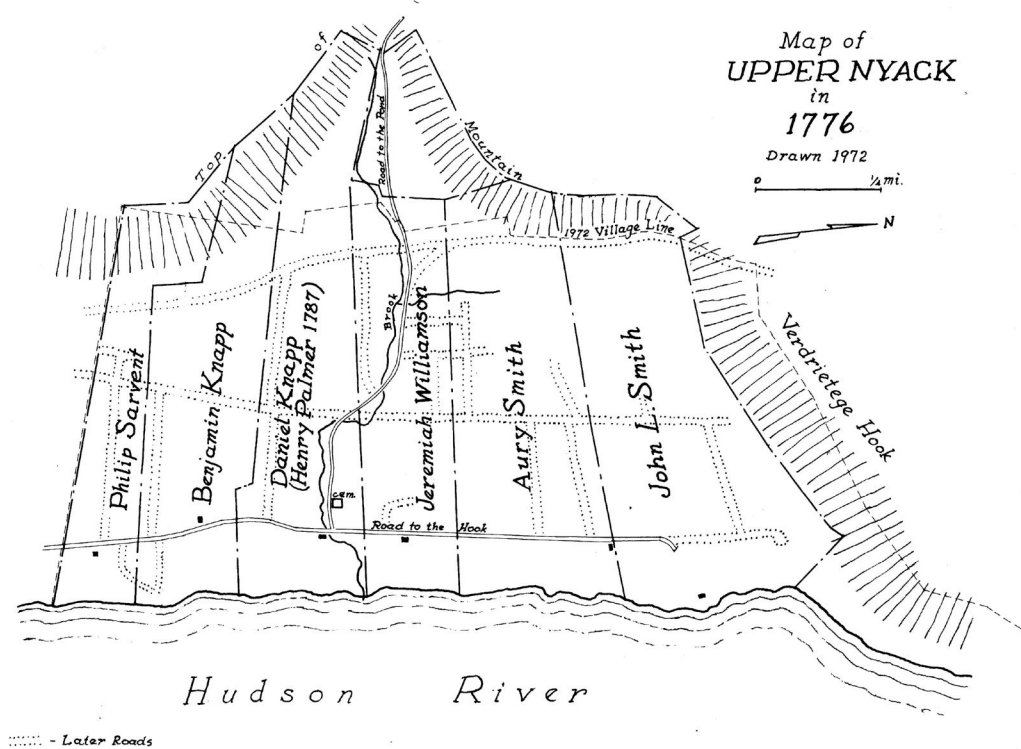
FIRST SETTLERS

The first European and African-born settlers of what is now the Village of Upper Nyack were Cornelius Clausen Kuyper, his family, and his enslaved workers. They came here from Jersey City in 1686 to make their home on what was a royal patent acquired by Kuyper's father, Claus Jensen von Purmerant, in 1671. The title to the area had been purchased from the Native Americans by Balthazar deHarte.



Map of 'North End of Tappan' (Now Upper Nyack) Circa 1686

Cornelius Kuyper thrived in Upper Nyack on a farm of over 2000 acres. He was illiterate, spoke Dutch, and signed his name with an 'X', but despite his literary handicap, he became a Justice of the Peace, Colonel in the Militia and a member of the New York Colonial Assembly. He also acquired other land in the county and at his death left each of his children a substantial farm in accordance with Dutch custom. His heirs divided Upper Nyack into five large parcels, each extending from the Hudson River to the western boundary of his land at the top of the mountain. It is not known exactly where the Kuypers lived, but their graves are in the Palmer Burial Ground on Old Mountain Road, whose land was originally part of the Kuyper property. The existing small stone wall at the brow of the hill marks the west line of their former property.



Map of Upper Nyack Circa 1776

Life continued based largely on rural Dutch customs for about 100 years in this remote part of a British colony. Transportation was primarily by sailboat, and to a limited extent by horseback or horse and wagon. Each farm was nearly self-sufficient, and most farmers owned a traditional Dutch sloep (sloop) to take produce to market in New York City. On Sundays, families traveled by horse and wagon to Dutch Reformed Churches in Tappan or West Nyack.

THE REVOLUTION

By 1776, Upper Nyack still consisted of six farms owned by descendants of the original settlers. There is no record of Upper Nyackers serving in the Continental Army or Navy during the Revolution, but most of the farmers joined the Shore Guard militia under the command of Colonel Ann Hawkes Hay. The Shore Guard had two majors - both named John Smith - one of whom owned the farm closest to Hook Mountain, with a stone house near the River. The house was burned by the British, rebuilt soon after, and lost to demolition in the 20th century. A wood-framed wing on the north side of the current house replicates the shape and location of the original. John Smith's brother Aury was a captain in the Shore Guard militia and owned the next farm to the south. The mission of the Shore Guard was to repel landing parties from British ships that controlled the lower Hudson River. These British marauding parties searched for and captured men of military age, taking them to prison in New York City, and confiscated cattle and produce to feed the British army and civilians in the city. A watch fire on top of Hook Mountain was used to call out the Shore Guard militia, who attempted to hold off the British marauders with a swivel gun on Major Smith's property and musket fire from Sarvent's Quarry near the future south boundary of the village. A pile of soil and tailings from the quarry, still there today, became a makeshift fort to shelter the militiamen as they shot at the British soldiers approaching the quarry dock in landing boats. History books credit the locals with turning back the British raiders with heavy casualties.

GROWTH DURING THE EARLY REPUBLIC

Farming remained the main source of livelihood in the decades following the Revolution, but there were signs of other economic activity. The Benjamin Knapp farm, extending from just north of Castle Heights Avenue to just north of Old Mountain Road, was subdivided into five parts and sold outside the family with John Van Houten acquiring the southernmost part including the landing at the foot of Van Houten Street. There he began a boat-building business and opened a small hotel to accommodate river travelers. Quarrying of the local red sandstone was carried out near the shore on almost every farm. The extent of quarrying created a demand for sloops to transport the stone and many were built at the Van Houten boatyard and at adjacent boatyards owned by John Felter to the south and Daniel Perry to the north. Altogether, boatyards in the Nyacks produced more Hudson River Sloops, by far, than any other community on the river.

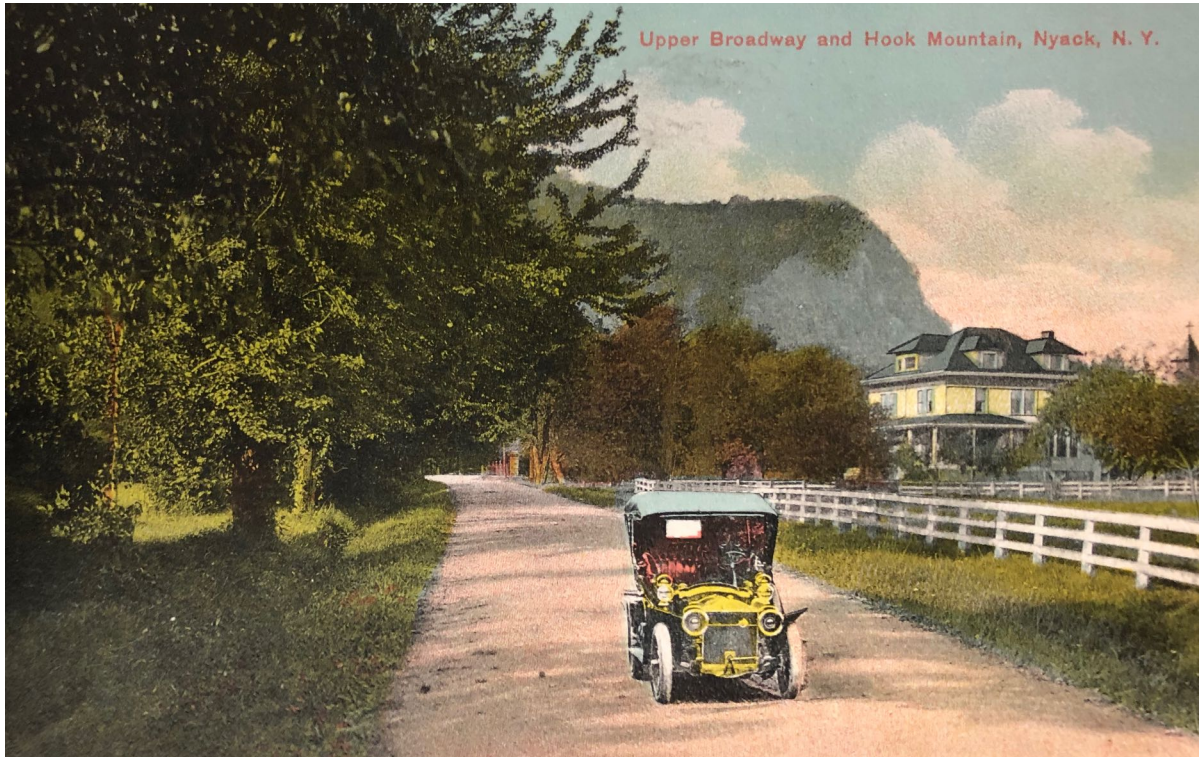
There was a brief period around 1800 when backers thought that "Nyack's Upper Landing" might become the main business nucleus of the Nyack community. It had a busy dock with a hotel and even a post office. Sloops offered frequent, if somewhat unreliable, transportation to New York City. More important it had the only viable road to the interior of the county. Then called the "road to the pond",

THE RAILROAD AND COUNTRY ESTATES

As agriculture in the rest of the country became mechanized and gained fast access to markets by railroad, the 15 or so small narrow farms of less than 50 acres in Upper Nyack became unable to compete profitably. When the railroad came to Nyack in 1870 making convenient commuting possible, these farms became desirable riverfront or river-view estates for bankers, lawyers, stockbrokers and business owners with positions in New York City. Many had a horse and carriage with driver for the trip to the station and could be on Wall Street in an hour and a half. Large handsome mansions set well back from North Broadway were built and many remain today. Some were year-round residences, while others were closed during the winter. In the boom periods of the 1890s and 1920s even grander mansions replaced some earlier residences. While they have always been a minor part of the population, these wealthy estate owners created an aura for Upper Nyack that extended to the entire community. Notably, the growth of more modest homes also accelerated during the same periods.



Historic Mansion on North Broadway in Upper Nyack Circa 1900



Historic Color Postcard View of North Broadway Looking North to Hook Mt.

INCORPORATING A VILLAGE

In 1872, with the State of New York having recently passed legislation providing for the incorporating of villages, there was a movement to incorporate the entire Nyack community, from Salisbury Point to Hook Mountain, as a single village. Anticipating heavy taxes under the proposed single village concept in order to pay for the expenses of the downtown Nyack area, a committee of Upper Nyackers acted quickly and on September 28, 1872 the separate Village of Upper Nyack was incorporated, just days before the incorporation of the rest of Nyack. Garret Sarvent, owner of the southernmost farm in Upper Nyack and whose family had lived here since 1748, was chosen as President and served for 17 years. For the first 65 years the elected head of the village was known as the President, but in 1937 the title was changed to Mayor. Some 15 people have served as President or Mayor since the Village was incorporated, with hundreds more serving as Trustees, Village Attorney, Village Justice, Village Clerk, Assessor, and members of the land use boards.



Single Family Residences in the Current R-5 District

GROWTH OF NEIGHBORHOODS

The Village of Upper Nyack and its residential neighborhoods grew gradually over the years, with occasional periods of more intense activity. Highmount Avenue started as the Sarvent farm lane and was built up little by little from 1850 to 1960 as larger lots were subdivided and the former school playground was developed. The row houses on School Street were built around 1885. (For further information see also **Section 8: Special Districts & Historic Landmarks**). Castle Heights Avenue was platted with lots in 1872 and homes were built over a 50-year period. The homes on Birchwood Avenue east of Midland Avenue were built in the 20th century (except for one very old house on the corner of Broadway). Old Mountain Road, a much older thoroughfare, with few exceptions did not have houses until the 20th century. Upper Birchwood Avenue and the streets intersecting it were part of a large development project on the western end of the former Palmer farm whose one hundred-plus small lots offered for sale in the latter part of the 20th century was intended to be affordable to a broad spectrum of middle-class families. In the northern half of the village long narrow parcels of former farmland that were subdivided were built upon one by one at intervals during the 20th century and into the next. With the exception of a few estates and some remaining farm buildings, most homes date from the 1920s or the 1950s to the present. A significant surge in

construction of new homes followed the end of the Second World War and the construction of the Tappan Zee Bridge, the New York State Thruway, and the Palisades Interstate Parkway in the early 1950s. Since that post war boom, a more modest process of selective infill development followed, continuing up to the present day. At the time of this 2020 update to the Comprehensive Plan Upper Nyack is substantially built out, with a few marginal undeveloped sites. However, there are numerous existing oversized properties that could potentially be subdivided under the present zoning.

ADDITIONAL HISTORIC NOTES

VILLAGE HALL

For the first 15 years as an incorporated Village, the Village Board of Upper Nyack met at the home of the President or a Village Board Trustee. Then in 1887 the Village built a combination Village Hall and Firehouse, financed by a gift and/or loan from George W. Schuler, a resident who lived on the southeast corner of Broadway and Castle Heights Avenue. Sharing the building with Upper Nyack's resident fire company, Empire Hook and Ladder Company #1, the Village Offices and Meeting Room were on the second floor of the building. Over time this second-floor location became increasingly difficult and in 1973 the Village acquired and renovated the building next door, dedicating it that year as the new Upper Nyack Village Hall. Empire Hook and Ladder Company #1 was given full use of both floors of the former combined Village Hall and Firehouse building. (See also **Section 8: Special Districts & Historic Landmarks** for further information on the Village Hall.)



Historic View of Upper Nyack Village Hall & Firehouse Circa 1915

EMPIRE HOOK AND LADDER

Upper Nyack’s resident fire company, Empire Hook and Ladder Company #1, is older than the incorporated village, having been founded in 1863. Using horse-drawn trucks at first, it acquired its first motorized truck in 1916. As noted above the fire company occupies the Upper Nyack Firehouse, the brick building that once also served as Upper Nyack Village Hall. Throughout its history, the fire company was supported by the Village and functioned as part of the Nyack Fire Department until early 2000 when it became part of the new Nyack Fire District. (See also **Section 8: Special Districts & Historic Landmarks** for further information on the Upper Nyack Firehouse.)



Historic View of Upper Nyack Schoolhouse Circa 1945

SCHOOLS

As early as 1797 there was a small log schoolhouse in Nyack on the north side of the “lane”, now Main Street, east of Broadway, where a majority of the 15 students were Smiths, Palmers, and Van Houtens from Upper Nyack. A school district corresponding to the present Upper Nyack was formed in 1844 and a schoolhouse measuring 18 feet by 26 feet was built on a tiny lot located above the Upper Nyack Brook on the south side of Old Mountain Road east of Midland Avenue. In 1885 the school district built a new two-room school at the head of School Street just north of Highmount Avenue. Over time rooms were added, a play field extending out to

Highmount Avenue was purchased, and a paved basketball court was constructed west of the school. Eventually there were eight classrooms serving a kindergarten and grades 1-8, with the two smallest classes being combined. An auditorium was created by opening folding walls between three classrooms, one of which had a stage. The School Street School served until 1955 when the first part of the current Upper Nyack Elementary School was built. Throughout its history the Upper Nyack School District contracted to send its students to Nyack High School. In the 1970s the Upper Nyack School District was consolidated with the Nyack and Valley Cottage Districts.



Aerial View of Petersen's Boatyard Circa 1960

BOATBUILDING

The boatyard originally started by John Van Houten has survived under a succession of owners, both thriving during good periods and losing money during depressions. Many sloops, schooners and steamboats were built there, and the boatyard has the distinction of having had the first marine railway on the Hudson and of being the first to put a retractable centerboard in a large wooden ship. Known locally for many years as Petersen's Boatyard, under the ownership of Danish-born Julius Petersen the boatyard built motor yachts for some of the

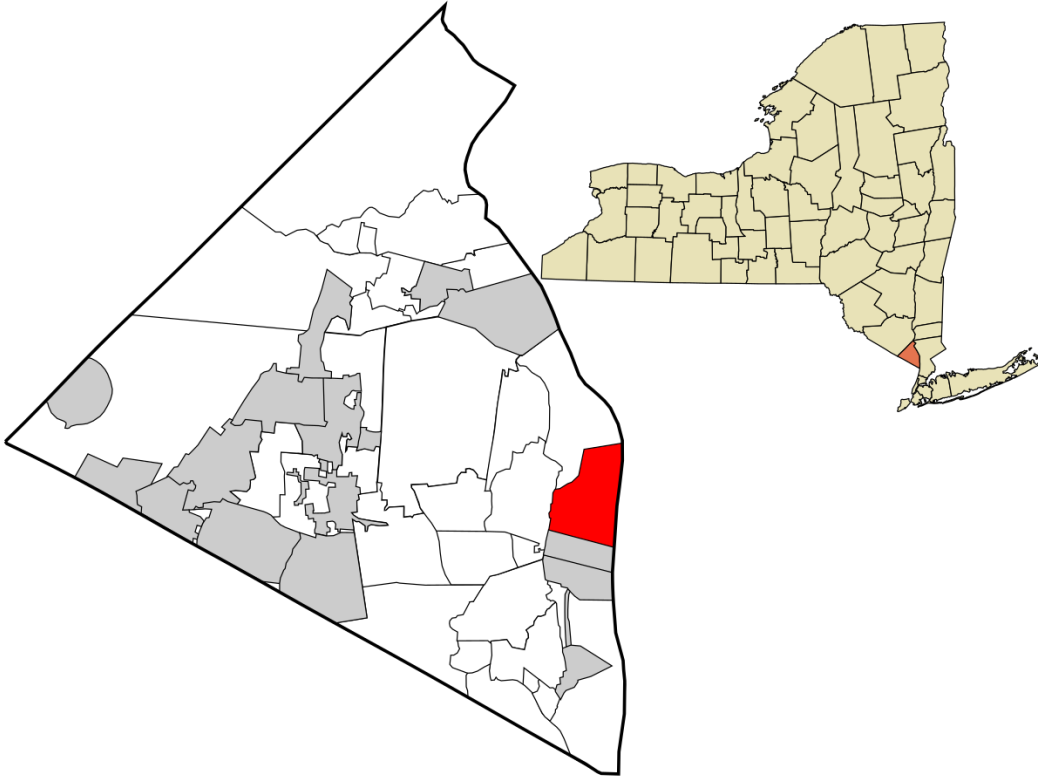
wealthiest Americans. During World Wars I and II the boatyard contributed to the war effort and built air-sea rescue boats and patrol boats for the military. After many years of storing and repairing pleasure boats, the boatyard under its current ownership does business as North River Shipyard, repairing larger commercial boats and building docks. (See **Section 6: Business & Economic Development** for further information on the **Marine Business District** of Upper Nyack.)

POPULATION

At the time of Upper Nyack’s incorporation in 1872 the population of the Village was about 400. It changed by varying amounts in each decade with large increases of 62% in the 1880’s and 56% percent in the 1920’s. The population of the Village doubled between 1940 and 1960. Since 1960 the population of Upper Nyack has consistently stayed within 10% of 2,000. (See **Section 3: Demographics** for further current information on the population of Upper Nyack.)



View North to Hook Mountain and Nyack Breach State Park



Section 3: Demographics

OVERVIEW

Upper Nyack is a village in the Town of Clarkstown, Rockland County, New York. In its 1.2 square miles on the west shore of the Hudson River, the Village of Upper Nyack is home to approximately 2,171 residents, according to the **The U.S. Census Bureau 2018 Population Estimate.**

AGE

The median age of Upper Nyack is 47.6. This is older than the median age of the neighboring villages of Nyack (38.4) and South Nyack (40.8) and is due to the demographic breakdown by generation. Of the three Villages, Upper Nyack has the largest proportion of residents younger than 20, the largest proportion of residents aged 60-69, and the lowest proportion of residents aged 20-39.

The proportion of Upper Nyack residents in their 20s is 5.8%, lower than Nyack (8%), South Nyack (18.6%), Valley Cottage (9%), or Clarkstown (10.7%). The proportion of Upper Nyack residents in their 30s is similarly low at 5.9%, as compared to Nyack (18.8%), South Nyack (9.8%), Valley Cottage (11.6%), or Clarkstown (10.3%). This comparative relationship of age brackets begins to change when comparing the percentage of residents in their 40s, 50s, and 60s. In these age brackets Upper Nyack is home to a larger proportion than any of its neighbors.

RACE AND ETHNICITY

Demographically the Village of Upper Nyack's population is: 87.7% white, 6.5 % African American, 3.3 % Asian, and 3.7% Hispanic/Latino.



INCOME

Upper Nyack is a relatively affluent village whose median household income of **\$127,167*** is more than double the U.S. median household income of **\$63,179*** and higher than New York State, Rockland County, or the neighboring municipalities. The male median income is **\$72,344***. The female median income is **\$45,859***. The percent of persons in poverty is **2.6%***, as compared to the U.S. poverty rate of **11.8%***.

HOUSING

There is a total of **816*** Housing Units in the Village. The housing stock of Upper Nyack is predominantly owner-occupied, single-family residential. The Village's rate of 91% homeownership is significantly higher than the U.S. national average of 63% or the Rockland County rate of 69%. The median property value in Upper Nyack is **\$534,000***.

COMMUTING AND TRANSPORTATION

Like much of the United States, the primary method of transportation to and from work for the Village of Upper Nyack is driving alone. Roughly 70% of Upper Nyack residents travel alone by car to and from work. The second most common method for commuting is no commute, with 15.5% of residents working from home. The third most common commuting method of Upper Nyack is the use of public transportation at 7.7%.

MISCELLANEOUS

The percent of the Village population with a high school graduate education or higher is **97.7 %***. The percent of the Village population with health insurance is **96.1 %***.

*Data according to the **2013 – 2017 American Community Survey 5-Year Estimates**, as provided in the **United State Census Bureau**.



Section 4: Planning Goals

OVERVIEW

In the two decades that have elapsed since the previous Village Comprehensive Plan was adopted much has changed in Upper Nyack and the greater Hudson Valley region, and much has stayed the same. Recognizing that the one constant is change, the overall goal of this Comprehensive Plan is for a thoughtful planning approach that acknowledges change while maintaining the character and quality of life that makes the Village of Upper Nyack a desirable place to live and work, and promotes the general health, welfare, and safety of village residents.

Section 4: Planning Goals

Comprehensive Guidelines for a Sustainable Community

PLANNING GOALS

At the start of this Comprehensive Plan process, the Village of Upper Nyack Comprehensive Plan Committee created a series of topic areas for discussion that considered the primary land-use, planning, growth, and development issues of the Village. Early in this process the Committee held a series of public workshops in order that Village residents have the opportunity to participate. The comments, concerns, and areas of interest expressed by Village residents were incorporated into the development and understanding of the main topic areas. Extensive review and discussion of these topic areas by the Comprehensive Plan Committee eventually led to the main topic sections that comprise this Comprehensive Plan.

The planning goals identified here represent a broad summary guideline for each of the main topic sections of the Comprehensive Plan. A more detailed look at the issues and recommendations for each topic can be found in the respective topic sections of this Comprehensive Plan.

It is the goal of this Comprehensive Plan to develop planning guidelines that support the following:

1. History

Establish a vision for the future growth and development of the Village that reflects an understanding of, and respect for, the history of Upper Nyack, the forces that shaped its development, and how those historical forces might continue to inform its future.

2. Residential Development

Embrace the core character and nature of Upper Nyack as a scenic, small-town, walkable community of single-family dwellings whose zoning provides affordable options for a range of socio-economic levels.

3. Business & Economic Development

Recognize the unique nature of commercial development in the Village:

- a. The main automobile- scaled commercial corridor on the western edge of the Village along Route 9W.
- b. The small historic, pedestrian-scaled business district in the center of the Village.
- c. The marine-business district with a prime location on the Hudson River that is part of a larger historic district that includes a community of long-standing residences.

Provide clarity and simplicity in each of the commercial district standards; continue to contain commercial development to these specific areas; and provide guidelines that respect the residential nature of the adjacent zoning districts.

4. Parks, Open Space, & Recreation

Promote stewardship of the significant and unique natural environment that encompasses the Village; a natural environment that provides opportunities for continual scenic enjoyment and recreational activity, and whose protection becomes increasingly more important as Upper Nyack, and the Hudson Valley region in general, continue to grow and develop.

5. Special Districts & Historic Landmarks

Protect the special districts and historic landmarks that are key elements of the history and identity of the Village. Encourage the preservation and maintenance of historic buildings, neighborhoods and sites. Where appropriate promote re-use in new ways that expand and enhance the preservation efforts.

6. Transportation, Traffic, & Pedestrian Safety

Improve the Village roadway network to promote the goal of ‘Complete Streets’ and provide a safe, clearly defined road structure for moving through the Village by motor vehicles, pedestrians, and cyclists. In all planning and construction decisions for the roadway infrastructure, continue the efforts of Upper Nyack to be a ‘Walkable Village’.

7. Infrastructure

Continue maintenance and improvements of the Village Infrastructure in order that these systems can provide a safe and healthy environment for Village residents and allow for orderly growth and development in the future.

8. Natural Resources

Protect the natural resources of the Village for future generations. Provide an informed identification and technical management of these resources in all land planning activity in the Village. Encourage urban forestry and the preservation of mature trees.

9. Quality of Life & Community Character

Enhance the quality of life of the Village through understanding the various development corridors and unique districts that comprise the character of the Village. New development should be consistent with these existing areas.

10. Climate Planning & Resilience

Recognize the broad environmental concern that acknowledges we are in a period of general climate change. Plan for the anticipated impacts that climate change may bring. Become a more climate-resilient community by:

- a. Protecting open spaces and undeveloped lands
- b. Maintaining and protecting environmentally sensitive areas and natural resources
- c. Mitigating the negative impacts of storm water runoff
- d. Practice water conservation & re-use
- e. Reduce the Village carbon footprint
- f. Encourage alternative energy systems and energy conservation methods



Section 5: Residential Alternatives

OVERVIEW: UPPER NYACK...A RESIDENTIAL COMMUNITY

Upper Nyack's early settlement consisted of a half dozen large farms. Over time farming activity began to include quarrying activity along the riverfront, and both activities created the need for shipbuilding. As the shipbuilding business developed, homes were built in the area around the shipyard for ship captains, shipyard owners, ship carpenters, and other small businessmen and their families. By the 1830s, as the neighboring Village of Nyack began to establish itself as the dominant commercial hub

for the area, many of the Upper Nyack farms began to give way to the development of large estate homes along Broadway and the riverfront, and Upper Nyack began a transition from farming community to residential community. This transition to residential development continued into the 1900s, and in the mid- 1950s increased dramatically with the opening of the Tappan Zee Bridge and the subsequent increase in population throughout Rockland County. These homes, typically smaller than the larger estate homes of North Broadway and the riverfront, and often one-story, make up a significant percentage of the Village's housing stock west of Midland Avenue. (For further information on the residential development of Upper Nyack see also **Section 2: History**.)

Beginning with the advent of Upper Nyack's first zoning ordinance circa 1928, the Village of Upper Nyack's land use regulations, as developed in that first and subsequent zoning ordinances, reflect the fact that Upper Nyack is largely a residential village of single-family dwellings. The ordinances map a long history of land use in the Village that include considerations of density, building scale, site drainage, the physical environment, pedestrian use, and motor vehicle traffic; how these issues shape the character of the Village; and how these issues impact Village residents.



Single Family Residences in the Current R-4 District

RESIDENTIAL ZONING & THE PREVIOUS COMPREHENSIVE PLAN

The previous Village Comprehensive Plan (produced in 1999) included comments and suggestions from the public that had been received since the early 1980s. Several of the Planning Goals adopted in that Plan specifically identified residential-related Planning Goals that still have validity today as the Village considers future Residential Alternatives:

1. *Preserve and enhance the distinctive character of the Village, which is perceived as peaceful, quiet, scenic, suburban and small town.*
2. *Allocate available space to provide opportunity for the development of a reasonable number of new homes in a wide range of cost brackets consistent with the existing neighborhoods.*
3. *Provide for an increase in the amount of housing that is affordable to people of limited means, such as retired and younger residents. Provide for an increase in variety of housing for long term residents of the Village, such as senior residences and controlled accessory apartments.*
4. *Eliminate and prevent unsafe and illegal dwelling units.*
5. *Encourage the preservation and maintenance of historic buildings, neighborhoods and sites in Upper Nyack.*

In support of those Planning Goals, the previous Village Comprehensive Plan proposed the following Residential land use categories:

1. ***R-80 Residential-Conservation***
Areas that are predominantly steep and/or are of significant scenic value to the community, permitting residential use at a density of one single family dwelling per two acres with special environmental care.
2. ***R-40 Low-Density Residential***
Areas for residential use at a density of one single family dwelling per acre. Community facilities and limited home occupations may be permitted by special permit.
3. ***R-30 Low-Medium Density Residential***
Areas for residential use at a density of approximately one single family dwelling per three-quarters of an acre.

4. R-20 Medium-Density Residential

Areas for residential use at a density of approximately one single family dwelling per one-half acre.

5. R-10 Medium-High Density Residential

Areas for residential use at a density of one single family dwelling per one-quarter acre.

6. R-7.5 High-Density Residential

Areas for residential use at a density of one single family dwelling per 7,500 square feet.



Single Family Residences in the Current R-3 District

In addition to the six specifically defined Residential Zoning Districts that it proposed, the previous Village Comprehensive Plan noted the following additional general category:

Section 5: Residential Alternatives

Comprehensive Guidelines for a Sustainable Community

7. Special Situations

In all residential use areas, one accessory apartment may be allowed in an owner-occupied dwelling by special permit, if appropriate special standards are met, with the special permit being reviewed and reissued on a periodic basis. Those special standards might include age of the existing house, owner occupancy, limitation of accessory apartment size, exterior appearance of the house, provisions for off-street parking and related considerations.

Certain large, older homes and Hudson River-front mansions of significant architectural value and with large landscaped lots, should be preserved. To assist in accomplishing this, provision should be retained for the re-use of these residential structures for multi-family condominium and cooperative ownership. subject to special permit approval based on specified standards and criteria, including incentive provisions designed to encourage preservation.

With the inclusion of 'Special Situations' the previous Village Comprehensive Plan sought to provide a mechanism to address two stated goals: (a) provide a variety of housing that is affordable to younger residents, retired residents, and / or residents of limited means; and (b) maintain and preserve larger older homes or properties and riverfront mansions of significant architectural value.



Single Family Residences in the Current OB District

THE CURRENT RESIDENTIAL ZONING ORDINANCE

The current Zoning Ordinance, using a different nomenclature from that of the previous Comprehensive Plan, defines the following five residential zoning districts:

1. **Residence R-1:** 40,000 sf minimum required lot area. This Zoning District is consistent with the ***R-40 Low Density Residential*** category proposed by the previous Comprehensive Plan.
2. **Residence R-2:** 30,000 sf minimum required lot area. This Zoning District is consistent with the ***R-30 Low-Medium Density Residential*** category proposed by the previous Comprehensive Plan.
3. **Residence R-3:** 20,000 sf minimum required lot area. This Zoning District is consistent with the ***R-20 Medium Density Residential*** category proposed by the previous Comprehensive Plan.
4. **Residence R-4:** 10,000 sf minimum required lot area. This Zoning District is consistent with the ***R-10 Medium-High Density Residential*** category proposed by the previous Comprehensive Plan.
5. **Residence R-5:** 7,500 sf minimum required lot area. This Zoning District is consistent with the ***R-7.5 High Density Residential*** category proposed by the previous Comprehensive Plan.

NOTE: The current Zoning Ordinance does not include a residential zoning district that reflects the proposed ***R-80 Residential-Conservation*** category (proposed density of one single family dwelling per two acres with special environmental care).

Allowable Uses

The five current residential zoning districts all define the primary permitted residential use as One-Family Detached Dwellings. One-Family Dwelling is defined in the ordinance as *'a detached building designed for or occupied exclusively by one family'*.

The Residence R-1 and R-2 Districts also include 'Special Provisions for Oversize Lots' which allow for limited additional residential structures on a lot: guest residence, residence for caretaker/employees, or residence for family members (parents, children or in-laws only). The regulations include limitations on the specific square foot size and number of the additional residential structures, do not allow structures for rental income, and do not allow a greater than as-of-right density.

Additionally, the Residence R-1, R-2, and R-3 Districts all allow, via Special Permit, Places of Assembly-Worship which may include co-located facilities such as Day Care, School, Dormitory, and Dwelling Units for faculty, graduate students and their families, caretakers, staff, etc.

The current zoning ordinance includes a listing, under Definitions, for Two-Family Dwellings: *'a detached building containing two dwelling units*. Two-Family Dwellings are not a permitted use in any of the residential zoning districts. The zoning ordinance definition may have been included to recognize the fact that there are pre-existing, non-conforming Two-Family Dwellings currently in the Village.

Other Residential Alternatives in the Zoning Ordinance

Three other residential alternatives are specifically identified in the existing zoning ordinance:

1. Multiple Dwelling Conversion

The Zoning Ordinance allows, via Special Permit, conversion of a building constructed prior to January 18, 1962 into a Multiple Dwelling. It defines a Multiple Dwelling as *'a building or portion thereof containing three or more dwelling units and further as defined by the Multiple Residence Law and the State Building Ordinance of the State of New York'*. It limits the maximum number of dwelling units to the number of as-of-right building lots were the property to be subdivided per the requirements of the zoning district in which it is located.



View of 'River House' at 531 North Broadway

2. Cluster Development

The Zoning Ordinance allows for the Planning Board, at its discretion, and if it feels it would benefit the Village, *'to modify applicable provisions of the said Zoning Ordinance'* in any Residential District or in a Commercial District when a Special Permit for residential use has been issued. The stated purpose of this section of the ordinance is to *'enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of the land'*.

It limits the maximum number of dwelling units to the number of as-of-right building lots were the property to be subdivided per the requirements of the zoning district in which it is located. A further distinction is that in Residential Districts the cluster development shall consist of only one family homes on individual lots. In Commercial Districts the cluster development can consist of attached or detached single family homes.

3. Senior Care Facilities Excluding Nursing Homes

Although technically a residential alternative, this is not a permitted use in any of the residential zoning districts. The Zoning Ordinance references Senior Care Facilities (Excluding Nursing Homes) which it defines as *'a privately-operated for-profit business which provides studio, and / or one- and two-bedroom living accommodations, personal care services and support facilities in a living campus for people who are 62 years of age or older. The facility must contain common dining areas and a common kitchen to serve the residents on a regular basis'*. With the consideration that these facilities are for-profit businesses, they are allowed in the Commercial OB District only.

RESIDENTIAL ALTERNATIVE ISSUES

One of the positive attributes of Upper Nyack lies in its history as a residential community of single-family dwellings with a diversity of sizes, styles, natural views, property values, etc., that accommodate a wide range of residential housing needs.

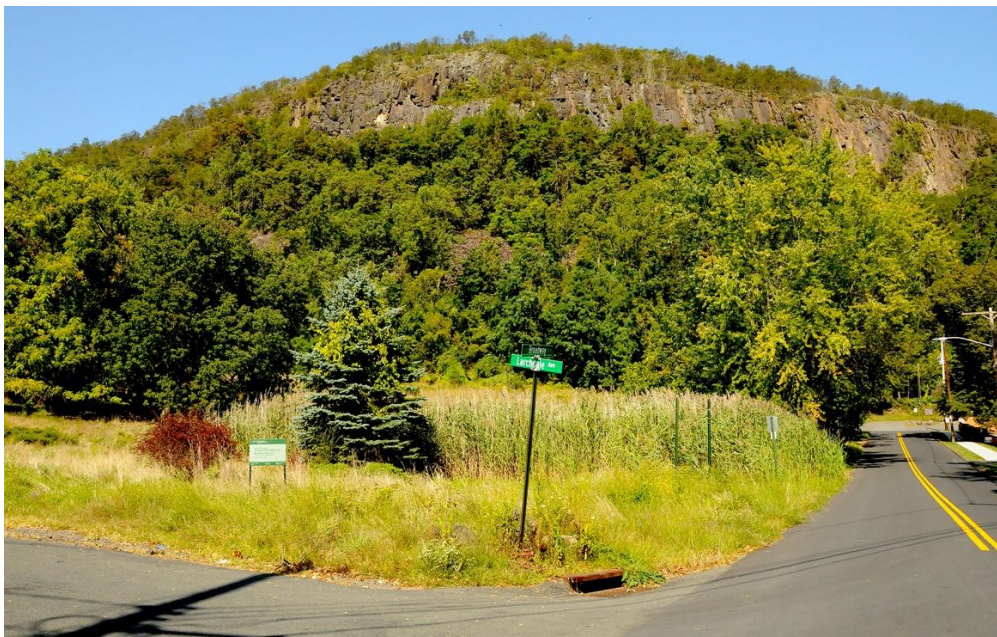
Casual observers often see Upper Nyack only through the view of North Broadway, the main residential promenade for both Nyack and Upper Nyack, lined with historically detailed, architecturally interesting, residences as it extends from the business center of Nyack to its termination amid the natural beauty of Hook Mountain and Nyack Beach State Park.

But a closer view of the Village, both through its zoning ordinance and its actual development, would show a community with a wide variety of single-family dwellings running from the Village of Nyack north to the natural boundary of Hook Mountain,

bounded on the west by the commercial strip along Route 9W, and on the east by the Hudson River. As this community of single-family dwellings extends from the south abutting the Village of Nyack to the north, the properties start out generally smaller in size, gradually becoming larger properties as they progress north towards Hook Mountain. Similarly, as this community of single-family dwellings extends west from the commercial strip along Route 9W to the east, the properties start out generally smaller in size, gradually becoming larger properties as they progress east towards the Hudson River.

This change in scale and density is reflected in the zoning ordinance. Starting at the south end of the Village, the zoning districts generally establish higher density zoning and progress to lower density zoning moving north towards Hook Mountain. Similarly moving west to east, the zoning districts generally establish higher density zoning and progress to lower density zoning moving east towards the Hudson River.

This is not an exact rule of the scale and zoning density everywhere; exceptions such as Van Houten's Landing and the homes around the shipyard occur throughout the Village. But this general progression of denser development near the commercial districts of the Nyack downtown and the Route 9W Business Corridor, leading to generally more expansive properties and less dense development east towards the Hudson River and north to Hook Mountain establishes a subtle but coherent underlying element in the character of the Village.



View North to Portion of Land Added to Hook Mountain State Park in 2017

Consistent with this, over the last several years the Village of Upper Nyack has been fortunate to have two significant parcels of land pass from the realm of private ownership and possible subdivision/development into public parkland and municipally owned open space. Maintaining both parcels intact contributes to the more expansive sense of the Village at its northern end, ties into the Village's earlier history of open farmland, and recognizes the major natural and scenic features of the land that are part of the Village landscape. (See **Section 7: Parks, Open Space, & Recreation.**)

However, as property values increase, and the Village becomes largely built out, maintaining the underlying characteristics of the Village often stand at odds with the on-going pressure to maximize property value through the sub-division of large properties into smaller lots and the development of smaller and/or more marginal sites.

The pressure to subdivide further and build on previously marginal sites often leads to issues that include the development of environmentally critical areas, the creation of oversized dwellings, increased impervious surfaces, the infringement of view sight lines, threats to the preservation of historic houses and properties, storm water runoff and drainage, etc.



Single Family Residences in the Current R-4 District

Beyond the scenic and built physical attributes of the Village, there is the consideration for the underlying demographics of the Village. The Village of Upper Nyack has a wide range of zoning districts reflecting a wide range of single-family housing types. While this range of zoning generally promotes the goal of a socio-economically diverse population, the continued desirability of Upper Nyack and the riverfront communities tends to keep housing prices high. As property values increase and Upper Nyack becomes largely built out, it becomes more difficult to provide for a diverse range of residents, including long term senior residents/retirees who wish to remain in the Village, new and/or younger residents who are interested in making Upper Nyack their home, and individuals at all socio-economic levels and age ranges who seek to reside in the village.

GOALS & RECOMMENDATIONS

Earlier in this Section five residential-related Planning Goals from the previous Upper Nyack Comprehensive Plan were identified that still have validity today. As the Village considers future Residential Alternatives that support the vision of these Planning Goals, it should develop modifications to its zoning ordinance that address the following issues:

1. Rename the Zoning Districts to Reflect Density

Revise the nomenclature for the zoning districts as currently used in the Zoning Ordinance (R1, R2, R3, R4, and R5) to designations, as used in the previous Comprehensive Plan, that are more descriptive of the zoning district and its density. The following Zoning District designations are proposed:

a. **R-7.5 High Density Residential:**

Residential Zoning District with 7,500 sf minimum required lot area.
Replaces current R-5 Zoning District

b. **R-10 Medium-High Density Residential:**

Residential Zoning District with 10,000 sf minimum required lot area.
Replaces current R-4 Zoning District

c. **R-20 Medium Density Residential:**

Residential Zoning District with 20,000 sf minimum required lot area.
Replaces current R-3 Zoning District

d. **R-30 Low-Medium Density Residential:**

Residential Zoning District with 30,000 sf minimum required lot area.
Replaces current R-2 Zoning District

e. **R-40 Low Density Residential:**

Residential Zoning District with 40,000 sf minimum required lot area.
Replaces current R-1 Zoning District

2. Create R-80 Residential-Conservation District

The existing R-4 Residence Zoning District extends east to west along the south end of the Village. At its west end this zoning district abuts the Town of Clarkstown **R-160 Conservation Density Residence Zone**. Given the significant underlying physical and environmental constraints in this area including steep slopes, it is recommended that the undeveloped portion of the existing R-4 Residence Zoning District abutting the Town of Clarkstown R-160 Conservation Density Residence Zone, be designated as a new **R-80 Residential-Conservation District**, permitting residential use at a density of one single family dwelling per (2) two acres.

3. Create R-160 Residential-Conservation District

Large areas at the north end of the Village are part of Hook Mt. State Park and Nyack Beach State Park. While these areas are dedicated New York State park land, should there ever be a New York State mechanism that divests these areas as part of the state park system and they return to private ownership, they should have underlying zoning that reflects the significant natural features and limited infrastructure of these areas. It is recommended that a new **R-160 Residential-Conservation District** be created for this area, permitting residential use at a density of one single family dwelling per (4) four acres. The land on which Marydell Faith and Life Center is located should also be included in this zone.

4. Affordability

Provide an opportunity for homeowners to stay in their homes longer and the possibility of retaining second and third generation residents while also providing a mechanism to meet the housing needs of people at various incomes, age levels, and household compositions. Two appropriate options for the Village of Upper Nyack are:

a. Owner Occupied Accessory Apartments

In all residential use areas, provide allowance for (1) one accessory apartment in an owner-occupied dwelling by Special Permit. This use would require compliance with all Building Ordinance regulations and specific standards that might include age of the existing house, owner occupancy, limitation of accessory apartment size, exterior appearance, provision for off-street parking, and impact on adjacent residents. The Special Permit would have a defined time period requiring re-review and re-approval on a periodic basis. This use would not run with the property.

b. Short Term Lease / Rentals

In all residential use areas provide allowance for Short Term Lease / Rentals (e.g. Airbnb) by Special Permit. This use would require compliance with all Building Ordinance regulations and specific standards that might include density limits, provision for off-street parking, and violation enforcement / penalty provisions so that this use is not a misuse that negatively impacts adjacent

residents. Short Term Lease / Rentals would require registration by the homeowner with the Village. The Special Permit would have a defined time period requiring re-review and re-approval on a periodic basis. This use would not run with the property.

5. Preservation

Certain large, older homes and Hudson River-front mansions of significant architectural value with well-established large landscaped properties should be preserved. To assist in accomplishing this, the provision for the re-use of certain qualifying residential structures for multi-family condominium and cooperative ownership, as currently defined under '**Multiple Dwelling Conversion**' in the Zoning Ordinance, should be retained but modified as follows:

- a. Conversion requires a Special Permit.
- b. The Special Permit should have a defined time period requiring re-review and re-approval on a periodic basis.
- c. Approval is limited to the maximum number of dwelling units in the conversion being equal to the number of as-of-right building lots were the property to be subdivided per the requirements of the zoning district in which it is located. This is to be demonstrated by submission of a standard subdivision plan approvable by the Planning Board.
- d. Conversion is based on specified standards and criteria including incentive provisions designed to encourage preservation.
- e. Expansion of, or addition to, an existing building where a conversion is proposed may be considered if it maintains the distinct character and significant architectural value of the existing building and is not greater than 10% of the footprint of the existing building.



Historic Color Postcard View of 531 North Broadway

6. Oversize Dwellings

As the Village of Upper Nyack is largely built-out, new construction often takes place on more marginal infill sites. These sites are often smaller, more minimally sized sites and their development often seeks to maximize the allowable build-out. Such site development may visually overwhelm existing adjacent properties which were constructed at an earlier time, are often smaller buildings, and generally did not seek to maximize site build-out.

In addition, the current Zoning Ordinance of Upper Nyack has a ‘one-size-fits-all’ approach to building height, allowing a 35’ building height on all lots in all zoning districts. On smaller lots new infill homes that maximize the current allowable building height may appear too large for their lots or for their context. The result of such development is an increase in perceived neighborhood density, a loss of open space character, and even possible bad neighborhood relations. Two possible zoning techniques to address these issues are:

a. Floor Area Ratios (FAR)

In all residential use areas provide allowance for the use of residential floor area ratios (FARs) to control buildable area and building bulk on residential lots. The present ordinance uses two percentage requirements for lot coverage: one for the principal residence and one for all development coverage. With the FAR requirement for the total construction on the site the Village would have an important planning tool that, in regulating the aggregate floor area of principal structures and accessory structures, would better address the issue of new or expanded houses becoming too large for their lots and out of scale with the surrounding neighborhood. Implementation of FAR requirements should include a detailed look at ‘*occupiable spaces*’.

b. Building Height Based on Distance from Lot Line

In all residential use areas establish the allowable building height as a ratio based on the distance from the lot line. This ratio is, in effect, a sliding scale that would be set such that some smaller lots might not allow a height of 35’ as currently uniformly set. The intent is to establish building heights that ‘respond’ to lot size and are more in harmony with neighboring houses. The calculation for building height should be taken from all lot lines.

7. View Sight Lines

The Village of Upper Nyack currently has no regulations regarding view sight lines. View sight line issues in Upper Nyack generally refer to scenic views of the Hudson River, although scenic views of Hook Mountain are similarly deserving of consideration. While often difficult and complex to regulate, the ability to view the Hudson River and Hook Mountain from properties and public streets that are more inland due to their higher elevation help contribute to the Village’s greater sense of its identity being bound to the Hudson River and Hook Mountain. As legitimate

property values, view sight lines deserve consideration by the Village's land use boards in review of proposed site plans. In general, guidelines might be developed for all residential zoning districts in the Village establishing parameters that limit the extent to which existing scenic views may be infringed on by new construction while also allowing for a property owner's right to build within the regulations of the Zoning Ordinance and the bulk requirements of their specific zoning district. More specific to the Hudson River, creating a **Hudson River Overlay Zone** for the extent of Upper Nyack between North Broadway and the Hudson River would provide an opportunity to develop regulations to include consideration for view corridors, setbacks, building height, slopes, landscaping, preservation of significant trees, and development of the riverfront edge (including walls, docks, and other structures). (See also **Section 6: Business & Economic Development**, **Section 8: Special Districts & Historic Landmarks**, **Section 11: Natural Resources**, and **Section 12: Quality of Life & Community Character** re: **Hudson River Overlay Zone**.)



Single Family Residence in the Current R-3 District

8. Accessory Uses to Non-Residential Uses

Where Places of Assembly/Worship include co-located facilities (e.g. Day Care, School, Dormitory, or Dwelling Units for faculty, graduate students, staff, etc.) such facilities should be subject to:

- a. Review and approval by Special Permit.
- b. The Special Permit should have a defined time period requiring re-review and re-approval on a periodic basis.

- c. Approval is limited to the maximum number of dwelling units in the co-located facilities being equal to the number of as-of-right building lots were the property to be subdivided per the requirements of the zoning district in which it is located. This is to be demonstrated by submission of a standard subdivision plan approvable by the Planning Board. The approvable standard subdivision plan shall include a lot dedicated to the principal use only. The balance of the property may then be calculated for co-located facilities equal to the number of as-of-right building lots were the balance of the property to be subdivided per the requirements of the zoning district in which it is located. **NOTE:** If the property under consideration is located in a Commercial District the determination for maximum number of dwelling units shall be determined as noted above per the requirements of the adjacent Residential Zoning District. Where adjacent to two Residential Zoning Districts, that district with the greater square foot minimum building lot size requirement shall be utilized.

9. Two Family Dwellings

The current Zoning Ordinance does not allow Two Family Dwellings as a permitted use. Two family dwellings require a higher density of site development, particularly with the provision for vehicle parking, that is generally unsuitable in character in all of Upper Nyack's single-family dwelling zoning districts. It is recommended that this use continue to be not permitted in all Zoning Districts.

10. Multi-Family Dwellings

The current Zoning Ordinance does not allow Multi-Family Dwellings as a permitted use but allows for **Multiple Dwelling Conversion** in limited instances (as previously noted in 'Preservation' above) where the preservation of certain large, older homes and Hudson River-front mansions of significant architectural value are made possible. Multiple Family Dwellings are generally unsuitable in character in all of Upper Nyack's single-family dwelling zoning districts. It is recommended that the **Multi-Family Dwelling** use continue to be not permitted in all Zoning Districts, with the limited allowance for **Multiple Dwelling Conversion**, as recommended in 'Preservation' above.

11. Cluster Development

The current Zoning Ordinance allows **Cluster Development**, as stated earlier, in any Residential District or in a Commercial District when a Special Permit for residential use has been issued, if the Planning Board, at its discretion, feels it would benefit the Village and in order to *'enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of the land'*.

It is recommended that the Zoning Ordinance continue to allow **Cluster Development**, with the purpose of preserving the natural and scenic qualities of open lands, protecting critical environmental areas, and preserving scenic views, as follows:

- a. By discretion of, or at the direction of, the Planning Board, and in accordance with NY State Village Law for Subdivision Review of Cluster Development.
- b. Allowed only in the Proposed R-40 Zone (existing Residence R-1 Zone), the proposed R-80 Residential-Conservation District, and the proposed R-160 Residential-Conservation District.
- c. Not allowed in any Commercial Districts.
- d. Maximum number of dwelling units limited to the number of as-of-right building lots if the property were subdivided per requirements of the zoning district in which it is located. This is to be demonstrated by submission of a standard subdivision plan approvable by the Planning Board.
- e. Preserved open space is protected in perpetuity through donation of easements, covenants, and/or other intractable provisions, and shall be noted on the official Village Map.

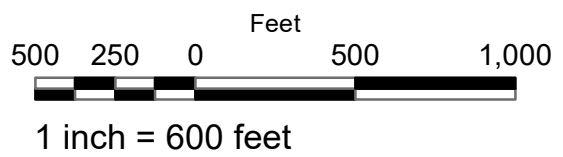
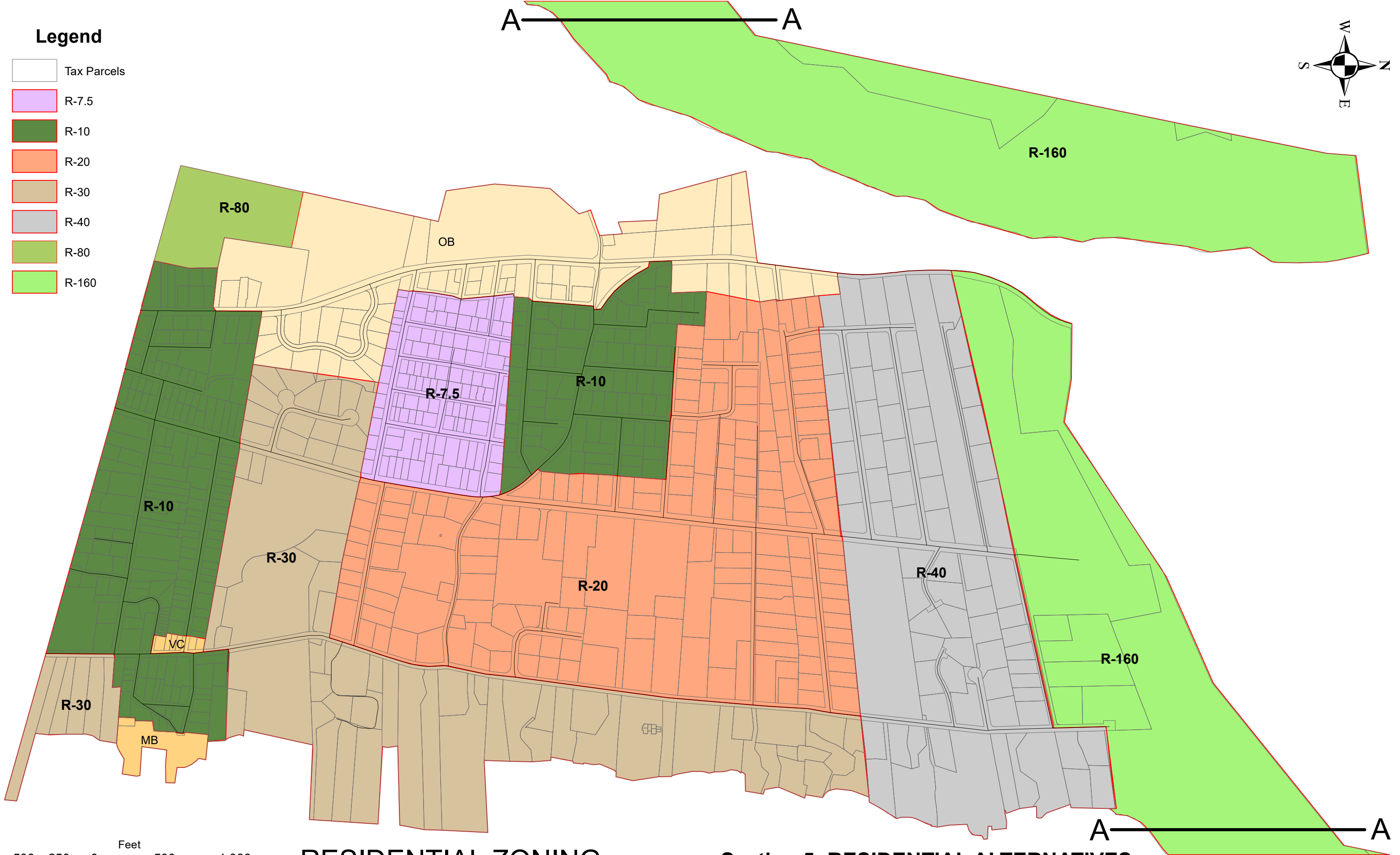
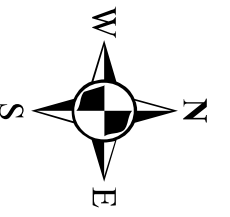
12. Senior Care Facilities

The current Zoning Ordinance allows **Senior Care Facilities** as a Permitted Use by Special Permit, in the existing Office Business (OB) Commercial District only. It is recommended that the Zoning Ordinance continue to allow **Senior Care Facilities** as follows:

- a. Continue to allow by Special Permit.
- b. Allowed only in the Commercial District along the Route 9W Corridor.
- c. Access to the facility to be from Route 9W only.
- d. Not allowed in any Residential Districts.

Legend

- Tax Parcels
- R-7.5
- R-10
- R-20
- R-30
- R-40
- R-80
- R-160



RESIDENTIAL ZONING DISTRICTS

Section 5: RESIDENTIAL ALTERNATIVES
The Village of Upper Nyack Comprehensive Plan
Date: April 20, 2021



Aerial View South Along Route 9W

Section 6: Business & Economic Development

OVERVIEW

While predominantly a residential village, Upper Nyack has traditionally had three distinct business zones: **Route 9W Corridor**, **Village Center**, and the **Marine Business District**. As their names imply, the three business areas vary greatly in their location, their character, the nature of their business development, and their interaction with the residential areas of the village. In each of the three business districts, developing appropriate zoning regulations and performance standards is a balancing act between competing interests.

1. ROUTE 9W CORRIDOR

DESCRIPTION

Largest of the Village's business zones, this area flanks Route 9W as it runs north-south for a distance of approximately one-mile through the western edge of the Village. A small segment of Route 9W abuts a portion of one of the Village's two R4 Residential Districts at its north end. At the southernmost section Route 9W passes through and is flanked on both sides by the Village's other R4 Residential District.

For travelers on Route 9W, a New York State-maintained through-route, this commercial district is the face of Upper Nyack. This corridor is comprised of a variety of commercial businesses that serve both Village residents and the greater community that passes through every day. This road supports the largest volume of vehicle traffic in the Village.

Commercial uses currently active along this corridor include restaurants, automotive-related businesses, professional offices, and several unique miscellaneous businesses. In addition, other institutional uses including Nyack High School, a house of worship, a corporate-style educational facility headquarters, and the Village's DPW building.

Although this area consists of a main state route passing through a business/office/commercially zoned district, there is a distinct residential feel along the east side of Route 9W. Many of the commercial buildings here are residential in scale and design. Residences that are located on Birchwood Avenue, Elm Street, Oak Street, and Glenbrook Road have side yards that abut the eastside of Route 9W as these residential streets intersect with Route 9W. In addition, the residential development of six properties on Roseland Road was planned such that half the properties have a flag lot configuration thereby allowing these lots to access local residential streets and not front on Route 9W. And finally, there is the residential development of 18 properties, originally known as 'Courtyard of Upper Nyack', on Riverton Drive.

Travel through this corridor presents several broader natural vistas besides the developed areas described above. There is visual awareness of the ridgeline that abuts the Village of Upper Nyack west of the properties that front Route 9W. Wooded and steeply sloped, this undeveloped land is located in the Town of Clarkstown's **R-160 Conservation Density Residential District** and extends for most of the length of this western edge of the Village. And midway through this corridor there is an expansive view to the east of the Hudson River and Westchester County beyond.

This travel corridor has also increasingly become a major bicycling route. From Christian Herald Road north, it is part of New York State Bike Route 9 running from New York City to the Bear Mt. Bridge, up to Albany, through the Adirondacks, and ultimately to the Canadian border.

Given the extent of this district, its location along the heavily trafficked Route 9W, and the size of several of the land parcels, this district is distinctly different from the ‘walkable village’ concept that is an inherent part of the rest of Upper Nyack. These characteristics also mean that the Route 9W Corridor has the greatest potential for new development and changes in use.



Southeast Aerial View of Route 9W Corridor

ZONING

The current zoning ordinance divides this corridor into two distinct districts: **Laboratory Office (LO)** and **Office Business (OB)**. Current zoning restricts the **LO District** to a limited number of permitted uses: professional offices, medical labs, clinics, and doctor’s offices. Current zoning for the **OB District** defines the same limited number of permitted uses, but has a broader range of uses permitted by

Special Permit, including restaurants, delis, stores, craft shops, service businesses, etc.

GOALS & RECOMMENDATIONS

In assessing the use and development of the **Route 9W Corridor Business District** since the last Comprehensive Plan / Zoning Ordinance, planning for the continued future business use and development along this corridor should include the following considerations:

1. Create A Single Consistent Zone Throughout the Corridor

There is no discernible need to break this district down into two different zones with different allowable uses and regulatory requirements, as established in the current zoning ordinance. In the **OB District** the present zoning regulations allow a limited number of Permitted Uses and then a long list of Uses Permitted by Special Permit. In the **LO District** only a few Permitted Uses are allowed, with no additional Uses Permitted by Special Permit. This creates a confusing intent for the zoning regulations along this entire corridor, with the added possible burden of needing to obtain a Use Variance in some instances for a Use permitted in one zone but not the other.

Creating a single **Route 9W Corridor Business District** that replaces the existing **LO** and **OB Districts** will allow for a consistent and coherent use and development of this area. In developing a single Business District, the goal is to eliminate the distinction between a few Permitted Uses and separate Uses Permitted by Special Permit only. Instead, the zoning regulations should develop a single, broad list of uses determined to be appropriate for this commercial district, and additionally regulated by Performance Standards, that are then defined as Permitted Uses.

2. Automobile Scale

The intent of this commercial district is to allow a variety of business uses with standards that provide for safe and efficient automobile access from this major state roadway. Uses in this commercial district require compliance with NY State Department of Transportation regulations for ingress from and egress onto Route 9W. The Village zoning code regulations for required parking should be reviewed to determine that they are consistent with current traffic engineering standards for the specific business uses specified, as defined by the Institute of Transportation Engineers (ITE) and the Urban Land Institute (ULI).

3. Buffer/Transition to Adjacent Residential

Understanding that this automobile-oriented business district abuts residential districts along the east side, all allowed commercial uses should be required to be within fully enclosed structures and subject to specific buffer/screening

requirements and strict environmental standards whose intent is to prevent adverse impact on adjacent or nearby residential areas. Special consideration should be given to:

- a. Site Coverage
- b. Setbacks from Residential Uses
- c. Building Height and Visual Impact
- d. Performance Standards for Noise, Lighting, Odors, Debris, Outdoor Storage, Equipment, etc.
- e. Landscaping and Visual Screening
- f. Commercial Signage
- g. Hours of Operation
- h. Storm Water Runoff



View East on Riverton Drive

4. Adjustment of District Lines

Much of the east side of the Route 9W Corridor has become residential use. Two of the larger planned developments noted earlier addressed their location along this corridor with specific buffer setbacks and enhanced landscaping screening. Consideration should be given to changing the existing commercial zoning on the east side of Route 9W, from Christian Herald Road south to the southern entrance of Riverton Drive, to a residential zoning that is appropriate to the area's current use and density. This would bring the underlying zoning of this area into alignment with its actual use, along with the recognition that it is part of the 'Walkable Village' concept for Upper Nyack.



View North of Village Center District

2. VILLAGE CENTER DISTRICT **DESCRIPTION**

At the intersection of Broadway and Castle Heights Avenue, the **Village Center District** is figuratively and literally the heart of Upper Nyack. Smallest of the three business zones, it fronts on the west side of Broadway only, extending from the Upper Nyack Firehouse south to School Street. The **Village Center District** is also part of the **Van Houten's Landing Historic District**, an area of historic significance as designated in 2004 by the National Park Service in the National Register of Historic Places. This historic district is one of only eight nationally designated historic districts in Rockland County. (See also **Section 8: Special Districts & Historic Landmarks** for further information on **Van Houten's Landing Historic District**.)

The **Village Center District** is entirely built out with existing buildings and essentially no available land parcels for expansion or new development. There are only six buildings in this district, including:

1. The Upper Nyack Firehouse

Originally the Village Hall and Upper Nyack Firehouse, this historic building is owned by the Village. After the adjacent building was converted into the present Village Hall, this building was leased to the Joint Nyack Fire District for use by the Empire Hook and Ladder Company #1.

2. The Upper Nyack Village Hall

This historic two-story building houses the Village Hall on the First Floor and tenant office space on the Second Floor. It is the only building in this district with off street parking, located directly behind it and accessed off Castle Heights Avenue.

3. Commercial Building at Corner of Broadway and Castle Heights Avenue

A commercial retail building with less historic details than the other buildings in this district, this building has storefronts on both Broadway and Castle Heights Avenue. It is a mixed-use building, with apartments above and a delicatessen and liquor store below.

4. Commercial Building at Corner of Broadway and School Street

Best known as the subject of the 1948 Edward Hopper painting entitled "Seven A.M.," this building which once housed the village post office, has had a long history of business uses including a bookshop, eat-in deli, and an antiques store. Currently used as a residence, its storefront on Broadway will always lend itself to future business uses.

5. Private Residences

There are two private residences between Commercial Building #3 and Commercial Building #4. While currently used as single-family residences, their location in the Village Center District allows for them to change use in the future to any of the business uses permitted in this district.

ZONING

The previous Village Comprehensive Plan identified in brief terms a **Local Business (LB)** zone, describing it as *'Areas for retail and service establishments intended for service primarily to local or Village consumer needs'*.

The current zoning ordinance renamed the **LB** zone the **Village Center (VC) District** and expanded on the intention of this district in stating:

'The purpose of the Village Center (VC) District is to provide for the continued use and protection of the older commercial buildings near the Village Hall and permit uses that are pedestrian oriented and for the convenience of local residents. Businesses in this district shall be characterized as able to function with a minimum

amount of vehicular traffic and disturbance to adjacent residential uses. Additionally, design review and approval will be conducted to ensure that changes to buildings, additions, or new buildings will be compatible with the existing setting created by the structures in this area.'

GOALS & RECOMMENDATIONS

In assessing the use and development of the **Village Center District** since the last Comprehensive Plan / Zoning Ordinance, planning for the continued future business use and development of this area should include the following considerations:

1. Preservation of Existing Buildings

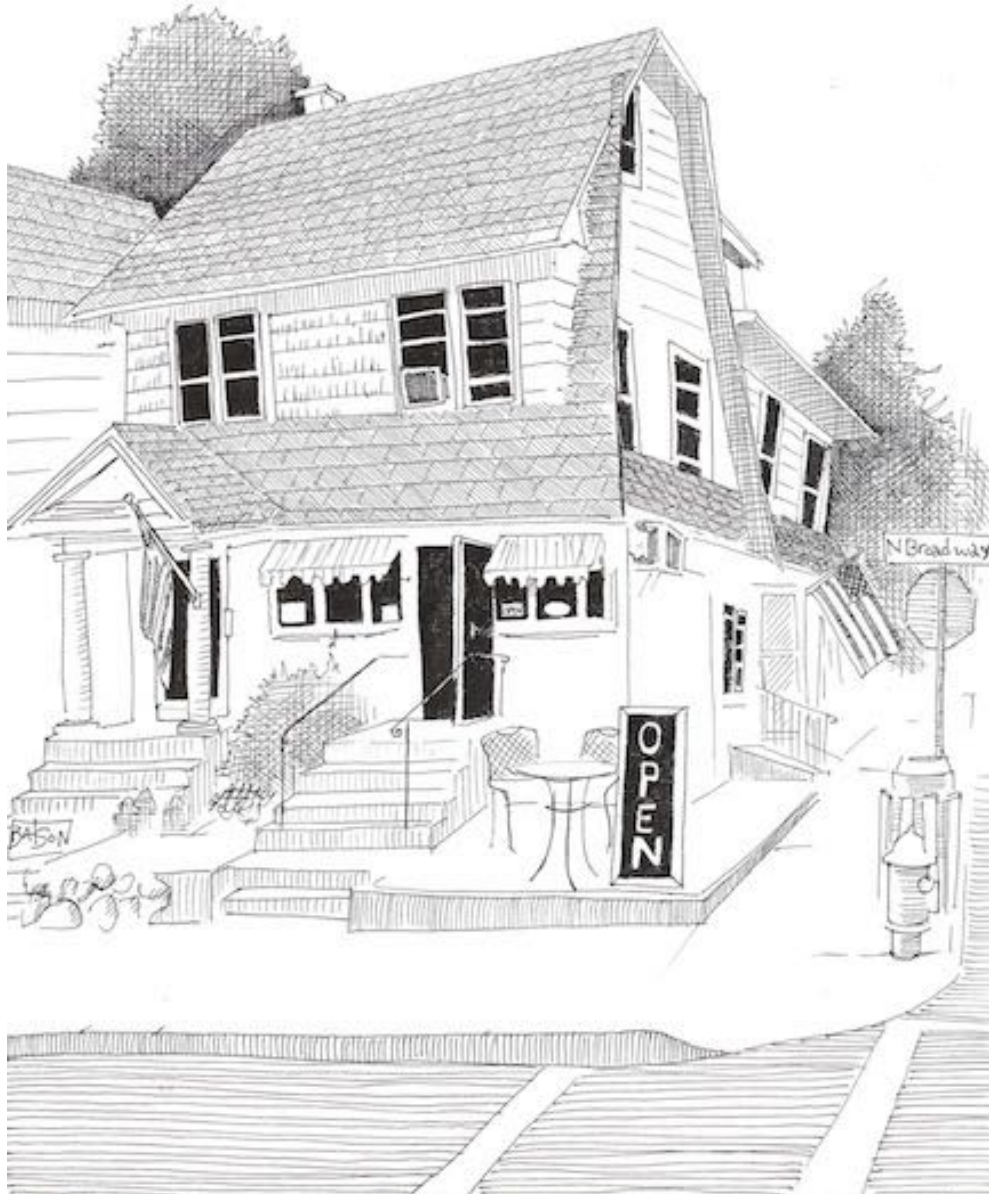
The goal of planning in this district is to permit appropriate business uses that retain, preserve, and restore the existing buildings. It is the intent of the zoning regulations to foster commercial uses that maintain the residential scale and historic architectural character of the buildings in this area. This intent is reflected in the existing commercial/ residential mixed-use building whose current use serves as a commercial food-service anchor in this district. Commercial/residential mixed-uses for existing buildings in this district should be considered where they maintain the residential scale and historic architectural character of the building and whose commercial use is pedestrian scale. Review by the Architectural Review Board should continue to be part of the approval process for all changes of use or modifications to building exteriors in this district as part of the mechanism to promote these planning goals.

2. Maintain a Pedestrian Scale

The goal of planning in this district is to permit appropriate business uses that are pedestrian oriented and convenient for local residents. Except for the designated parking behind the Village Hall, parking for this district is on-street. Appropriate business uses for this district are those that are able to function with a minimum amount of vehicular traffic, generate low levels of parking that can be accommodated by short term limited on-street parking, operate with minimum disturbance to adjacent residential uses.

3. Special Permit Process

The requirement for a Special Permit for the Primary Uses in this district should continue to be part of the approval process. This process allows for the thorough review of a proposed business use and the specific operational requirements of that use to better determine that they are fully consistent with the historic preservation and pedestrian scale intent of this district. As the Special Permit requires renewal at defined intervals, it also provides a process for on-going review and determination that the original approved use continues to operate within the parameters of the original approval.



Sketch of Corner Retail Building in the Village Center District

4. Hours of Operation

Business uses should be such that they do not require late night or evening operation. Hours of operation for business uses in this district should respect the surrounding residential area and minimize the potential for disturbance.

5. Signage/Lighting

Signage and lighting for business uses in this district should be minimal in nature. Their design and character should reflect the location of these commercial identity elements in an historic district and in all considerations minimize the visual impact on the adjacent residential areas.

6. Performance Standards

Develop performance standards for noise, odors, debris, etc. to help ensure that business uses minimize these potential impacts both within the historic district and to the adjacent residential areas.



Aerial View West to Shipyard and Van Houten's Landing Historic District

3. MARINE BUSINESS DISTRICT

DESCRIPTION

The most unique of the village's three business districts due to its location along, and focus on, the Hudson River waterfront, the Marine Business District is also part of the **Van Houten's Landing Historic District**, the area of historic significance designated in 2004 by the National Park Service in the National Register of Historic Places. This district is also unique in that it is comprised of one property and commonly referred to by the name 'Petersen's Boatyard' that reflects an earlier ownership.

The Marine Business district has a long history dating back to the 1790's when John Van Houten first began the boatyard, along with the related community of houses immediately adjacent to it, that was the first settlement in Upper Nyack. Site of construction of many sloops, schooners and steamboats, the boatyard became more widely known as Petersen's Boatyard in the 1900's under the long ownership of Danish-born Julius Petersen. During World Wars I and II the boatyard built air-sea rescue boats and patrol boats for the military. Before, between, and after the wars Petersen's built, repaired, and stored pleasure boats. North River Shipyard currently occupies the site, repairing large commercial boats and docks.

ZONING

The previous Village Comprehensive Plan identified in brief terms a **Waterfront Business (WB)** zone, describing it as '*Areas devoted to boat yards, marinas, dock facilities and related commercial uses.*'

The current zoning ordinance renamed the **WB** zone the **Marine Business (MB)** district and slightly restated the purpose of the district as follows:

'The purpose of the marine Business (MB) district is to encourage a range of waterfront uses within those portions of Upper Nyack that have been traditionally been oriented toward marine and related activities in a setting that will provide limited public access.'

GOALS & RECOMMENDATIONS

In assessing the use and development of the **Marine Business District** since the last Comprehensive Plan / Zoning Ordinance, planning for the continued future business use and development of this area should include the following considerations:

1. Commercial Scale of Operations

Current operations in the **MB District** are primarily for repair and servicing of large commercial vessels. The size of the commercial vessels necessitates other operational elements (e.g. traveling lifts, cranes, protective screening, etc.) that are larger and more industrial in nature than previous iterations of the boatyard whose operations primarily centered on the storage and servicing of pleasure craft. Careful consideration should be given to operational changes and/or future uses in the **MB District** and whether they increase the size, scope, and intensity of current operations. Current regulations for the **MB District** use the standard parameters of Lot Area, Lot Setbacks, Maximum Lot Coverage, and Maximum Height of Structures for reviewing a use. Given its immediate adjacency to an **R-4 Residence Zone**, performance standards for this district that regulate the impact should be developed that include but are not limited to:

- a. Operating Equipment Size and Location
- b. Visual Impact of Operations
- c. Impact on Adjacent River Views
- d. Traffic and Access to the MB District
- e. Noise Control
- f. Odor Generation
- g. Air Quality
- h. Water Quality
- i. Hours of Operation
- j. Vessel Storage, Including Vessel Size and Location
- k. Equipment Storage
- l. Lighting
- m. Debris
- n. Signage
- o. Vessels Moored or Otherwise Secured Offshore but Utilized Operationally
- p. Other Aspects of the Use That May Impact the **R-4 Residence Zone**

Performance standards would be important tools to help ensure that operational changes and/or future uses remain consistent with the intent of the **Marine Business District**. Performance standards should include a schedule for periodic performance testing, at the Owner's expense, to determine ongoing compliance. Periodic testing of certain performance standards might be done at shorter intervals (e.g. annually) than the renewal period for the Special Permit.

2. **Harmony with Adjacent Residential District**

The **Marine Business District** abuts an **R-4 Residence Zone**. This enclave of often smaller houses located on the hillside sloping down from Broadway towards the River were once the homes of the boatyard workers but are now individual houses with primary Hudson River views. While the zoning regulations for the **R-4 Residence Zone** requires property lot sizes of 10,000 sf, the actual lot sizes in this area are often smaller because of the historically smaller size of the original houses. This residential area, along with the **MB District**, are collectively part of the **Van Houten's Landing Historic District**. Recognition should be given, when (a) addressing any aspect of current operations in the **MB District**, (b) considering changes to current operations in the **MB District**, or (c) considering future uses in the **MB District**, of the immediate adjacency to the **R-4 Residence Zone**. In recognition of this immediate adjacency, therefore, a primary concern will be to seek to minimize the impact on the adjacent **R-4 Residence Zone** and, in all actions, balance the needs of zoning code compliant operations in the **MB District** with the disparate needs of homeowners in the adjacent **R-4 Residence Zone**.

3. Considerations of Other Low Density Uses

Future property ownership changes may occur that bring the possibility of new uses for the **MB District**. This might include uses that no longer incorporate the tradition of the boatyard/shipyard/marina business. Given the location of the **MB District** in relation to North Broadway and the Village Center District, consideration of new uses should incorporate public access to the waterfront. This access could be limited to walking access, as part of the ‘Walkable Village’ concept, bringing back an important element that is a stated intent of the **MB District**. In any future considerations of new uses, the following should be included:

- a. Recognition and Respect of the Hudson River Waterfront
- b. Provision for Limited Public Access to the Waterfront
- c. Recognition and Respect for Location in the Van Houten’s Landing Historic District
- d. Recognition of the History of the Boatyard Use
- e. Harmony with the Adjacent **R-4 Residential District**
- f. Traffic Generation and On-Site Parking Needs Consistent with the Limitations of East Castle Heights Avenue and Van Houten Street
- g. Limited Impact on Adjacent River Views



View East to Shipyard from Ellen Street

4. Special Permit Process

The requirement for a Special Permit for the Primary Uses in this district should continue to be part of the approval process. This process allows for the

thorough review of a proposed marine business use and the specific operational requirements of that use to better determine that they are fully consistent with the scale and intent of this district. As the Special Permit requires renewal at defined intervals, it also provides a process for on-going review and determination that the original approved use continues to operate within the parameters and intent of the original approval.

5. **Hudson River Overlay Zone**

Recognizing that a large part of Upper Nyack's sense of identity is its physical and visual connection to the Hudson River; and recognizing that this connection is nowhere more evident than in the **R-4 Residence Zone** that abuts the **MB District** and, with it, comprises the **Van Houten's Landing Historic District**; creating a **Hudson River Overlay Zone** for the extent of Upper Nyack between North Broadway and the Hudson River would provide an opportunity to develop regulations appropriate to this area that could include specific consideration for view corridors, setbacks, building height, slopes, landscaping, preservation of significant trees, and development of the riverfront edge (including walls, docks, and other structures). Regulations developed for this overlay zone should recognize the adjacency of the **MB District** and the **R-4 Residence Zone** immediately abutting it and seek to minimize the impact of commercial operations in the **MB District** on the **R-4 Residence Zone**. (See also **Section 5: Residential Alternatives**, **Section 8: Special Districts & Historic Landmarks**, **Section 11: Natural Resources**, and **Section 12: Quality of Life & Community Character** re: view sight lines and a **Hudson River Overlay Zone**.)

6. **Local Waterfront Revitalization Program (LWRP)**

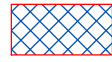
Consideration should be given to development of a **Local Waterfront Revitalization Program (LWRP)**, as defined by the NYS Department of State (DOS) under the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. This NYS Law offers local governments the opportunity to participate in the State's **Coastal Management Program (CMP)** on a voluntary basis by preparing and adopting an **LWRP**. An **LWRP** consists of a planning document and the related program established to implement the plan. It should reflect community consensus and provide a clear direction for appropriate future development. An approved **LWRP** allows local governments to address land use issues in coastal areas through existing powers of zoning and site plan review.

7. **Harbor Management Plan**

Consideration should also be given to development of a **Harbor Management Plan (HMP)**. As identified in the NYS Department of State (DOS)'s Guidelines for The Preparation of Harbor Management Plans, conflicts have increased between recreational boating and other recreational uses of harbors, between

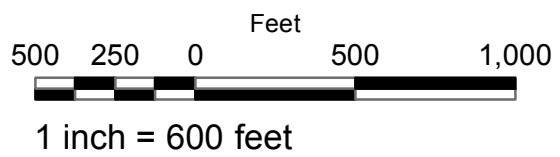
recreational and commercial activities, and between all uses and natural and cultural resources. These conflicts and a lack of clear authority to solve them have degraded the natural and cultural characteristics of many harbors and their ability to support a range of appropriate uses. An approved **HMP** provides a local government with the clear authority to manage activities in harbor and nearshore areas by developing comprehensive harbor management plans and laws to implement those plans. When an **HMP** is approved by the NY Secretary of State as a component of a **Local Waterfront Revitalization Plan (LWRP)** a municipality is delegated the authority to regulate all structures and uses of waters and underwater lands. A municipality may then directly regulate the construction, size, and location of structures in, on, or above waters and the use of surface waters and underwater lands within the municipality or bounding the municipality to a distance of 1500 feet from the shore. An approved **HMP** can be viewed as an extension of traditional land use planning and zoning concepts to the water side of the coastal area. This authority would provide a significant benefit to the current and future residents of Upper Nyack.

Legend

-  Residential Special Permit
-  Tax Parcels
-  OB
-  MB
-  VC

Residential Special Permits Key

- 1** Courtyard at Upper Nyack
- 2** Comito Homes Subdivision
- 3** Highland Subdivision



COMMERCIAL ZONING DISTRICTS

Section 6: Business & Economic Development
The Village of Upper Nyack Comprehensive Plan
Date: April 20, 2021



Aerial View of River Hook: The Hester Haring Cason Preserve

Section 7: Parks, Open Space, & Recreation

OVERVIEW

Upper Nyack's natural environment is perhaps the defining feature of the Village, being bordered on the east by the Hudson River and on the north by Nyack Beach State Park. The Village resides in a natural bowl through which many watercourses flow from the westerly ridge to the Hudson River. Steep slopes and palisades, woodlands, streams, wetlands, and other environmentally important features are

found throughout the Village on both private and public property. The natural environment of the Village provides a peaceful, healthy, and scenic home to a range of floras and fauna. Always present are the scenic views of the Hudson River and Hook Mountain that are provided at various points throughout the Village. Sometimes tightly framed between houses and wooded sites, and other times open and expansive, the scenic backdrop afforded by these natural boundaries help visually define Upper Nyack.

HISTORICAL LEGACY

The Village's 1999 Comprehensive Plan recognized the importance of the natural environment of the Village and included the following planning goals:

- 1. Protect and restore the natural environment within and around Upper Nyack, including soil, water and air quality, vegetation, animal life, visual beauty and sound.*
- 2. Control drainage and erosion to prevent contamination of the Hudson River.*
- 3. Protect and enhance recreational opportunities for residents of the Village.*
- 4. Contribute to the enhancement of the larger community, district, and region of which Upper Nyack is a part.*

In addition, the 1999 Comprehensive Plan specifically noted the need for open space and community facilities in ways that are still relevant today:

- 1. Attractive physical features of the Village such as open spaces, areas of natural beauty, open vistas, woods, hills, brooks, and ponds should be preserved.*
- 2. Streams also merit protection from development, which would overload or restrict their capacity as drainage ways, cause erosion and flooding, force their channelization, and destroy their natural beauty.*
- 3. Areas of significant natural beauty which have been identified are: Hook Mountain; the hillside along the western edge of the Village; the Hudson River shore; the land at the base of Hook Mountain, which forms the foreground for views of Hook Mountain; Spook Hollow Pond; and the properties through which a brook flows paralleling Old Mountain Road, including "The Glen."*
- 4. The Village is included in the Tappan Zee Scenic District, established by The New York State Department of Parks, Recreation, and Historic Preservation. The Village should support the goals of the District by guiding public and private actions to be consistent with those goals.*
- 5. Where appropriate, public ownership of these features should be considered.*
- 6. As a result of the Village's residentially supported tax base the protection of significant physical features and streams and the preservation of open spaces will need to rely primarily upon methods which minimize Village capital expenditures.*

As the Village of Upper Nyack has become increasingly more developed since the 1999 Comprehensive Plan, the areas for parks, open space, and recreation have become increasingly more important to the Village.

This update of the Village of Upper Nyack Comprehensive Plan continues the legacy of the 1999 Plan in recognizing the importance of the natural environment of the Village, the need for open space, and the need for community facilities, as stated in the goals of the 1999 Plan referenced above. It recognizes the role they play in the life of the Village, and the ongoing protection and maintenance of these natural areas is a primary goal now and should be for future generations of residents. It is the intent of this update to support stewardship of these natural assets and ecosystems through land use regulations and zoning, while working to limit the impact on residents of the recreational use of these features by the public.



View of Nyack Beach State Park Shoreline

THE PARKS, OPEN SPACE, & RECREATION AREAS

The five primary parks, open space, and recreation areas in the Village of Upper Nyack are Nyack Beach State Park & Hook Mountain State Park, River Hook (The Hester Haring Cason Preserve), the Long Path, the Hudson River Greenway Trail, and New York State Bike Route 9.



Aerial View of Nyack Beach State Park & Hook Mountain State Park

NYACK BEACH STATE PARK & HOOK MOUNTAIN STATE PARK **DESCRIPTION**

Nyack Beach State Park (61 acres) and Hook Mountain State Park (676 acres), part of a continuous complex of parks extending north that includes Rockland Lake State Park and Haverstraw Beach State Park, are located partially within the Village of Upper Nyack. They provide the only public access point to the Hudson River in the Village of Upper Nyack.

The central feature of Hook Mountain State Park is Hook Mountain, a 689-foot summit overlooking Rockland Lake and the Hudson River. The distinctive cliff face of Hook Mountain is the result of extensive industrial quarrying in the late 1800's/early 1900's. The land was acquired by the Palisades Interstate Park in 1911 to protect it from further quarrying. Portions of Hook Mountain State Park and Nyack Beach State Park were designated as a National Natural Landmark in 1980; Hook Mountain was designated by the New York Audubon Society as an Important Bird Area in 1997 due to its role as a feeding area for migratory songbirds and hawks; and Hook Mountain Park is currently designated as a "Bird Conservation Area" by the New York State Office of Parks, Recreation and Historic Preservation.



Historic Color Postcard of Hook Mountain



Southwest View of Portion of Land Parcel Added to Hook Mountain State Park

In 2017, approximately 30 acres of land owned by the Sisters of Our Lady of Christian Doctrine were added to Hook Mountain State Park through a purchase involving the Trust for Public Land, the Town of Clarkstown and the Village of Upper Nyack. Transfer of this parcel of land completed a long-time goal of the Village and was consistent with the planning goals of the 1999 Comprehensive Plan. (See **Section 8: Special Districts & Landmarks** for further discussion of the historical context of Nyack Beach State Park and Hook Mountain State Park, and their significance to the Village of Upper Nyack.)

GOALS & RECOMMENDATIONS

There are impacts to the Village in being the primary gateway to Nyack Beach State Park and an entrance to Hook Mountain State Park, as these parks are significant recreational destinations accessed by visitors who arrive in motor vehicles, by bicycle, or on foot. Considerations in assisting good stewardship of the park and being a responsible neighbor in helping visitors arrive there safely include:

1. Parking

Motor vehicle access to the park significantly increases the number of non-resident vehicles using North Broadway north of Castle Heights Avenue and the Upper Nyack Elementary School. There is limited parking inside the park which leads to vehicle parking on surrounding streets, particularly on weekends. While on-street parking is prohibited on the streets closest to the park's entrance, additional parking restrictions may be needed. The Village should develop parking regulations to limit parking on these streets, with input from the residents on those streets.

2. Bicycle Access

Bicycle access to the park is lower in impact to the Village but presents its own problems. Village streets are shared motor vehicle / cyclist roadways without dedicated bike lanes. And with the addition of the Shared Use Path on the Governor Mario Cuomo Bridge (formerly Tappan Zee Bridge), the number of non-resident cyclists is likely to continue to increase significantly. The Village should develop a coordinated effort of education, signage, and enforcement in promoting safe 'complete streets'. **Note:** Refer to **Section 9: Transportation, Traffic, & Public Safety** for further discussion on motor vehicle / cyclist road sharing in the Village of Upper Nyack.

3. Pedestrian Access

Pedestrian access to the parks through the Village has the lowest impact to Village residents. In keeping with Upper Nyack's '*Walkable Village*' goals, pedestrian access to the parks should be encouraged with well-maintained sidewalks and well-marked crosswalks. The pedestrian is an important component in the concept of 'complete streets'. As noted under **Bicycle Access** above, the Village should develop a coordinated effort of education, signage, and enforcement in promoting safe 'complete streets'.



Sketch View of Existing Stone Barn at River Hook

RIVER HOOK - THE HESTER HARING CASON PRESERVE

DESCRIPTION

River Hook - The Hester Haring Cason Preserve is an open space preserve located at 626 North Broadway and stretching from North Broadway west to North Midland Avenue. The nearly 12-acre parcel was purchased by the Village of Upper Nyack in June of 2018 for municipal purposes. It is envisioned as the ‘green heart’ of Upper Nyack’s *‘Walkable Village’* concept and aligns with the goals of the previous Village Comprehensive Plan by protecting the environment and enhancing recreational opportunities for residents.

In purchasing the property for use as a preserve, it was anticipated that it would provide to Village residents:

1. A sense of shared environmental stewardship.
2. A place for residents to gather and participate in community activities.
3. A means to build a strong sense of community.
4. A natural environment for children’s play.
5. A location for community events, holidays, and celebrations.
6. Opportunities for volunteer participation.
7. A legacy of responsible land use.

(See **Section 8: Special Districts & Landmarks** for further description of **River Hook - The Hester Haring Cason Preserve**.)



View of Existing Stone House at River Hook

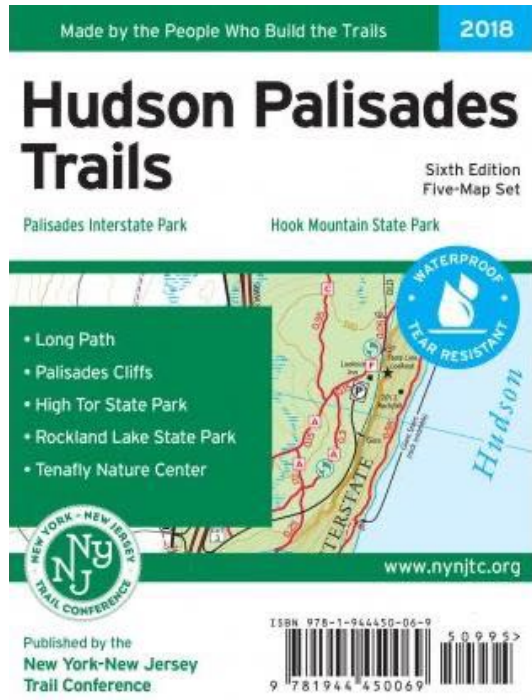
GOALS & RECOMMENDATIONS

River Hook was purchased for municipal use with a primary focus on open space preservation. The Preserve also includes buildings on the property with a wide range of possibilities for future activities and historic preservation by the Village. In consideration of the varied and diverse potential uses for this significant public parcel of land in the Village, Upper Nyack should develop a master plan for River Hook that:

1. Incorporates community input
2. Fosters the goal of maintaining a rural, semi-wild quality
3. Assesses the condition of the existing buildings to determine their value to the Village and potential for future public use
4. Considers improvements and amenities to the Preserve and its buildings that are low impact to the Preserve and the surrounding neighbors, and high value to the community
5. Restricts vehicle traffic and parking as much as possible to areas near the buildings
6. Considers restrictions for parking on adjacent streets to limit the potential impact on surrounding areas
7. Encourages pedestrian use both to and on the preserve in keeping with the Upper Nyack vision of a *'Walkable Village'*

- 8. Utilizes permeable surfaces for pedestrian and bicycle paths along with mown paths through meadows and other minimally developed areas of the preserve

Any long-term master plan for River Hook, its maintenance as a Village Preserve, and the potential consideration of amenities, must address the issue of funding. Future funding for River Hook amenities must be mindful of the residential tax base of the Village. Donations and volunteer support should be sought for proposed projects.



Trail Map for a Section of the Long Path

THE LONG PATH **DESCRIPTION**

The Long Path, a major hiking trail that roughly parallels the Hudson River, begins in New York City, at the West 175th Street subway station near the George Washington Bridge, and runs northward, ending in the Adirondack State Park in Northville, NY. It is mapped and maintained by the New York – New Jersey Trail Conference and member organizations. The Long Path passes along the western edge of Upper Nyack. A portion of the Long Path is being rerouted through land that was purchased from Marydell Faith and Life Center by the Palisades Interstate Park Commission for Nyack Beach State Park. A blazed feeder trail on currently undeveloped private property runs from the north end of Midland Avenue to access the Long Path near Route 9W.

GOALS & RECOMMENDATIONS

The Long Path is a recreational asset and its use is consistent with the Upper Nyack vision of a 'Walkable Village'. Non-resident hikers who come by car are encouraged to use the parking at Nyack Beach State Park as there are no designated parking areas for the Long Path trailheads that are in Upper Nyack.

The Village should assist in finding a replacement path for the current feeder trail should the current location need to be abandoned due to development.



Hudson River Greenway Trail Sign

HUDSON RIVER GREENWAY TRAIL

DESCRIPTION

The Hudson River Greenway Trail is an extremely popular recreational walking route that draws walkers and runners from throughout the region and is part of a network of trails created under the auspices of the Hudson River Valley Greenway. The Hudson River Valley Greenway was created in 1991 to establish a network of trails on both sides of the Hudson River that extend from New York City to the Adirondacks.

The Hudson River Greenway Trail passes through the Village of Upper Nyack, extending from the southern border of Upper Nyack to the entrance of Nyack Beach State Park/Hook Mountain State Park. From there the route connects to the Hudson Shore Path in Nyack Beach State Park and follows the shore through Hook Mountain State Park and beyond. As it runs through Upper Nyack the Trail is located on the eastern side of North Broadway as a concrete paved sidewalk.

GOALS & RECOMMENDATIONS

The pedestrian users of the Hudson River Greenway Trail are part of the concept of ‘complete streets’. As noted elsewhere in this Section, the Village should develop a coordinated effort of education, signage, and enforcement in promoting safe ‘complete streets’. Specific to this Trail, the Village should coordinate installation of signage for designation of the North Broadway sidewalk as part of the Hudson River Greenway Trail.

As noted in **Section 5: Residential Alternatives** and **Section 6: Business & Economic Development**, it is recommended that Upper Nyack create a **Hudson River Overlay Zone** for the area between North Broadway and the Hudson River. The location of the Hudson River Greenway Trail would place it within this proposed Overlay Zone, which would provide an opportunity to develop regulations that recognize, protect, maintain, and enhance the Trail as it passes through Upper Nyack



Bike Route Signage

NEW YORK STATE BIKE ROUTE 9

DESCRIPTION

Upper Nyack is a popular destination for resident and non-resident recreational cyclists and is largely accessed on bike by non-residents via New York State Bike Route 9. New York State Bike Route 9 runs north from the George Washington Bridge, through Piermont and Nyack, onto North Broadway in Upper Nyack, turns west onto Old Mountain Road, reconnects with Route 9W, and then heads north to Bear Mountain and ultimately extending for 345 miles to Rouses Point on the New York - Quebec border.

This popular bike route frequently attracts large numbers of cyclists and cycling clubs from New York City. The Village currently has a cycling shop in its Route 9W Corridor that is often a stop for the cyclists on this route.

As noted earlier in this Section, with the addition of the Shared Use Path on the Governor Mario Cuomo Bridge (formerly Tappan Zee Bridge), the number of non-resident cyclists is likely to continue to increase significantly.

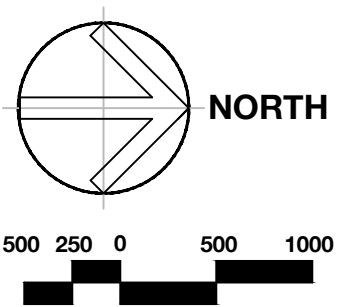
GOALS & RECOMMENDATIONS

Upper Nyack supports cycling as a form of transportation, with the caveat that roadways in the Village are shared without designated bike lanes. Understanding that cyclists are part of the concept of ‘complete streets’, the Village should continue to encourage the use of bicycles as a means of transportation. As noted elsewhere in this Section, the Village should develop a coordinated effort of education, signage, and enforcement in promoting safe ‘complete streets’.

Note: Refer to **Section 9: Transportation, Traffic, & Public Safety** for further discussion on motor vehicle / cyclist road sharing in the Village of Upper Nyack.

Legend

- Trails_LongPath_Rockland
- Trails_GreenwayTrail_Rockland
- State Park
- Village Park
- Private Recreation



PARK & RECREATION AREAS

Section 7: Parks, Open Space, & Recreation The Village of Upper Nyack Comprehensive Plan

Date: April 20, 2021



Section 8: Special Districts & Historic Landmarks

OVERVIEW

As a small riverfront village with a history of settlement dating back to the 1600's, Upper Nyack has several Special Districts and Historic Landmarks. These Special Districts and Historic Landmarks add to the special character of the Village of Upper Nyack. In recognition of this, the previous Village Comprehensive Plan (approved in 1999) stated that one of its Planning Goals was to: *"Encourage the preservation and*

maintenance of historic buildings, neighborhoods and sites in Upper Nyack.” Further on, under the section entitled ‘Implementation’, the Comprehensive Plan stated: “Historic preservation provisions should be adopted, either as part of the Zoning Ordinance or as a separate ordinance. Procedures should be included for identifying significant historic structures, sites, and districts; for establishing criteria; and for reviewing proposed construction, demolition, alteration, or other actions affecting such structures, sites, and districts. The role of the Architectural Review Board should be expanded to include historical review.”

Currently the protection and preservation of these unique Historic Landmarks and Special Districts are handled through the regular Planning Board, Architectural Review Board, and Zoning Board of Appeals land use review processes.

UPPER NYACK SPECIAL DISTRICTS

HOOK MOUNTAIN STATE PARK

Upper Nyack’s distinctive physical feature at the northern end of the Village is Hook Mountain. Designated a National Natural Landmark, Hook Mountain is located in Hook Mountain State Park, a New York State Park bounded by Rockland Lake State Park and Nyack Beach State Park and administered by the New York State Department of Parks, Recreation, and Historic Preservation.



Aerial View North of Hook Mountain and Nyack Beach State Park

The late 1800’s saw the beginning of the industrial quarrying of Hook Mountain (along with other areas of the Palisades on the west bank of the Hudson River). By 1907 the rapid defacement of Hook Mountain was noticed by John D. Rockefeller, a supporter of the new Palisades Interstate Park Commission. After considerable public outcry, the

Palisades Interstate Park Commission bought the quarries operating along the face of Hook Mountain in 1917. Beginning in 1934 park facilities were developed by the Civilian Conservation Corps and the Works Progress Administration, New Deal programs created by the Franklin Roosevelt administration to relieve the effects of the Great Depression. The existing quarry boiler plant was renovated to create a bathhouse and lunchroom; a bathing beach was established; a walking path was built along the shore; and the upper working level was converted to a plateau with a grassy playfield and picnic areas at the base of the cliff. The enlarged cliff face created by the quarrying has actually resulted in a location for towering thermal currents and a world-class hawk watching spot. It provides a landmark for Upper Nyack visible for the length of the Tappan Zee.

Besides being part of the New York State Park system, Hook Mountain State Park has the following designations:

1. **National Natural Landmark** (US National Park Service, 1980)
2. **Important Bird Area** (New York Audubon Society, 1997)
3. **Bird Conservation Area** (NYS Office of Parks, Recreation & Historic Preservation)

NYACK BEACH STATE PARK



View North of Nyack Beach State Park



View South of Nyack Beach State Park

Nyack Beach State Park, at the northern terminus of North Broadway, is a 61-acre state park situated on the riverfront along the Hudson River and administered by the New York State Department of Parks, Recreation, and Historic Preservation. The park provides public access to the Hudson River along with access to Hook Mountain State Park at the upper parking level. It is a heavily used park serving the greater Nyack community and beyond and provides a range of activities that include picnicking, hiking, jogging, bicycling, fishing, kayaking and cross-country skiing.



View of Entrance to Old Palmer Burying Ground from Old Mountain Road

THE OLD PALMER BURIAL GROUND

The Old Palmer Burial Ground, Upper Nyack's only cemetery, is located on the north side of Old Mountain Road between Midland and Broadway. Officially designated a cemetery by Rockland County, it is officially administered by the Town of Clarkstown. The Burial Ground began operation in the 1730s on the land of Cornelius Kuyper, who originally settled this area in 1686. There are 66 graves including three Revolutionary

War soldiers and the graves of Cornelius Kuyper and his wife. The last known burial was in 1857. The graveyard subsequently fell into disrepair until 2003 when public awareness was raised about its condition and a joint private (The Nyack Historical Society)/municipal (Town of Clarkstown) effort began maintaining it.



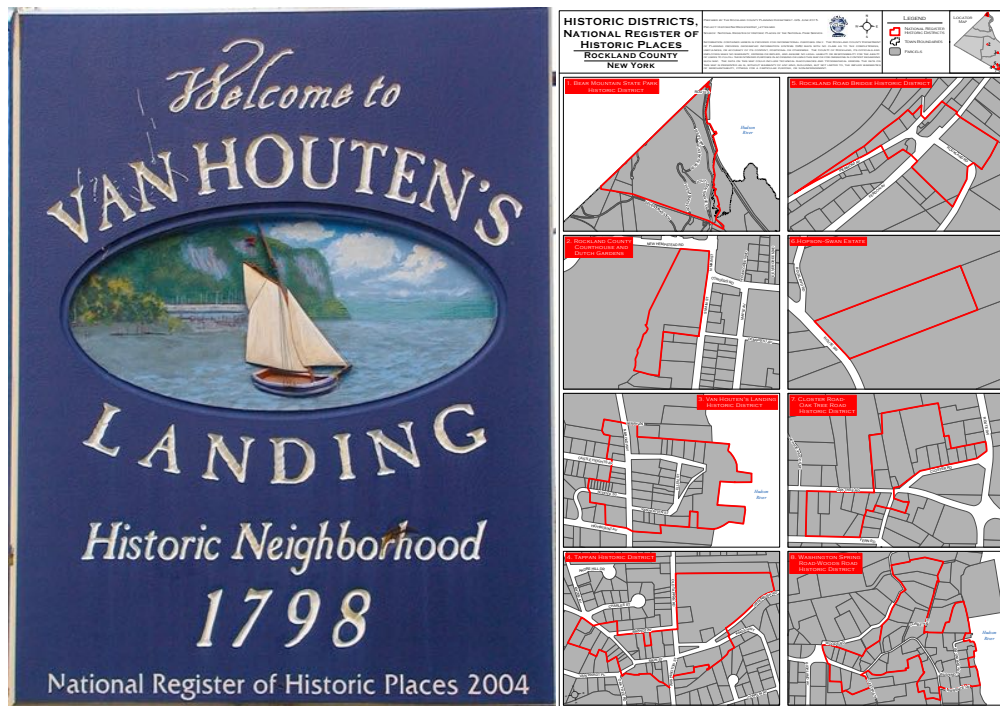
View from North Broadway at West Entrance to River Hook Preserve

RIVER HOOK – THE HESTER HARING CASON PRESERVE

In 2018 the Village of Upper Nyack purchased the nearly 12-acre Haring estate for municipal purposes. The largest remaining undeveloped private land in the village, it included a home built by William Haring circa 1935, a stone barn dating from an earlier owner, an occupied cottage and an unoccupied house in poor condition. The property, still recognizable as a former farm, contains open fields, mature trees and wooded areas. With a focus on open space preservation and a long-term design vision intent on maintaining a rural, semi-wild quality, the Village continues to explore the options for its future use that include informational and outreach efforts with Upper Nyack residents.

SCHOOL STREET

School Street in Upper Nyack is a short, curving one-way road accessed off of Highmount Avenue. The first half of the road is lined with single family residences indicative of its location in the Village's **R-4 Zoning District**. But as the short road curves and turns south to North Broadway it also turns into one of the Village's most unique residential areas: a stretch of historic, attached wood-framed residences, in a rowhouse configuration, on the north side of the road. Dating back to the 1800's when they were residences for the boatyard workers, this section of School Street represents the highest density in the Village. There are no driveways; cars are accommodated by a long row of parking directly across the street. This section of School Street is included in the **Van Houten's Landing Historic District**, as designated in the National Register of Historic Places in 2004 by the U.S. National Park Service.



Sign and Map Delineation of Van Houten's Landing Historic District

VAN HOUTEN'S LANDING HISTORIC DISTRICT

Van Houten's Landing Historic District is the historic heart of the Village of Upper Nyack. Designated in the National Register of Historic Places by the U.S. National Park Service in 2004, it encompasses the Marine Business Zoning District, the Village Center Zoning District, the historic rowhouse section of School Street, and the residential area fronting on Van Houten Street and Ellen Street. It is a historic district that includes two Village commercial zoning districts that are distinctly different from

each other and two Village residential areas that are both in the R-4 Zoning District but are also distinctly different from each other.

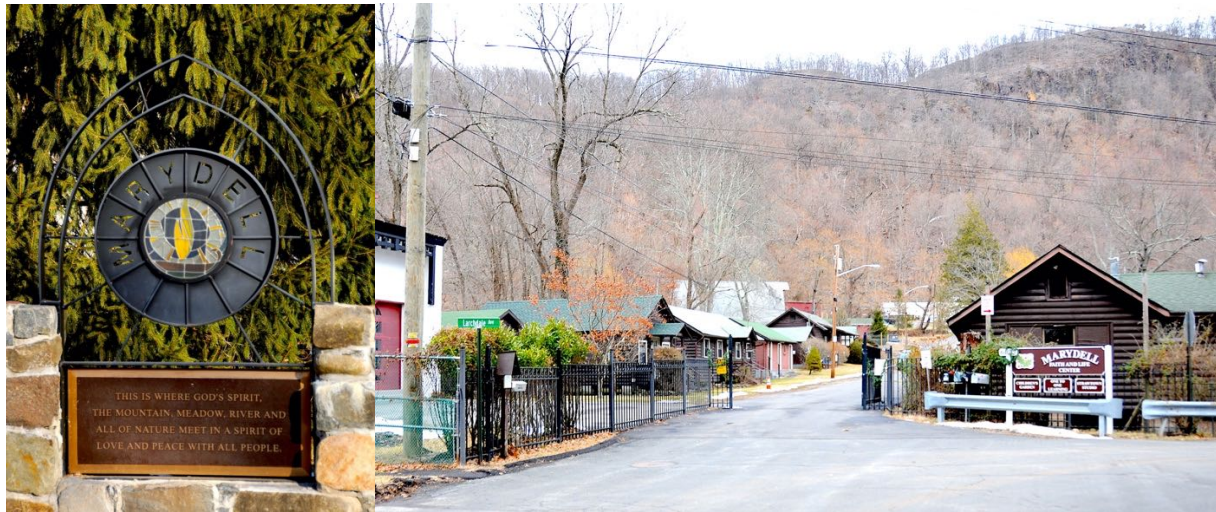


View South on Ellen Street in the Van Houten's Landing Historic District

The history that connects these disparate areas is the boatyard started by John Van Houten from which developed the houses for the boat captains, the housing for the boatyard workers, and the village shops that served them all. Historic preservation review requirements should be developed for this District that preserve its historic character and recognizes the uniquely different areas that comprise the district.

VILLAGE CENTER DISTRICT

This is the Village of Upper Nyack's smallest zoning district and includes only the six properties that front along North Broadway between the north side of School Street up to the start of the R-2 Zoning District. The area encompassing the Village Center District is included in the **Van Houten's Landing Historic District**, as designated in the National Register of Historic Places in 2004 by the U.S. National Park Service. As noted in **Section 6: Business & Economic Development**, the Village Center District is entirely built out with existing buildings and essentially no available land parcels for expansion or new development. Historic preservation review requirements should be developed for this District to preserve its historic character.



View of Entrance to Marydell Faith and Life Center

MARYDELL FAITH & LIFE CENTER

In 1924 the Sisters of Christian Doctrine, a small Roman Catholic order that ministered to poor and immigrant families in New York City, acquired the former Helmer farm, a dramatic location at the base of Hook Mountain, as a retreat for the nuns and a place to bring inner city children for fresh air and summer camping. Naming it Marydell, the sisters operated a summer camp there for about 60 years. No longer operated as a summer camp, the facilities have become Marydell Faith and Life Center, a place for retreats and events. In the early 2000's the remaining sisters built a new convent building in the meadow, designed as an assisted living facility for their retirement. In 2017, through a campaign effort of the Trust for Public Land and with contributions by the Village of Upper Nyack, the Town of Clarkstown, and other organizations and individuals, approximately 30 acres of meadow and woods at the base of Hook Mountain, constituting much of Marydell, were purchased from the Sisters of Christian Doctrine for the benefit of the public and made part of Hook Mountain/Nyack Beach State Parks, to remain forever natural.

UPPER NYACK HISTORIC LANDMARKS

UPPER NYACK FIREHOUSE

The Upper Nyack Firehouse, built in 1887, is a wood-framed brick building that once served as the Upper Nyack Village Hall and is now the home of Upper Nyack's resident fire company, Empire Hook and Ladder Company #1. Located immediately adjacent to the current Village Hall, the Firehouse was designated in the National Register of Historic Places in 1982 by the U.S. National Park Service.



Historic Designation Plaque and View of Upper Nyack Firehouse

Note: *Founded in 1863, the Empire Hook and Ladder Company #1 is older than the incorporated Village of Upper Nyack. It began using horse-drawn firetrucks and acquired its first motorized firetruck in 1916. Today the fire company is part of the Nyack Joint Fire District.*



200th Anniversary Celebration of the Old Stone Meeting House

THE OLD STONE MEETING HOUSE

Built in 1813, the Old Stone Meeting House is the oldest surviving place of assembly in Rockland County. A wood-framed building with locally quarried sandstone walls, the

Old Stone Meeting House began as the Methodist Church of Nyack. Served at first by circuit-riding ministers, it was outgrown by the Methodists in a few decades and ultimately became a non-denominational place of worship known as the Old Stone Church. Designated in the National Register of Historic Places in 1998 by the U.S. National Park Service, today it belongs to the Village of Upper Nyack and is used for small public and private gatherings. Future use of the Old Stone Meeting House might include it's use as a center for the history of Upper Nyack, with displays cataloging the history of the Village from pre-Village times to the present date and housing a repository for historic artifacts.



View of Upper Nyack Village Hall

UPPER NYACK VILLAGE HALL

For the first 15 years of the incorporated Village of Upper Nyack there was no Village Hall. The Upper Nyack Board of Trustees met in the home of the Board President or a Village Trustee. Then, when the Upper Nyack Firehouse building was built in 1887, it began as a combination Village Hall and Firehouse with the Village Meeting Room and Village Offices on the Second Floor. Accessible only by a long flight of stairs, over time the location of the Village Hall on the Second Floor of the Upper Nyack Firehouse building became increasingly difficult. The Village acquired the existing two-story, wood-framed, former store building next to the Firehouse in 1973. Upon completion of renovations that included making it wheelchair-accessible, the building was dedicated that year as the new Upper Nyack Village Hall.

BROOKSIDE

Also known as Lochburn, Brookside is a historic home located at 406 North Broadway. Built circa 1865 as a 2 1/2-story Italian Villa style frame residence, it was enlarged and modified around 1890 when Colonial Revival style design elements were added. Features on the house include a three-story tower, veranda, and porte cochere. The property also has a large carriage house circa 1890. Brookside was designated in the National Register of Historic Places in 2012 by the U.S. National Park Service.

SHADOWCLIFF

Located at 521 North Broadway, Shadowcliff is a historic home built circa 1921 for local artist and concert pianist Mrs. Eleanor Manville. The two-story Neo-Classical masonry design features three porticoes, Palladian windows, and a clay tile roof. Beginning in 1957 it housed the headquarters of the Fellowship of Reconciliation for many years. Shadowcliff was designated in the National Register of Historic Places in 2014 by the U.S. National Park Service.

GOALS & RECOMMENDATIONS

In recognition of the Historic Landmarks and Special Districts are an integral part of, and help define the unique character of, the Village of Upper Nyack, this Comprehensive Plan restates the Planning Goal espoused in the 1999 Village Comprehensive Plan: *“Encourage the preservation and maintenance of historic buildings, neighborhoods and sites in Upper Nyack.”*

Understanding that other areas or buildings in Upper Nyack, aside from those identified above, may have unique historic qualities that have value in being identified and / or preserved, and in order to give more defined historic preservation information and tools to future Village planning efforts and land use boards, the Village should develop a plan to move forward on the following actions:

1. Inventory Historic Properties, Sites, and Districts

The first step in developing historic preservation regulations is understanding the extent of what would be considered historic and / or significant in the Village. Utilizing the resources of the NY State Historic Preservation Office, the Rockland County Historic Preservation Board, and the Historical Society of Rockland County, the Village should create a working committee to develop an inventory of proposed structures, sites, neighborhoods, and districts. Criteria for inclusion on this inventory should consider the following:

a. Age

Historic preservation is appropriate due to the age of the structure, site, or district.

b. Significance

Historic preservation is appropriate due to the significance of the structure, site, or district. Significance might mean that it is a good example of a specific construction type, building type, or period of design (e.g. Victorian, Mid-Century Modern, etc.). Examples of districts that might be included are **Van Houten's Landing Historic District** or developing a new district for the historic row houses on School Street.

2. Create Historic Preservation Overlay Map

Create an Historic Preservation Overlay Map for the Village of Upper Nyack that maps the historic and / or significant structures, sites, neighborhoods, and districts established in the Inventory process. This Historic Preservation Overlay Map would, in the short term, assist the Architectural Review Board and Planning Board during the land use approval process in understanding whether there are issues of historic and / or other significance as a component of the projects under review. In the long term, this is an important second step to guide the Village in the development of further historic preservation regulations.

3. Adopt Historic Preservation Regulations

Historic Preservation Regulations should be adopted, either as part of the zoning ordinance or as a separate ordinance. The Historic Preservation Regulations would establish criteria for reviewing proposed construction, demolition, alteration, or other actions materially affecting the historic and/or otherwise significant structures, sites, neighborhoods, and districts that have been identified on the Historic Preservation Overlay Map.



Single Family Residence in Van Houten's Landing Historic District

4. Develop Historic Preservation Review Process

Historic Preservation Regulations should establish procedures for reviewing proposed construction, demolition, alteration, or other actions materially affecting the identified historic and/or otherwise significant structures, sites, neighborhoods, and districts. This historic preservation review process should be performed by the **Architectural Review Board (ARB)**, whose role would be expanded to include historical preservation review. In expansion of the role of the ARB to include historic preservation review, the ARB should have a licensed architect or other qualified architectural historian either on the Board or acting as a consultant to the Board for applications requiring historic preservation review.

As part of this expansion of the role of the ARB to include historic preservation review, the application review process should be changed such that the ARB reviews applications first, prior to the Planning Board review. This would allow the ARB review, both historic preservation and otherwise, to come to the Planning Board and be part of that Board's consideration of an application for final site plan approval.

5. Consider Creating Historic Preservation Overlay Zone

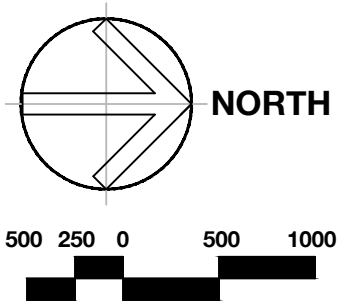
An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing standards and criteria for covered properties. Ultimately the Village may want to consider creating an **Historic Preservation Overlay Zone** for Upper Nyack. The historic and/or otherwise significant structures, sites, neighborhoods, and districts that lay within the Overlay Zone would be subject to additional criteria to protect the historic and/or otherwise significant nature of the area.

6. School Street District

Incongruously part of the Village's **R-4 Zoning District**, the portion of School Street consisting of historic, attached wood-framed residences in a rowhouse configuration dating back to the 1800's is one of the Village's most unique residential areas. This area should have its own special '**School Street District**' zoning designation. Historic preservation review requirements should be developed for this District to preserve its historic character. **School Street District** signage should be created that delineates and publicly identifies this unique historic area.

Legend

- Historic Sites-National Register
- Historic Cemeteries
- Historic District
- Village Center District



SPECIAL DISTRICTS & HISTORIC LANDMARKS

Section 8: Special Districts & Historic Landmarks
The Village of Upper Nyack Comprehensive Plan
Date: April 20, 2021



Section 9: Transportation, Traffic, & Public Safety

OVERVIEW

Any consideration of transportation, traffic, and public safety in Upper Nyack begins with the Village’s road network, whose initial purpose was transporting goods to market. With the development of the automobile, Upper Nyack’s gradual change from an agriculture community to a residential community, the construction of the tunnels and bridges that crossed the Hudson River and connected New York City to New Jersey and all points to the west and north, and the final full acceleration of residential development that occurred with the construction of the Tappan Zee Bridge in 1955, Upper Nyack’s road network became the gridwork of a true ‘bedroom community’.

THE UPPER NYACK ROAD NETWORK

Upper Nyack’s road network is the infrastructure system that provides the means for access to and through the Village for the primary forms of transportation occurring in the Village: vehicular, pedestrian, cycling, and public transportation. This network is comprised of roads that can be categorized by size, purpose, and use as follows:



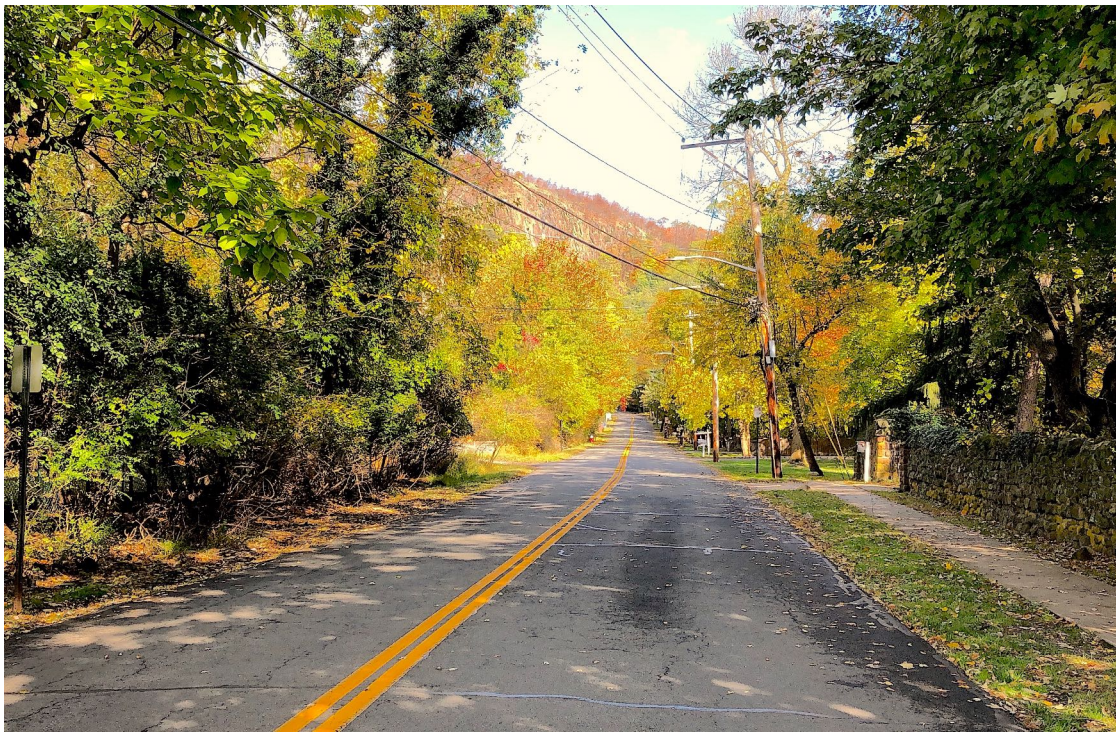
View North on Route 9W

MAJOR THOROUGHFARES

Major Thoroughfares are primary-access network roads, designed to accommodate larger traffic volumes. They provide direct access into and out of the Village and allow travel through the village for non-residents with non-local destinations. Upper Nyack has one Major Thoroughfare:

1. U.S. Route 9W

U.S. Route 9W (hereinafter Route 9W) is a north–south U.S. Highway in the states of New Jersey and New York. Regionally, it begins in Fort Lee, New Jersey and runs north up the west side of the Hudson River to Albany, New York. Locally, it is a two-lane road and from its intersection with Route 59 in the Village of Nyack, it becomes North Highland Avenue, running north through Upper Nyack on to Valley Cottage and beyond. The State of New York Department of Transportation (NYS DOT) maintains the New York portion of Route 9W. As a Major Thoroughfare, Route 9W carries the greatest amount of traffic in Upper Nyack, has the highest speed limit in the Village, and is the major route to and through the Route 9W Corridor, the Village’s largest business district. While Route 9W functions as a local road in its path through Upper Nyack, the Village has no control over its speed limits, repairs, access, etc.



View North on North Broadway

PRIMARY ROADS

Primary Roads, or Inter-Village Connections, are roads that serve as vital connections between Upper Nyack and neighboring communities as well as access within the Village. Primary Roads will serve a lesser volume of traffic than Major Thoroughfares but their role as connections in the network means their traffic volume often increases during the community’s rush hour. As regional traffic

increases in the future, this will likely mean increased traffic on the Primary Roads. The Primary Roads in Upper Nyack are:

1. North Broadway

North Broadway is one of the Village’s two main north-south roads, providing access throughout Upper Nyack south to the downtown of Nyack and north to Nyack Beach State Park. One of the oldest roadways in the Village, North Broadway is a primary vehicle route as well as a major attraction for both local and non-local pedestrians and cyclists.

2. Midland Avenue

Midland Avenue is the second main north-south road and runs parallel to both Route 9W and North Broadway. Due to its location approximately midway between Route 9W and North Broadway, Midland Avenue serves as a central connection in the road network of Upper Nyack. In addition, it provides access throughout Upper Nyack south to Nyack and north, via its connection to Old Mountain Road, to Route 9W.

3. Old Mountain Road (West of Midland Avenue)

Old Mountain Road (west of Midland Avenue) intersects with both Midland Avenue and Route 9W before continuing west and connecting with Nyack High School and Valley Cottage beyond. It is a major east-west route through Upper Nyack.

SECONDARY ROADS

Secondary Roads, or Intra-Village Connections, are roads that serve as important connections within the Village but do not themselves connect with destinations outside the Village. Secondary roads are intended to accommodate lower speed limits and traffic volumes, and to encourage most traffic to utilize Primary Roads where possible. Secondary Roads in Upper Nyack are all the roads that run between Broadway and Midland Avenue: Highmount Avenue, Castle Heights Avenue, Birchwood Avenue, Old Mountain Road, Lexow Avenue, Locust Drive, and Larchdale Avenue. Additional items of note for some of Upper Nyack’s Secondary Roads include the following:

1. Birchwood Avenue

Birchwood Avenue, between Midland Avenue and North Broadway, is a route for school buses traveling to the Upper Nyack Elementary School.

2. Castle Heights Avenue

The intersection of Castle Heights Avenue with North Broadway defines the Upper Nyack Village Center and is a commercial truck route and regional bus

route. The lower portion of Castle Heights Avenue, east of North Broadway, is a truck access road for the Marine Business District.

3. Old Mountain Road

Old Mountain Road runs along the ravine that channels the Upper Nyack Stream. Old Mountain Road is very steep, with frequent turns and limited visibility. NY State Bike Route 9 uses this section of Old Mountain Road to connect North Broadway to Route 9W.

LOCAL ROADS

Local Roads make few connections with the greater road network and are used primarily by residents of that road or adjoining roads. They service the lowest volume of traffic and serve residents of that road almost exclusively. All Village roads not previously mentioned fall into the category of Local Roads.

TRANSPORTATION IN THE VILLAGE & COMPLETE STREETS

As a small suburban village with no rail transit system, the modes of transportation into and through Upper Nyack are Vehicular, Pedestrian, Cycling, and Public Transportation. Each mode has its own positive attributes and specific needs; and all must share the same Village of Upper Nyack Road Network in a safe way that is both practical and allows the other modes to safely co-exist.

Designing for the safe co-use and interaction of the various modes of transportation leads to the concept of 'Complete Streets'. The U.S. Department of Transportation defines Complete Streets as follows:

“Complete Streets are streets designed and operated to enable safe use and support mobility for all users. Those include people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders. The concept of Complete Streets encompasses many approaches to planning, designing, and operating roadways and rights of way with all users in mind to make the transportation network safer and more efficient. Complete Street policies are set at the state, regional, and local levels and are frequently supported by roadway design guidelines.

Complete Streets approaches vary, based on community context. They may address a wide range of elements, such as sidewalks, bicycle lanes, bus lanes, public transportation stops, crossing opportunities, median islands, accessible pedestrian signals, curb extensions, modified vehicle travel lanes, streetscape, and landscape treatments. Complete Streets reduce motor vehicle-related crashes and pedestrian risk, as well as bicyclist risk when well-designed bicycle-specific infrastructure is included. They can promote walking and bicycling by

providing safer places to achieve physical activity through transportation. One study found that 43% of people reporting a place to walk were significantly more likely to meet current recommendations for regular physical activity than were those reporting no place to walk.”

The concept of Complete Streets is consistent with the Village of Upper Nyack’s goal of being a ‘Walkable Village’.

VEHICULAR

As in most suburban villages, however walkable or connected to public transportation, the primary means of transportation on the Village’s road network is the motor vehicle. It is the dominant mode with which all other means of transportation must contend. Creating a safer environment for the motor vehicle creates a safer environment for all other means of transportation in the Village. Areas of concern over vehicular traffic through the Village include the following:



View at Intersection of Route 9W and Christian Herald Road

1. Excessive Speed

Complete Streets for motor vehicles, bicycles and pedestrians require that vehicles not exceed posted speed limits. Excessive speed occurs where there are wide and straight roads with few traffic calming elements, visual road sharing cues, or controlled stops. Examples of this in the Village are North

Broadway and North Midland Avenue. Excessive speed also occurs in vehicles going downhill in the Village from west to east. An example of this is Old Mountain Road. Controlling excessive vehicle speed requires an integrated approach that starts with vehicle operator awareness and includes roadway design elements, signage, and visual cues that promote this awareness.

2. Intersections

Roadway intersections are points of interaction and decision for motor vehicles, pedestrians, and cyclists in the road network. How the intersections are configured determine how safely these various means of transportation come together and interact. Major intersections in the Village include the following:



View at Intersection of Midland Avenue and Old Mountain Road

a. Midland Avenue & Old Mountain Road

The intersection of Midland Avenue and Old Mountain Road is the most cited area of concern in the Village of Upper Nyack. With two primary village roads intersecting, the High School to the west, the Upper Nyack Elementary School to the east, and NY State Bike Route 9 running through it, the intersection is frequently busy with motorists, pedestrians, and cyclists. The only controlled stops at the intersection are southbound on Midland Avenue and westbound on Old Mountain Road. This, coupled with limited sidewalks,

a blind curve affecting through traffic, and the absence of crosswalks, makes the intersection difficult to navigate for all users. The presence of the Upper Nyack Stream running below the intersection makes redesign of the intersection significantly more complicated.

b. **North Broadway & Castle Heights Avenue**

The intersection of North Broadway and Castle Heights Avenue is the focal point of the Upper Nyack Village Center. This staggered four-way stop intersection is regularly used by motorists, pedestrians, and cyclists. Regional bus routes and NY State Bike Route 9 both travel through this intersection. The staggered intersection overlaps with the entrance of the Upper Nyack Firehouse. In addition, during the school year it is a major pedestrian crossing point for school children and their parents. It is a tight, often confusing intersection that brings together all of the users of the road network.

3. Parking

As a largely residential village, parking is generally not an issue throughout Upper Nyack. Three areas where parking issues can arise are:

a. **Village Center District: Intersection of North Broadway & Castle Heights Avenue**

Due to the proximity of Upper Nyack Elementary School, there is an influx of cars looking for parking at the beginning of the school day and the end of the school day.

b. **Residential Streets Near Nyack Beach State Park**

Residential Streets in the proximity of Nyack Beach State Park experience parking issues when parking is not available in the park or people are trying to avoid entry fees.

c. **River Hook – The Hester Haring Cason Preserve**

As the public programs and uses for River Hook begin to be realized, it will become a destination point. Balancing the need for parking with the intent to leave it largely undeveloped will be an important consideration in planning for the preserve.

4. Other Issues

Roadways that should be considered for future improvements in how they provide for shared use with vehicular traffic include:

a. **Birchwood Avenue**

Birchwood Avenue, a regular route to the Upper Nyack Elementary School for many residents, does not have sidewalks

b. **Midland Avenue (North of Old Mountain Road)**

Midland Avenue (north of Old Mountain Road) is a route with school bus traffic stops, cyclists, and pedestrians. The route has a wide vehicle lane but lacks sidewalks and traffic calming design elements.

c. Old Mountain Road

Old Mountain Road, a significant east-west connection for the village, is a steep, winding road with no sidewalk on the segment between North Broadway and Midland Avenue, and a single asphalt-paved walkway on the segment between Midland Avenue and Route 9W.

PEDESTRIAN

The Village of Upper Nyack is a walkable river village with scenic views of the Hudson River and Hook Mountain, and a variety of pedestrian-friendly destinations. This contributes directly to commercial activity, property value, and the health and well-being of citizens. Upper Nyack should continue to encourage pedestrian access and safety by placing a priority on improving the connectivity of the existing pedestrian network. The following considerations are important factors in understanding and improving the *Walkable Village* concept:

1. Pedestrian Destinations

Pedestrian destinations can give planners a better idea of where the Upper Nyack pedestrian network should grow. Locations like the Upper Nyack Elementary School, the Nyack High School, Nyack Beach State Park, Upper Nyack Village Hall, the Upper Nyack Village Center, River Hook Preserve, the Hudson River Greenway Trail, and downtown Nyack are all significant pedestrian destinations.

2. Pedestrian Origins

Pedestrian origins are more spread out than common pedestrian destinations. However, the routes pedestrians take from their respective homes along various local roads will collect along secondary and primary village roads. How this pedestrian traffic flows and collects should be considered in future expansions to the pedestrian network. Along with the existing pedestrian origins, it is anticipated that the number of non-resident pedestrians will increase significantly with the new Shared Use Path on the Governor Mario Cuomo Bridge (formerly the Tappan Zee Bridge).

3. Existing Sidewalk Network

The existing network of sidewalks and crosswalks serves as the base for future sidewalk expansions. Expanding its connectivity enhances the value of this pedestrian network to Village residents. Major components of the current sidewalk system include the following:

a. North Broadway

North Broadway has a double sidewalk as far north as Birchwood Avenue and a single sidewalk on the east side extending north and terminating at the entrance to Nyack Beach State Park.

b. Midland Avenue

Midland Avenue has a single sidewalk on the east side of the street up to its intersection with Old Mountain Road. Midland Avenue has no sidewalks north of its intersection with Old Mountain Road.

c. Old Mountain Road (West of Midland Avenue)

Old Mountain Road west of Midland Avenue has a single asphalt-paved walkway on the south side of the road.

d. Castle Heights Avenue

Castle Heights Avenue has sidewalks on both sides of the street starting at North Broadway. The sidewalk on the north side extends only halfway up Castle Heights Avenue to Midland Avenue. The sidewalk on the south side extends all the way to Midland Avenue creating an essential pedestrian connection between North Broadway and Midland Avenue and providing pedestrian access to the Upper Nyack Village Center.

e. Highmount Avenue

Highmount Avenue has a single sidewalk on the north side of the street between North Broadway and Midland Avenue.

f. School Street

School Street has a single sidewalk on the west/north side of the street.

CYCLING

Cycling in Upper Nyack is an increasingly popular mode of transportation, from casual riding ‘into town’, to commuting, to sport cyclists training for long distance bike tours. As a healthy aerobic activity, it is a low-cost method of transportation that emits no air or sound pollution, makes more efficient use of space, and presents a more diminished risk to pedestrians as compared to automobiles.

Upper Nyack’s location on NY State Bike Route 9, and destinations such as Nyack Beach State Park, are regional attractions for cyclists as far away as New York City. It is anticipated that the number of non-resident cyclists will increase significantly from the Shared Use Path on the Governor Mario Cuomo Bridge.

PUBLIC TRANSPORTATION

Upper Nyack supports and encourages the use of public transportation. Although limited in decision making with respect to the public transportation planning that takes place in the County of Rockland, Upper Nyack is home to a small collection of commuter bus lines and is neighbor to a wide assortment of other options, which include the following:

1. Regional Bus Routes – Upper Nyack

Several regional commuter bus routes run through Upper Nyack with current designated stops at Midland Avenue/Castle Heights, Midland Avenue/Upper Birchwood Avenue, and Old Mountain Road/Route 9W.

2. Regional Bus Routes – Nyack

The regional commuter bus routes that run through Upper Nyack also serve the Village of Nyack. However, the Village of Nyack has additional regional bus routes serving it that, by extension, are available to the residents of Upper Nyack.

3. Palisades Center Park & Ride – West Nyack

At the Palisades Center in West Nyack, the Palisades Center Park and Ride provides a location to access the regional commuter bus routes along with a parking lot for vehicles.

GOALS & RECOMMENDATIONS

In its future planning and infrastructure improvements the Village of Upper Nyack should continue in its efforts to be a *‘Walkable Village’*, and in all things promote the goal of *‘Complete Streets’*. These efforts should include the following:

1. Traffic Calming

Traffic calming methods are tools used to reduce the average speed of vehicular traffic. Lower average speeds create a safer and calmer environment for pedestrians and cyclists to share Upper Nyack’s road network with motor vehicles and contribute towards the Village’s goal of *‘Complete Streets’*.

Common traffic calming methods include the following:

- a. **Channelization:** A lane narrowing visual cue to slow down.
- b. **Curb Extensions:** A lane narrowing visual cue to slow down.
- c. **Speed Bumps:** A visual warning to slow down.

Note that the Village’s **Department of Public Works** does not recommend this solution as they become ongoing maintenance problems and the **Nyack Fire Department** does not recommend this solution as they impede their ability to respond rapidly to an emergency.

- d. **Lower Speed Limit:** The most direct traffic calming technique that requires consistent active enforcement.

The Village should continue to review available traffic calming methods and consider where and how they might be appropriate on a very specific basis. This review process should include all primary interested and affected users and involve the input of the **Department of Public Works**, the **Clarkstown Police Department**, and the **Nyack Fire Department**.

2. Road Sharing: Motor Vehicles & Pedestrians

Currently road sharing occurs with motor vehicles and pedestrians (and cyclists) on the same roadway with no specific designations, except on those roads that have sidewalks. Being a *‘Walkable Village’* and developing Complete Streets means creating a safe (and extensive) pedestrian walking environment, i.e.

allowing pedestrians to more safely share the Village's road network with motor vehicles. Towards this end future Village planning should prioritize the following:

a. **Expand the Existing Sidewalk Network**

The goal in expansion of the existing sidewalk network would be to create a pedestrian sidewalk loop that joins the Village's north/south Primary Roads with the Village's east/west Secondary Roads. Development of a more complete loop should include sidewalks for Birchwood Avenue, Larchdale Avenue, and North Midland.

b. **Rethink Pedestrian Access & Travel Along Specific Roadways**

Future planning efforts to continue the goal of being a '*Walkable Village*' should include identifying and redesigning the path of pedestrian travel along specific roadways to provide a safer pedestrian environment. A primary example is the existing walkway on the south side of Old Mountain Road running from Midland Avenue to Route 9W. This asphalt-paved walkway would benefit from redesign and reconstruction as a concrete sidewalk, but it is located along a road with inherently difficult topography. An alternative to reconstruction of the walkway in its present location is to rethink the pedestrian travel route and ultimate pedestrian destinations in this area. A possible redesign of the pedestrian travel route in this location would be to start the sidewalk at the intersection of Old Mountain Road and Midland Avenue, extend it up to the intersection with Glenbrook Road, and then turn onto Glenbrook Road and run west up to the intersection with Route 9W.

3. Road Sharing: Motor Vehicles & Cyclists

With the growth of cycling as a means of transportation in our society and, more specifically, as a mode of transportation to and through the Village, developing Complete Streets includes creating an environment that promotes road sharing between motor vehicles and cyclists. Road sharing requires consideration and effort on the part of both the motorist and the cyclist. Towards this end future Village planning should prioritize:

a. **Education/Signage/Enforcement**

The primary road sharing concept is that cyclists ride single file and allow cars to pass on their left. Road sharing also requires motorists to approach cyclists with caution, give adequate space to cyclists when sharing the same road space, and to pass cyclists with care and awareness. Education in appropriate venues, visual reminders through signage, and enforcement where necessary reinforce the concept of road sharing and the need for all user groups to accommodate other user groups. Much of road sharing comes down to establishing mutual respect between cyclists and motorists.

b. **Infrastructure**

Infrastructure issues include sunken catch basins and catch basins with grating openings parallel with bike tires that create safety issues by forcing cyclists to veer into the vehicle roadway to avoid these hazards, creating an

unsafe and sometimes sudden interaction. Future roadway infrastructure repair programs should address these cyclist safety hazards as one means to improve road sharing.

c. Dedicated Bike Lanes

Providing Dedicated Bike Lanes is the most difficult of road sharing measures to provide on the Village's road network given the general lack of available road width in the Village's streets and the existing placement of catch basins. As noted under '**Infrastructure**' above, the current placement and configuration of existing catch basins is hazardous to cyclists and would force a dedicated bike lane to take up an excessive amount of roadway to avoid them.

4. Traffic Pattern Revisions

A possible consideration in developing an overall safer road sharing environment is to revise specific traffic patterns that create traffic bottlenecks and potentially bad road sharing interactions. Future Village planning might include reconfiguring the following:

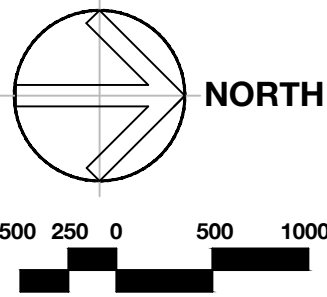
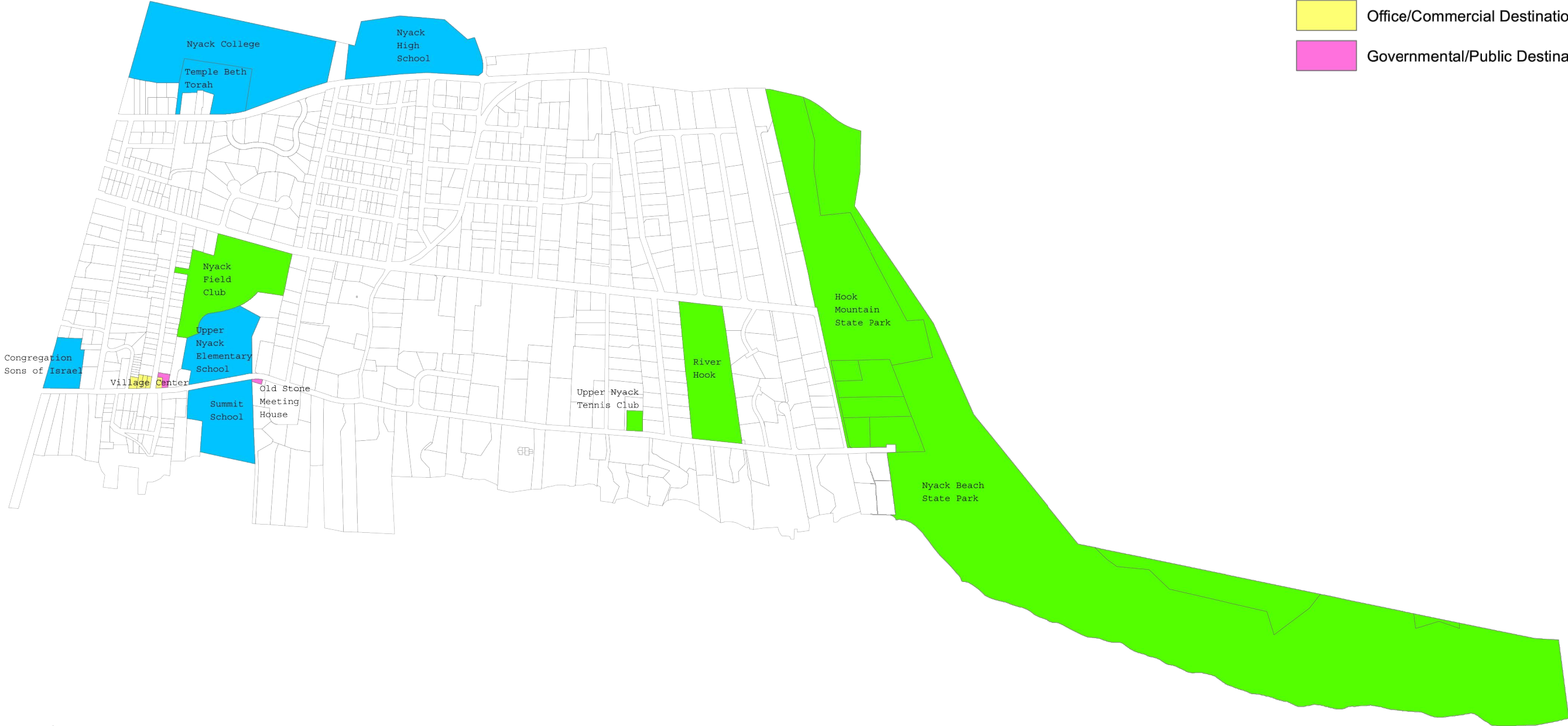
a. Birchwood Avenue & Old Mountain Road

Create an eastbound one-way road at lower Birchwood Avenue (between Midland Avenue and North Broadway) and a westbound one-way road at lower Old Mountain Road (between North Broadway and Midland Avenue). This reconfiguration would:

- 1) Complement the main school bus route to the Upper Nyack Elementary School and decrease congestion along Birchwood Avenue during the school bus rush hours.
- 2) Eliminate the option of eastbound traffic on Old Mountain Road North making a visually limited left-hand turn onto lower Old Mountain Road at an intersection that is considered a hazard for pedestrians. (Note: This intersection becomes even more hazardous when motor vehicles do not use turn signals to identify their intent.) The eastbound left-hand turn that is eliminated here would instead be diverted down Birchwood Avenue for both motorists and cyclists traveling along NY State Bike Route 9.
- 3) Provide greater visibility of oncoming traffic for the left-hand turn onto Birchwood Avenue. In addition, this left-hand turn would occur on a level road intersection where motor vehicle speeds are lower.
- 4) Create space for a sidewalk along both roads and more space for road sharing with cyclists.

Legend

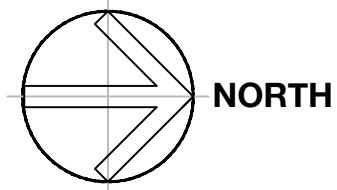
- Recreation Destinations
- Religious/Education Destinations
- Office/Commercial Destinations
- Governmental/Public Destinations



PEDESTRIAN DESTINATION AREAS

Legend

- Major Thoroughfare
- Primary Roads
- Secondary Roads
- Local Roads



ROAD CLASSIFICATIONS

Section 9: Transportation, Traffic, & Pedestrian Safety The Village of Upper Nyack Comprehensive Plan

Date: April 20, 2021



Retaining Walls at Nyack Beach State Park

Section 10: Infrastructure

OVERVIEW

in·fra·struc·ture

noun: **infrastructure**

Definition:

“The basic physical and organizational structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a society or enterprise. Infrastructure is composed of public and private physical improvements such as roads, bridges, tunnels, water supply, storm drainage, sewers, electrical grids, and telecommunications.”

A 1987 **US National Research Council** panel adopted the term ‘public works infrastructure’, referring to:

"... both specific functional modes – highways, streets, roads, and bridges; mass transit; airports and airways; water supply and water resources; wastewater management; solid-waste treatment and disposal; electric power generation and transmission; telecommunications; and hazardous waste management – and the combined system these modal elements comprise. A comprehension of infrastructure spans not only these public works facilities, but also the operating procedures, management practices, and development policies that interact together with societal demand and the physical world to facilitate the transport of people and goods, provision of water for drinking and a variety of other uses, safe disposal of society's waste products, provision of energy where it is needed, and transmission of information within and between communities."

UPPER NYACK INFRASTRUCTURE

The Village of Upper Nyack’s infrastructure consists of the following systems: the road network, sidewalks, storm drainage systems, sanitary sewer systems, above ground utilities, below ground utilities, and water systems.

1. ROAD NETWORK

The development of the road network in the Village follows the overall development of the Village as a largely residential community. There are four categories of roads in the Village, as previously defined in **Section 10 – Transportation, Traffic & Public Safety**: Major Thoroughfares, Primary Roads, Secondary Roads, and Local Roads. The majority of roadways in the Village are Local Roads, providing access to the residential properties which front on them and account for the majority of the total miles of road length in the Village.

Upper Nyack’s road system has evolved from roadways that primarily provided access to Village residences into a road network that has experienced a significant increase in use by visitors traveling via motor vehicle, public transportation, cycling or as pedestrians. Currently road sharing occurs with motor vehicles, pedestrians, and cyclists on the same roadway without separate lane designations, except on those roads that have sidewalks, which provides them a designated walking space for pedestrians. As noted in **Section 10** of this **Comprehensive Plan**, each mode of travel has its own positive attributes and specific needs; and all must share the same Village road network in a safe way that is both practical and allows the other modes to safely co-exist. Designing for this safe co-use and interaction is the concept of ‘Complete Streets’. The concept of ‘Complete Streets’ is consistent with the Village of Upper Nyack’s goal of being a ‘*Walkable Village*’.

(See **Section 10 – Transportation, Traffic & Public Safety** for a more detailed discussion of the Village of Upper Nyack road network and the issues and recommendations pertaining to road sharing and ‘Complete Streets’.)

2. SIDEWALKS

Recognizing the desire for walkability, exercise, and outdoor enjoyment, sidewalks have become an important issue for Village residents and a major focus of the Village infrastructure improvement program. The current sidewalk network has generally developed along the major roads within the southern and eastern portions of the Village. These sidewalks now connect to destination sites such as the Village Center (the intersection of North Broadway and Castle Heights Avenue), to Upper Nyack Elementary School, and to Nyack Beach State Park. Most are oriented in a north-south direction, where the terrain is gentler and the road right-of-way was available for installation. (See **Section 10 – Transportation, Traffic & Public Safety** for a more detailed discussion of the Village of Upper Nyack sidewalks and ‘Complete Streets’.)

3. STORM DRAINAGE SYSTEMS & STORMWATER MANAGEMENT

Like many communities in the County, the development of the Village did not always fully consider the implication of development on the generation of stormwater run-off. At the time the Village was growing, many of the current regulations regarding stormwater management, or environmental review in general, did not exist. As a result, there are many areas of the Village that see roadway drainage systems overtaxed. This has resulted in higher stream flows in the streams and drainage channels which flow east to the Hudson River.

Village drainage infrastructure consists of 699 catch basins, many miles of storm drain piping of various sizes and materials, and 24 stormwater outfalls to streams and the Hudson River. In 2004 a major study of drainage areas and flows was performed by LMS Engineers, who issued the report entitled ‘**Drainage Study Work Plan – Village of Upper Nyack**’ (July 2004). The report identified major areas of concern for the Village. Subsequent to its issue, the Village of Upper Nyack has implemented several of the report’s recommendations.

4. SANITARY SEWER SYSTEM

Sanitary sewers serve the entire Village through a system of over 260 manholes, 230 pipe segments and a pump station located on North Broadway. Similar to the drainage network, the system was installed many years ago, and in some cases the components are technically beyond anticipated design life. This system connects to the sanitary system in the Village of Nyack to the south and ultimately flows to, and is treated at, the Orangetown sewer plant. Treatment services are contracted by the Village under an agreement with the Town of Orangetown.

The Village has performed a large amount of system maintenance and repairs over the past 10 years. This work was determined to be necessary based on a comprehensive video inspection of the sewer network. These repairs included joint sealing, pipe repair and, in many areas, total system pipe replacement.

5. ABOVE GROUND UTILITIES

Overhead utilities extend throughout the Village to provide electric, telephone, cable and data services to Village residents and businesses. These are provided by public utility companies including Orange and Rockland Utilities (electric), Verizon (phone, cable and data) and Optimum (phone, cable and data). The Village does not provide any of these services. Implications for Village infrastructure with regard to these services is limited to their location in Village road Rights of Way. The poles and lines have an aesthetic impact on the Village landscape and affect the street tree inventory and selection of future tree installations to ensure that they are compatible with the overhead lines.



6. BELOW GROUND UTILITIES

Similar to overhead utilities, underground utilities are provided by Orange and Rockland Utilities (gas) and Suez (water). The Village does not provide these services. The Village does require permits for underground utility work in Village Rights of Way and must continue to monitor the work of these companies as it relates to the disruption or alteration of Village roads.

Underground utilities consisting of electric service and cable / phone / data service have been utilized in several newer subdivisions in the Village. While underground utilities have higher installation costs and may present problems accessing equipment for repairs, the advantages of underground utilities include:

a. **Aesthetics**

The appearance of an area is improved by reducing the visual clutter of utility poles and wires.

b. **Reduced Maintenance**

Burying utility lines underground eliminates falling tree limbs, high winds, heavy snows, and other weather-related power outages, therefore providing more reliable service.

c. **Safety**

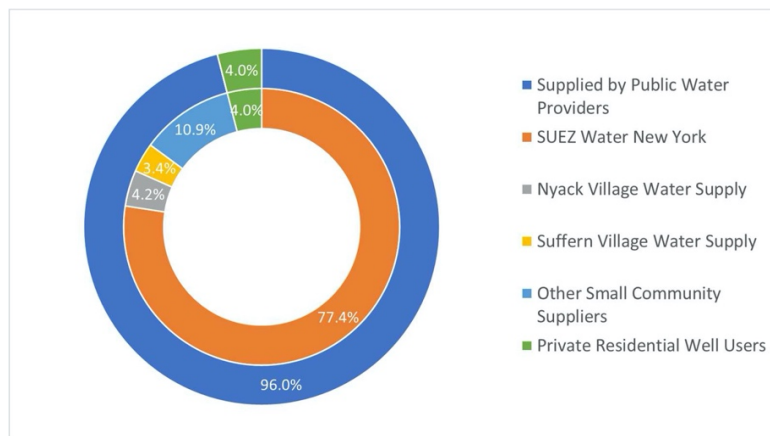
Burying utility lines eliminates fire hazards, accidents, and safety risks from power outages due to downed lines and improves road safety by removing or reducing the chance of motorists striking utility poles.

7. WATER RESOURCES

Listed above as a ‘Below Ground Utility’ as delivered by Suez Water NY, water deserves further separate discussion as a valuable and precious resource. Considered as a resource in the broader context of Rockland County, the water supply comes from a combination of the following surface and groundwater sources:

- a. Groundwater from the Newark basin aquifer
- b. Groundwater from alluvial aquifers along the Ramapo and Mahwah Rivers
- c. Surface water from Lake Deforest Reservoir

In 2014, recognizing that an increasing population would continue to put stress on the available water supply, and as part of a collaborative response to plans by Suez Water NY for construction of a desalinization treatment plant using Hudson River water*, Rockland County created a Water Task Force. The Water Task Force was charged to develop a water conservation plan for the County and in March 2020 it issued the **Rockland County Comprehensive Water Conservation and Implementation Plan**. It presents an integrated approach to water conservation that is intended to complement other resource conservation efforts within the County.



Existing Water Supply Providers in Rockland County by % of Population Served

Due to the New York State regulation known as home rule the County has limited ability to pass laws and ordinances related to water conservation. The successful implementation of the plan relies on solutions that are embraced and adopted by local jurisdictions in the County. As a local jurisdiction and a key stakeholder, the Village of Upper Nyack supports the goals of the Plan's recommended water conservation measures.

***Note:** The Public Service Commission directed the water company to abandon plans for the desalinization plant in 2015.

8. SOLAR POWER

Early development of solar technologies in the US began in the 1860's driven by an expectation that coal would soon become scarce. The world's first rooftop photovoltaic solar array was installed on a New York City roof in 1884. But solar technology development stalled in the early 20th century with the economic availability and utility of coal and petroleum. In 1974 it was estimated that only six private homes in all of North America were entirely heated or cooled by functional solar power systems. The 1973 oil embargo and 1979 energy crisis caused a renewed attention to developing solar technologies and installations of photovoltaic systems grew rapidly, but falling oil prices in the early 1980s moderated their growth until the mid-1990's. From that point development of residential and commercial rooftop solar again accelerated due to supply issues with oil and natural gas, global warming concerns, and the improving economic position of photovoltaics relative to other energy technologies. In 2018, solar generated about 1.5% of US electricity and by the end of September 2019, the US had deployed over 2 million solar photovoltaic systems. Total installed US photovoltaic capacity is expected to more than double over the next five years.

Solar photovoltaic electric systems convert the energy in sunlight into electrical current, which can then power electric loads, be fed back to the electric grid, or be stored in batteries. All solar photovoltaic electric systems consist of the same basic components but vary in terms of size and complexity. Most of New York State's solar photovoltaic installations are residential, utility grid-tied, roof-mounted, do not include battery storage, and range from 4 to 10 kW. New York State allows residential solar photovoltaic systems up to 25 kW in capacity.

In the Village of Upper Nyack Zoning Ordinance solar panels are listed as a Permitted Accessory that requires Architectural Review Board review and Planning Board approval. The Building Permit approval process requires verification of the structural integrity of the roof (if roof mounted), compliance with the NY State Building Code wind uplift requirements.

GOALS & RECOMMENDATIONS

1. ROAD NETWORK

Refer to **Section 9: Transportation, Traffic & Public Safety** for Goals & Recommendations regarding the Village of Upper Nyack Road Network.

2. SIDEWALKS

Refer to **Section 9: Transportation, Traffic & Public Safety** for Goals & Recommendations regarding the Village of Upper Nyack Sidewalks.

3. STORM DRAINAGE SYSTEMS & STORMWATER MANAGEMENT

Future planning decisions and infrastructure management must include provisions to improve stormwater management both from new development and the existing drainage systems throughout the Village. Overall capital spending should include an annual allocation for upgrades and extensions of the drainage system. The Village may also wish to explore the acquisition of drainage easements to prevent future compromise of drainage channels or streams and allow the Village to make additional improvements.

4. SANITARY SEWER SYSTEM

The Village should program an annual allocation in its capital spending plan for the periodic inspection and implementation of upgrades to the sanitary sewer system. These maintenance efforts will help ensure the continued serviceability of this system.

5. ABOVE GROUND UTILITIES

The Village should continue to monitor the street tree inventory and selection of future tree installations to ensure that they are compatible with the overhead lines.

6. BELOW GROUND UTILITIES

The Village should continue to require underground utilities (electric service and cable / phone / data service) for new subdivisions and large development projects.

7. WATER RESOURCES

The **Rockland County Comprehensive Water Conservation and Implementation Plan** developed six (6) Information Measures, nine (9) Incentive Measures, and five (5) Regulation Measures as goals, along with a Recommended Timeline, for implementing the Water Conservation Plan. The Village should establish a working committee headed by a Board of Trustee member to review the Comprehensive Water Conservation and Implementation Plan's Measures in detail, confer and coordinate with the **Rockland County Health Department's Division of Environmental Health** and the **Rockland County Water Task Force**, and develop a Village plan (reviewed and approved by the Board of Trustees) to incorporate the

water conservation actions and measures in Upper Nyack's General Ordinance and Zoning Code. Refer to **Section 13 – Climate Planning & Resilience** for further discussion of **Water Resources & Conservation**.

8. SOLAR POWER

In the effort of moving toward a more sustainable energy supply the Village should:

a. **Promote Individual Solar**

Provide education and information links on the Village website to promote the use by Village residents of solar power where appropriate and feasible, understanding that there can be visual impacts with residential solar power installations to be considered that should be part of a permitting and approval process.

b. **Promote Community Solar**

Provide education and information links on the Village website to promote participation in community solar projects by Village residents. Community solar projects consist of an array of solar panels installed in an offsite location that allows individual owners to access the clean energy produced by the solar panels and get credit towards their electricity bills without installing panels on their home. Community solar projects generally offer either a subscription plan or a purchase plan. Participation in a community solar project is coordinated with an owner's electric utility provider.

c. **Participate in Community Choice Aggregation (CCA) Program**

Upper Nyack, along with several other Rockland County municipalities, is a member of a collaborative municipal energy program called **Rockland Community Power**. **Rockland Community Power** is a Community Choice Aggregation (CCA) program, a buying group through which Village residents and small businesses (along with those in the Towns of Clarkstown and Orangetown and the Villages of Haverstraw, Nyack, South Nyack, and Upper Nyack) can purchase electricity sourced by clean energy. The program is designed to bring 100% renewable energy to the Village, reduce its carbon footprint, lower energy costs, strengthen consumer protection, and help meet New York State's ambitious goals to lower greenhouse gas emissions. **Note:** The initial current program is for two years.

The Village should actively coordinate with and be a resource to Village residents in providing information on available federal, community, and state solar programs and incentives which currently include the following:

a. **Megawatt Block Incentive Structure**

The Megawatt Block Incentive is a direct incentive for solar energy available under New York's NY-Sun Initiative. The program provides an up-front dollars-per-watt (\$/W) rebate for commercial and residential solar panel systems.

b. New York Net Metering

Net metering is a policy that pays you for solar electricity you send into the grid. Credits for excess solar power that you accrue are stored in a “credit bank” and can be used in future months (usually winter) if your solar energy system produces less electricity.

c. New York State Solar Equipment Tax Credit

The NY solar tax credit can (currently) reduce state tax payments up to \$5,000 or 25% off total solar energy expenses.

d. NY-Sun (Solar Initiative)

NY-Sun is the umbrella program for a number of solar industry support mechanisms in NY State, including the **Megawatt Block Incentive Structure** mentioned above. NY-Sun, in conjunction with the NY Power Authority, also provides the backbone for the state's Community Solar and K-Solar programs.

e. NY REV (Reforming the Energy Vision)

The goal of the **NY REV** Initiative is to reinvent NY State's energy systems with a focus on 'distributed energy' technologies like rooftop solar panels and energy.

f. Federal Investment Tax Credit

The Federal Investment Tax Credit (ITC) can reduce federal tax liability up to 26% of the net cost of the solar energy system (after other rebates and credits) if the solar energy system is purchased.

Understanding that solar energy technology continues to advance, and that the solar energy industry will continually evolve on the basis of these advances, then future federal, state, and industry solar programs and incentives will likely change to reflect the current state-of-the-art systems and technologies. The Village should establish a Board of Trustee member whose responsibility is to actively coordinate with the current federal, state, and industry solar programs and incentives, and bi-annually report back to the Board on these issues. An alternative to this is to set aside a budget amount for a consultant to research these same areas and report back to the Board.

Note: Refer to Section 13 – Climate Planning & Resilience for further discussion of Reducing the Village Carbon Footprint.



Aerial View North on the Hudson River Towards Nyack Beach State Park

Section 11: Natural Resources

OVERVIEW

Natural resources are materials or substances such as minerals, forests, water, and land that occur in nature. Natural resources are considered either renewable or non-renewable. Renewable natural resources such as wind, water, natural vegetation, solar energy, vegetative lands, and animals, generally exist in nature in abundance, are constantly available, or can be reasonably replaced or recovered. Non-renewable natural resources are those that cannot easily be replaced once they are used or expended; examples include fossil fuels, minerals, and some animal species. The Village should ensure that it protects its natural resources for future generations.



Views of Crumbie Creek

NATURAL RESOURCES

STREAMS & WATER COURSES

Streams and watercourses occur throughout the Village, generally running from west to east, with a final outfall to the Hudson River. This includes the one remaining stream of significant size, Crumbie Creek, which runs parallel to Old Mountain Road, from the Nyack High School site to the Hudson River. There are six major outfalls from Village streams and drainage systems into the Hudson River. Over time many of these streams have been piped to accommodate surrounding development. In one instance this resulted in a large drainage basin being re-routed along Midland Avenue to a new drainage outlet into Crumbie Creek.

With the current development trends of larger residences with greater areas of impervious covering, it has become more important to protect stream channels from the impacts of development. Increases in impervious surface coverage greatly alter the hydrology of a developed area, causing higher rates of urban run-off. This in turn results in higher flows and velocities in these stream channels, resulting in channel bank erosion and soil and sediment migration.

The Village has enacted ordinance provisions (Ordinance 8.5) to regulate alteration of existing stream channels and to have easements secured through the development process, as well as the Stormwater Control regulations (Article VIII) of the Zoning Ordinance.

TREES

Trees within the Village at large are widely varied in species, growth patterns and location. There is an extensive mix of both deciduous and coniferous trees which provide shelter and habitat for resident wildlife and contribute to the sense of Upper Nyack as a small-town, semi-rural village.

Street trees in particular are an essential part of the aesthetics and visual character of Upper Nyack, as demonstrated by the large turnout of residents in regard to the removal and replacement of street trees at the Summit School site in 2018/2019. It is obvious that many residents feel strongly about the importance of street trees. This importance must be balanced with the issues of tree size and maturity, public safety, public utility installations and community resiliency.

WILDLIFE

The Village is home to a wide variety of wildlife, some of which has adapted to living in a built-up environment and some which is less adapted. Various species of wildlife in the Village include resident and migratory birds, common small mammals such as squirrel, chipmunk, possum, raccoon etc.; larger mammals such as deer and fox; and occasionally more potentially dangerous species such as coyote and bear.

The close proximity of Hook Mountain and the State parklands at the north end of the Village provides a large habitat area for various species which then move in and out of populated areas. The resultant interaction between humans and animals can create problems that include animal devastation of garden plantings, garbage foraging, attacking domestic animals or pets, transmission of tick-borne disease, and collisions with motor vehicles. The most frequent interaction with larger mammals in Upper Nyack (as in most areas in Rockland County) are with deer. The large deer population has caused extensive damage to indigenous and landscaped plants throughout the Village. Management of the large deer population presents difficulties due to divergent resident opinions on acceptable techniques.



Deer are Prevalent and Travel Through Every Part of the Village

WETLANDS

A wetland is an area of land that is either covered by water or saturated with water. The water is often groundwater, seeping up from an aquifer or spring. Wetlands are transition zones. They are neither totally dry land nor totally underwater; they have characteristics of both. Wetlands go by many names, but swamps, marshes, and bogs are considered to be the three major kinds of wetlands.

Wetlands serve essential functions in an ecosystem, providing natural stormwater detention as well as water quality benefits by the filtration of water before it reaches streams and ponds. Upper Nyack currently protects wetland areas within the Village through the regulations of the Stream Conservation Ordinance (Ordinance 8.5). The Village Slope Formula Regulations (Section 6.6 of the Zoning Ordinance) also provides reductions in bulk area for zoning purposes for defined ponds, wetlands, and streams.

STEEP SLOPES

Steep slopes are a natural resource that require protection due to the potential adverse effects of disturbance of such slopes. Steep slope areas are, in many cases, comprised of underlying rock with a relatively thin layer of soil above. The removal of this strata can lead to increased erosion and increased run-off. The Village Slope Formula Regulations (Section 6.6 of the Zoning Ordinance) provides reductions in bulk area for zoning purposes for defined slopes over 20% (in a minimum defined square foot area) and fully restricts the disturbance of slopes over 40%.

PARKS

As discussed in **Section 7: Parks, Open Space, & Recreation** the areas for parks and open space have greater importance as the Village of Upper Nyack and its surrounding neighbors become further developed. The Village should continue to recognize its role of stewardship in the protection and maintenance of these natural areas.

AESTHETIC RESOURCES

The scenic views of the Hudson River and Hook Mountain (Re: **Section 7: Parks, Open Space, & Recreation**) are always present, or are nearby, throughout the Village. They are aesthetic resources that help define the character of Upper Nyack and contribute to its quality of life. An underlying theme throughout and a goal of this **Comprehensive Plan** is to support stewardship of these natural aesthetic resources through land use regulations and zoning in order that they continue to be available to delight and inspire future generations.

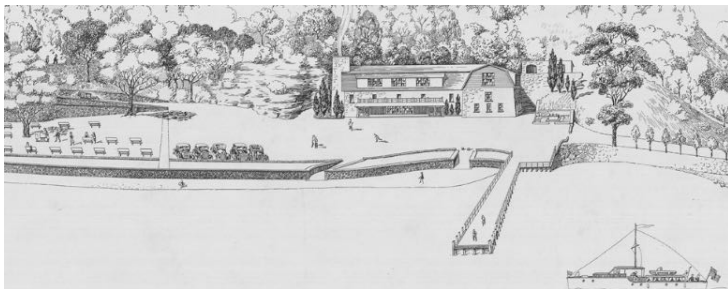


Aerial View North from the Hudson River Towards Upper Nyack

HUDSON RIVER

More than any other natural resource of the Village, the history of Upper Nyack has been shaped by, and its identity inseparably connected to, the Hudson River. Among many other things, it is a central attraction to living in Upper Nyack, and in broader terms it connects the Village of Upper Nyack to the greater Hudson Valley Region of New York State.

In Upper Nyack the only point of direct public access to the Hudson River is **Nyack Beach State Park**, a 61-acre state park situated on the riverfront along the Hudson River. The park provides public access to the Hudson River and access to Hook Mountain at the upper parking level. It is a heavily used park serving the greater Nyack community and beyond, and provides a range of activities that include picnicking, hiking, jogging, bicycling, fishing, kayaking and cross-country skiing. The park charges a vehicle admission to the park seasonally throughout the year and is open at no cost to the walking or biking public at all times. Although a significant portion of the State Park is within the Village's designated boundaries, it is solely under the control of the New York State Department of Parks, Recreation and Historic Preservation.



Early Schematic of Nyack Beach

As noted, the only public access to the Hudson River in Upper Nyack is at Nyack Beach State Park. Throughout the Village the Hudson River waterfront is all privately owned. With the exception of lower Castle Heights Avenue and Van Houten Street in the Van Houten Landing Historic District, and the entrance road to Nyack Beach State Park, there are no streets or other public spaces that run perpendicular down to the river providing a “view corridor” of the Hudson River.

However, being part of the Hudson River Palisades, much of Upper Nyack is situated on relatively steeply sloped properties. This permits the ability to view the river from many of the Village properties and public streets that are more inland due to their higher elevation, thus contributing to the Village’s sense of its identity being bound to the River. As the Hudson River has become more recognized for the significant natural resource that it is, the view from one’s property towards the river is especially valuable. A considerable part of a property’s value in the Village of Upper Nyack can be related to what type of river view a property contains.



Morning View East from Nyack Beach State Park

GOALS & RECOMMENDATIONS

1. STREAMS & WATER COURSES

Stream and watercourse protection can take many forms, but the Village's underlying core methodology should continue with its current practice of maintaining more natural hydrology in the tributary drainage areas. To this end Upper Nyack's ongoing efforts to protect Village streams and watercourses should include the following:

a. Stream Mapping

Stream mapping is available from the Rockland County GIS (Geographic Information Systems) but it does not show all of the minor stream channels and watercourses within Upper Nyack. The Village should consider additional mapping to more completely identify the streams and watercourses in the Village and have a better database of the detailed drainage network.

b. Stream Buffer Areas

Stream buffer areas along stream channels can be used to prevent development encroachment, leaving these undeveloped buffer areas along the stream channel to provide natural filtration of stormwater run-off.

c. Stormwater Migration Measures

Requiring new development and renovation projects to install stormwater migration measures to maintain pre-development run-off rates and encourage natural infiltration and recharge should be continued requirements.

d. Stream Daylighting

Stream daylighting is a method of restoring some or all of a previously buried stream or stormwater drainage channel to more natural conditions. It provides the added benefit of additional channel capacity over the piped alternative. Daylighting exists in several forms including:

- 1) Natural Restoration: Restoring a stream to natural conditions
- 2) Architectural Restoration: Restoring a stream to open air, flowing water but within a constructed channel
- 3) Cultural Restoration: Celebration of a buried stream through markers or public art used to inform the public of the historic stream path, although the stream remains buried.

e. Easements

The Village should also consider acquisition of easements over existing streams by outright acquisition. These may be merely protective easements which prevent alterations to the channel, or they may include provisions whereby the Village can perform channel improvements to prevent flooding.

2. TREES

Trees are a renewable natural resource that contribute to the beauty, character, and quality of life in the Village. Upper Nyack's ongoing efforts to promote and protect healthy trees should include the following:

a. **Consolidation of Ordinances**

The Village enacted a Community Forestry Ordinance (Chapter 14) and Tree Maintenance and Management (Section 6.5 of the Zoning Ordinance) to regulate and enhance the preservation of trees within the Village. Consolidation of these disparate ordinances should be considered to place all tree related regulations under one chapter of the Zoning Ordinance or compiled and developed as a new tree preservation law in the General Ordinance.

b. **Street Tree Protocol**

The Village should establish a detailed street tree protocol for the installation of street trees, allowable species and growth patterns, placement relative to public utilities and maintenance of street trees.

c. **Village Arborist**

The Village Arborist (Forester) position has been established in the Village for approximately 15 years. The Village Arborist has been an important resource for the Planning Board and the Building Inspector in regard to tree preservation issues and recommendations for tree installations. This position should be retained.

d. **Right Tree / Right Plan**

This concept is one which should seem obvious but is not particularly understood. There are various purposes for the installation of trees and shrubs on both Village and private property. These include aesthetics, shading, screening and provision of wildlife habitat. In each case, the species of tree is dependent on the intended purpose and needs to be evaluated in that light. The Village Arborist can provide information and recommendations in these cases.

e. **Encourage Planting of Trees on Private Property**

Tree planting on private property can also enhance an area by increasing aesthetics, providing shade, potentially reducing energy consumption through shading and lessening the need for air conditioning, and attracting desirable wildlife or birds. Encouraging the installation of trees on private property would provide additional benefit to the Village population as a whole.

f. **Small Tree Farm on River Hook**

The creation of a tree farm at **River Hook - The Hester Haring Cason Preserve** would allow the Village to secure seedling trees to be raised there which could then be used at other Village properties or given to residents to encourage tree planting as noted above.

g. **Revisit Tree Regulations and Where to Plant**

As previously indicated, the Village should consider the revision of the several ordinances related to trees and tree management. This might include expanding the guidelines on what species to use in various applications and make it

simpler for residents to install new trees. It would also codify the Village's policies with regard to installation and maintenance of street trees to balance the various interests involved with them.

h. **Avoid Monoculture**

As with any endeavor, too much uniformity can be detrimental to the overall success of that endeavor. The use of different varieties of trees within Upper Nyack makes the Village tree stock more resilient. By varying species within the Village, the risk of total loss of any particular species (e.g. Ash Blight) will not have as large an impact on the overall tree population.

3. WILDLIFE

As in the other natural resources that are discussed in this Section, there is continual work to maintain an appropriate balance between nature and the built environments in the Village. Upper Nyack's efforts in this area with respect to wildlife should include the following:

a. **Education**

Wildlife management, or education of the human population on the potential for interactions with native species should both be investigated and evaluated as options to balance the natural and built environments. This could include coordination with the Town of Clarkstown Animal Control Officer (ACO) as a resource for information, education, and policy.

b. **Deer Control**

The most frequent interaction with wildlife in the Village are with deer. If the deer are restricted from one area, they will relocate to other areas which allow access. This can create issues not only between the resident and the deer, but between residents as well. While managing deer over abundance in most areas is through regulated recreational hunting, that is not an option within the confines of the Village. Deer control options for the Village resident will continue to consist of fencing (in compliance with Village fence regulations) and the selection of landscaping plant material that is not preferred by deer.

4. WETLANDS

The protection and enhancement of wetland areas within the Village should be encouraged and further strengthened in order to maintain the benefits provided by this natural ecosystem. The existing Village regulations protecting wetlands, as included in the **Stream Conservation Ordinance (Ordinance 8.5)**, should be continued. The existing Village regulations requiring reductions in bulk area for zoning purposes for defined ponds, wetlands, and streams (**Slope Formula, Section 6.6 of the Zoning Ordinance**) should also be continued. The Village may wish to develop further regulatory details that define additional standards to be followed in the protection or potential alteration of any wetlands area. Refer to **Section 13: Cimate Planning & Resilience** for further discussion of Wetlands.

5. STEEP SLOPES

The current **Village Slope Formula (Section 6.6 of the Zoning Ordinance)** provides reductions in bulk area for zoning purposes for defined slopes over 20% (in a minimum defined square foot area) and fully restricts the disturbance of slopes over 40%. The Village should continue these protective steep slope regulations. But as the remaining undeveloped portions of the Village may consist of more marginal sites with greater areas of steep slopes, the Village should consider the following:

a. **Three Tier Slope Regulation**

Enhance the existing steep slope regulations by classifying steep slopes in three tiers and limiting the amount of disturbance within each slope tier (as well as possible limitations to other natural resources including floodplains, wetlands, and woodlands). Where steep slopes are present, require development plans to include detailed information related to grading and erosion as well as sediment control. The three proposed tiers are:

- 1) Moderately Steep: 15% - 25%
- 2) Steep: 25% - 40%
- 3) Very Steep: 40% and Greater (No construction or site disturbance allowed)

b. **Enhanced Steep Slope Regulations in Future Overlay Zones**

Consider enhanced steep slope regulations as part of the supplemental regulations developed for either the proposed **Hudson River Overlay Zone** (re: **Section 5: Residential Alternatives**) or the proposed **Historic Preservation Overlay Zone** (re: **Section 8: Special Districts & Historic Landmarks**). These supplemental regulations might include limitations to other natural resources in the Overlay Zones including floodplains, wetlands, and woodlands.

c. **Clarify Applicability**

The Village should clarify the applicability of the proposed Steep Slope regulations to apply to all lots and subdivisions, irrespective of the date they were created.

6. PARKS

As the primary gateway to two NY State Parks (Nyack Beach State Park and Hook Mountain State Park), and the municipal entity that owns River Hook, it is the intent of the Village to be good neighbors and stewards of these important natural resources. See **Section 7: Parks, Open Space, & Recreation** for further discussion of recommendations for these areas.

7. AESTHETIC RESOURCES

The scenic views of the Hudson River and Hook Mountain are defining aesthetic resources for the Village of Upper Nyack. Creating a **Hudson River Overlay Zone**, as recommended in **Item #8** of these **Goals and Recommendations** and further discussed in **Section 5: Residential Alternatives**, is a zoning regulatory policy that would recognize and seek to protect these natural aesthetic resources.

8. HUDSON RIVER STEWARDSHIP

As one of the significant underlying elements that define the character of Upper Nyack the Village bears a responsibility to protect the ecology and health of the Hudson River. As one of the stewards of the Hudson River the Village may want to Such considerations might include:

a. Access

As noted earlier, Nyack Beach State Park is under the control of the NY State Department of Parks, Recreation and Historic Preservation. While Upper Nyack has no direct authority to adjust park policies for its own uses, the Village might explore with NY State the possibility of a special entrance pass for Village Residents that provides free park access. Another possibility for enhancing Village resident access and recreation on the Hudson River would be to request the installation of a kayak/personal boat rack for residents, allowing them to keep and launch personal watercraft.

b. Hudson River Overlay Zone

Create a **Hudson River Overlay Zone** (re: **Section 5: Residential Alternatives**) to add additional use and bulk regulations onto properties between North Broadway and the Hudson River. The **Hudson River Overlay Zone** might create or include enhanced regulations for view corridors, setbacks, height, slopes, landscaping, preservation of important trees, and development of the riverfront edge (including walls, docks, and other structures). Primary consideration should be given for standards and regulations that contribute to the river's health and restrain over-development. (Note: Refer also to **Section 6: Business & Economic Development** on development of a **Local Waterfront Revitalization Program** and a **Harbor Management Plan**.)

c. Green Standards

The Village should consider adopting ordinances based on "green standards" and policies restricting run-off of pollutants from both public infrastructure and private property. Such ordinance/standards might restrict use of pesticides, herbicides, fertilizers, non-organic fertilizers, industrial pollutants, and incorporate significant penalties for violations.

d. View Sight Lines

The current zoning ordinance does not contain any regulations that discuss view sight lines or the blocking of adjacent property views. View sight line issues in Upper Nyack generally refer to scenic views of the Hudson River, although scenic views of Hook Mountain are similarly deserving of consideration. While often difficult and complex to regulate, guidelines might be developed for all residential zoning districts in the Village establishing parameters that limit the extent to which existing scenic views may be infringed on by new construction while also allowing for a property owner's right to build within the regulations of the Zoning Ordinance and the bulk requirements of their specific zoning district. See **Section 5: Residential Alternatives** for further discussion of this recommendation.





OFFICIAL STREAMS MAP VILLAGE OF UPPER NYACK ROCKLAND COUNTY, NEW YORK

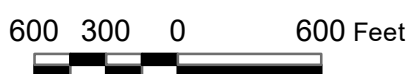
Adopted by the Village of Upper Nyack

Date: _____ Signed: _____





LEGEND

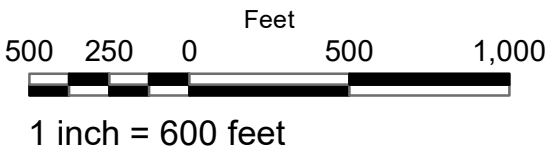
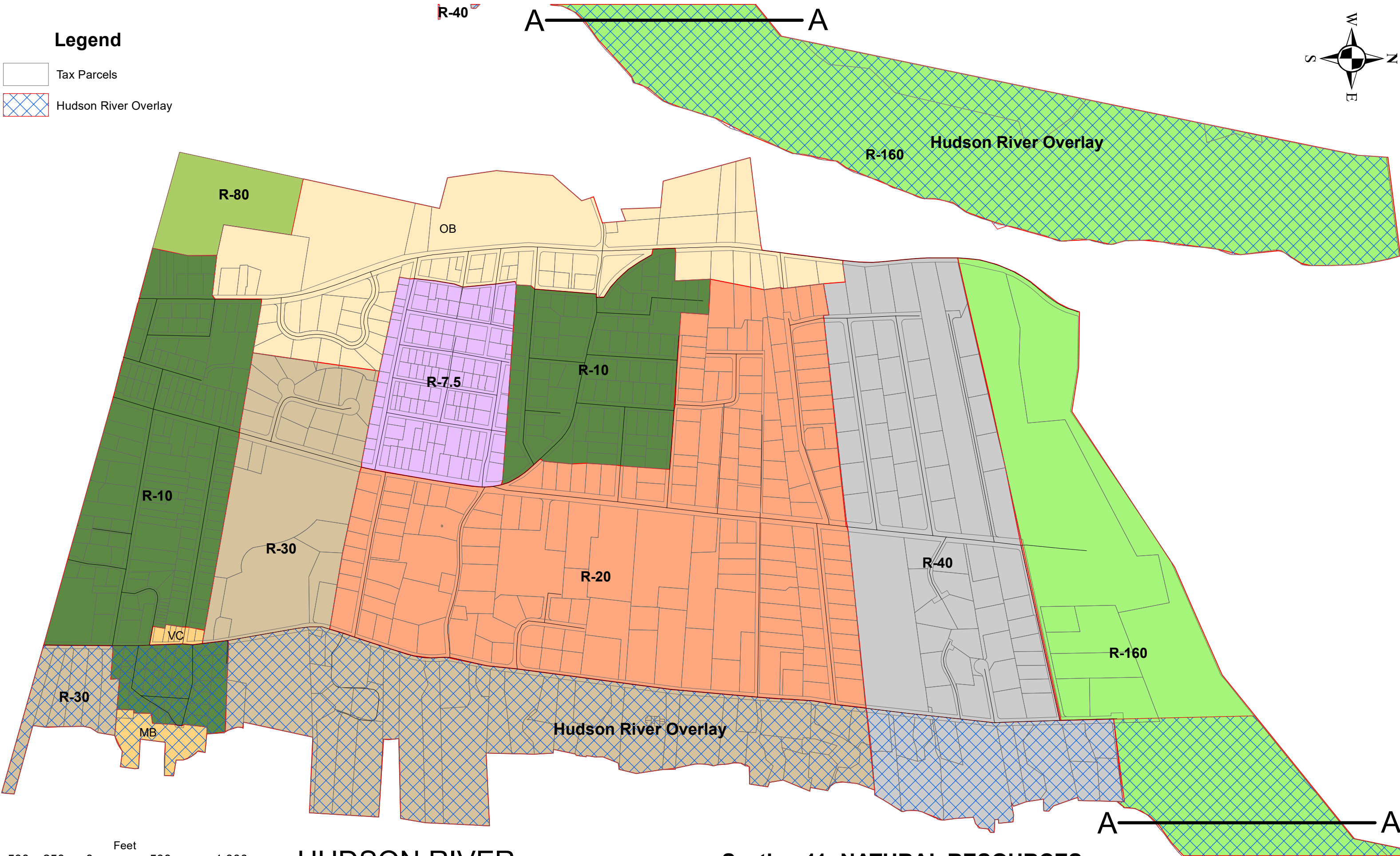
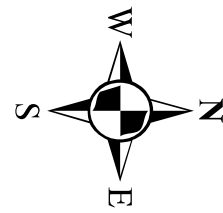
-  Streams
-  Wetlands & Waterbodies
-  Stormwater Outfalls
-  Tax Lots



Map Prepared May, 2007
Revised June 2011
Dennis M. Letson, PE 160 West Central Ave
Consulting Engineer Pearl River, NY 10965

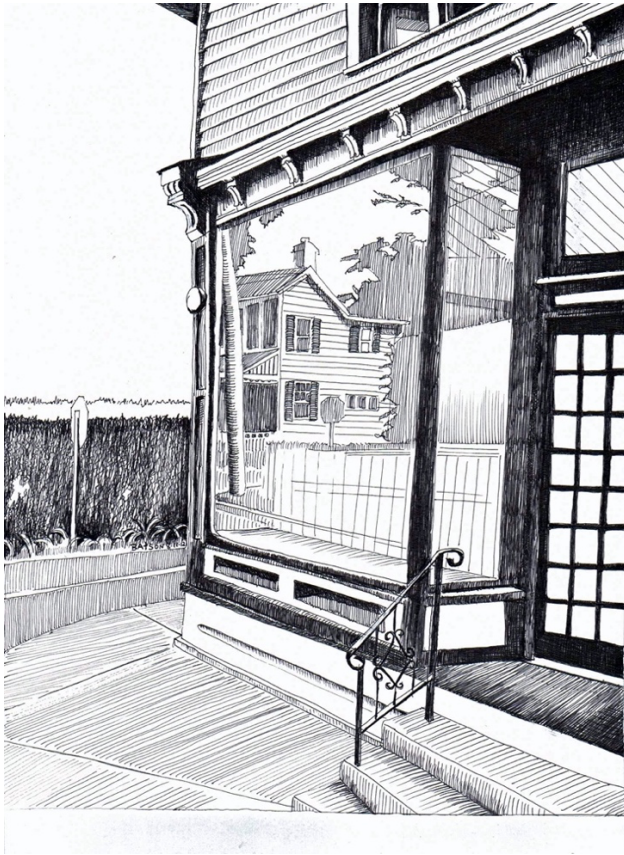
Legend

-  Tax Parcels
-  Hudson River Overlay



**HUDSON RIVER
OVERLAY ZONE**

Section 11: NATURAL RESOURCES
The Village of Upper Nyack Comprehensive Plan
Date: April 20, 2021



Section 12: Quality of Life & Community Character

OVERVIEW

The Village of Upper Nyack, as reflected in its zoning code and seen in its actual development, is primarily a residential community; extending north from the Village of Nyack to the natural boundary of Hook Mountain, and bordered on the west by the commercial zone along Route 9W and on the east by the Hudson River. Throughout

this residential community there exists a wide variety of housing styles, from historic Dutch Colonials, Victorian Mansions, and Craftsman style homes to ranch style, raised ranch, and modern, contemporary designs. The variety of sizes, architectural styles and visual characteristics gives the village a charming and eclectic small-town atmosphere. Abundant trees and the backdrop of Hook Mountain and the Hudson River creates visual cohesion and gives the Village a semi-rural quality.



Residence in the Current R-2 District



Residence in the Current R-2 District

COMMUNITY CHARACTER

The community character of the Village has been shaped over the years by its growth around several main development corridors and unique districts. These defining areas of the Village include:

1. NORTH BROADWAY RESIDENTIAL CORRIDOR

North Broadway is one of the Village's three Primary Roads and the Village's premier driving and pedestrian roadway, firmly establishing the historic character and walkable nature of the Village. Location for the largest properties and grandest homes in the Village, most of the homes here are situated on lots of one acre or more, creating a stately, traditional feel. Many properties on the east side extend directly down to the Hudson River. On the east-west streets between North Broadway and North Midland, the houses are of moderate size, suburban in character, and set apart from their neighbors by shaded lots, large lawns and deep setbacks.

2. ROUTE 9W COMMERCIAL CORRIDOR

Route 9W is the only Major Thoroughfare through the Village. The visual character of the Route 9W Corridor is a mixture of commercial and residential properties. Residential uses are primarily on the east side of Route 9W, interspersed between small commercial buildings on individual lots. Aside from a small number of single-family homes, the west side of 9W south of Old Mountain road is dominated by large properties: the former Alliance Theological Seminary headquarters building, the Reform Temple of Rockland, Nyack High School, and a small commercial strip mall. North of Christian Herald Road there are a variety of individual commercial businesses that currently include an auto body shop, a gas station, a restaurant, a bicycle shop, and a warehouse, among other uses. No single architectural style or commercial use prevails. This main commercial business district is further discussed in **Section 6: 'Business & Economic Development'**.

3. MIDLAND AVENUE RESIDENTIAL CORRIDOR

Midland Avenue is one of the Village's three Primary Roads and runs through all of the Village's five residential zoning districts. Largely comprised of one- and two-story single-family homes, it is also the location of a small number of pre-existing, non-conforming multi-family dwellings, a multi-tenant professional building, and the Nyack Field Club. Despite this mix of uses along the length of this corridor, the overall appearance remains residential and suburban.

As Midland Avenue becomes North Midland Avenue north of Old Mountain Road, the character of this residential corridor reflects the fact that the area between North Midland Avenue and Route 9W were primarily subdivided and developed in the 1950s and 1960s. The homes here reflect the suburban ideals of that era, with many ranch and raised ranch style homes on generously-sized wooded lots.

Currently the northern end of this residential corridor is more rural in appearance as it passes by **River Hook (The Hester Haring Cason Preserve)** and terminates at the Marydell Faith and Life Center set against the backdrop of Hook Mountain. However, Badi Drive, the last road extending off of the west side of North Midland Avenue, has an uncompleted subdivision development on its north side and an undeveloped lot running the length of its south side. Future completed development of the lots along Badi Drive will extend the suburban residential character of this end of North Midland Avenue.

4. VAN HOUTEN'S LANDING HISTORIC DISTRICT

This historically designated district encompasses Upper Nyack's **Marine Business (MB) District**, the **Village Center District**, and portions of the **R-4 Residence Zone**. In this way **Van Houten's Landing Historic District** is a densely developed area of distinctive, older single-family homes juxtaposed between two of the Village's commercial business zones. The homes located directly on North

Broadway are the largest in this district and mostly Victorian in style. The majority of the homes located in the area east of North Broadway extending down to the **MB District** are closely situated, often smaller, historic homes on non-conforming lots that predate village zoning. Many are more than 100 years old. Additionally, this district includes the historic attached homes in a rowhouse configuration on School Street. The significance of both **Van Houten's Landing Historic District** and the School Street area are discussed in **Section 8: Special Districts & Historic Landmarks**.

5. MARINE BUSINESS (MB) DISTRICT

As noted above the **Marine Business District** lies entirely within the **Van Houten's Landing Historic District**. It is zoned for marine and waterfront-related uses that require limited public access. It is currently used as a shipyard for repair of commercial boats and ships. The significance of, and the issues around, the **MB District**, particularly in its adjacency to the **R-4 Residence Zone**, are discussed in **Section 5: Residential Alternatives** and **Section 6: Business & Economic Development**.

6. THE VILLAGE CENTER

This small commercial business district, officially zoned as the **Village Center District**, is centered about the intersection of North Broadway and Castle Heights Avenue. This location is the pedestrian center of the Village and includes the Upper Nyack Village Hall, the Upper Nyack Firehouse, and a 2-story mixed-use retail/residential building. This unique commercial business district is further discussed in **Section 6: Business & Economic Development** and **Section 8: Special Districts & Historic Landmarks**.

7. CASTLE HEIGHTS AVENUE

Castle Heights Avenue is an important east-west Secondary Road that contributes to the historic character and walkable nature of the Village. As a main vehicle and pedestrian connection between Midland Avenue and North Broadway, it connects to the **Marine Business District** and runs through the **Village Center District**, **Van Houten's Landing Historic District**, and the **R-4 Residence Zone**. 'Lower' Castle Heights Avenue, east of North Broadway, is part of **Van Houten's Landing Historic District**, with some of the smaller, historic homes on non-conforming lots prevalent in that district as described above. 'Upper' Castle Heights Avenue, west of North Broadway, consists of properties that were subdivided and developed over the years subsequent to those in the historic district. Mostly conforming, the lots here are narrow with limited street frontage and the houses are close together. The homes on Castle Heights Avenue present a variety of architectural styles but are generally consistent in size and building materials. The four pre-existing non-conforming multi-family homes on the street blend in with the other residences.

8. HOOK MOUNTAIN, NYACK BEACH STATE PARK & THE HUDSON RIVER

Upper Nyack sits in a cul-de-sac between the ridgeline in the Town of Clarkstown on the west, Hook Mountain on the north, and the Hudson River on the east. These natural resources visually ‘contain’ the Village and help to maintain the semi-rural setting that contributes to the quality of life and community character of Upper Nyack. The significance of these natural areas is discussed in **Section 7: Parks, Open Space, & Recreation** and **Section 11: Natural Resources**.

QUALITY OF LIFE

Challenges to community character and perceived quality of life arise as land use becomes more intense. The Village of Upper Nyack is largely built-out and there is increasing pressure to develop any remaining unbuilt properties. These properties are often smaller, more marginal infill sites and their development often seeks to maximize the allowable build-out. Such site development may visually overwhelm existing adjacent properties whose houses, constructed at an earlier time, are often smaller, and generally did not seek to maximize the build-out of their site. This juxtaposition of large, maximum sized new buildings adjacent to existing older and smaller buildings can create the sense of overwhelming visual impact, concerns of increased crowding and density, and a perceived negative impact on community character and quality of life. These issues are discussed further under ‘**Oversize Dwellings**’ and ‘**View Sight Lines**’ in **Section 5: Residential Alternatives**.



Single Family Residences in the Current R-4 District

GOALS & RECOMMENDATIONS

Impacts to the community character and quality of life in Upper Nyack have been discussed in many different ways in the previous Sections of this Comprehensive Plan through the lens of **Residential Alternatives** in **Section 5**; **Business & Economic Development** in **Section 6**; **Parks, Open Space & Recreation** in **Section 7**; **Special Districts & Landmarks** in **Section 8**; and **Natural Resources** in **Section 11**.

Recommendations throughout these Sections have included additions, modifications, or a re-structuring of various portions of the Zoning Code as a means of addressing the issues being discussed. Some quality of life issues in the Village are not zoning issues, but issues better regulated by the General Ordinance of the Village.

Within the context of applicable State and Federal laws and professionally recognized standards, it is the intention of the Village of Upper Nyack to establish General Ordinance regulations that promote a positive quality of life in Upper Nyack and protect its citizens from adverse environmental influences. Such quality of life concerns include:

1. NOISE

In recent years, noise has become more of an issue to residents. The proximity of industrial and commercial uses in some areas and the prevalence of motorized lawn care throughout the Village have led to unwanted noise as a leading detrimental factor when considering quality of life in the community. To address this issue, it is recommended that the Village of Upper Nyack develop an enforceable noise ordinance that includes the following:

a. Noise Levels

Establish acceptable levels of noise for residential areas and for commercial / business areas that abut residential areas.

b. Hours of Operation

Establish hours of operation for noise-generating operations or activities that impact residential areas.

c. Ordinance on Seasonal Use of Leaf Blowers

2. AIR QUALITY

Promoting air quality, reducing Upper Nyack's carbon footprint, and preventing chemical and particulate air pollution should be goals of the Village. Steps toward achieving these goals would include:

a. Minimize Energy Demand

b. Promote Alternative Energy Sources

c. Promote Sustainable Building Design

d. Encourage Low-Pollution Lawn Care Equipment

Further discussion of the above goals for promoting air quality and reducing Upper Nyack's carbon footprint are discussed in **Section 13: Climate Planning & Resilience**.

3. CODE ENFORCEMENT

It is recommended that the General Ordinance of the Village of Upper Nyack undergo a process of complete review and update. An update of the General Ordinance should address the issue of improving General Ordinance and Zoning Code enforcement in the Village and define the:

- a. Role and responsibility of the Village Building Inspector
- b. Role and responsibility of the Village Code Enforcement Official
- c. Methods of both the General Ordinance and Zoning Code enforcement
- d. Fines for non-compliance with both the General Ordinance and Zoning Code

4. PROPERTY MAINTENANCE

The property maintenance provisions of the latest Property Maintenance Code of New York State are enforced by the Village Building Inspector and the Village Code Enforcement Official.



Section 13: Climate Planning & Resilience

OVERVIEW

Upper Nyack's 1999 Comprehensive Plan included the following statement in the '**Introduction**' section: '*Future development must be planned with environmental impact in mind.*' Although it referenced the specific concern of runoff and erosion from the Village and the role this plays in the complex environment of the Hudson River, the statement is even more relevant today as an expression of broader environmental concerns.

The terms ‘**Climate Planning and Resilience**’ were not part of the general lexicon in 1999. But two decades later there is an increasing awareness and broad understanding that we are in a period of general climate change. Thus, planning for the anticipated impacts that such significant climate changes may bring has increasingly become an important element in a community’s planning for the future.

CLIMATE PLANNING & RESILIENCE

The primary focus of climate planning efforts is to identify the vulnerabilities that communities have with regards to the projected environmental consequences of climate change.

Climate resilience can be defined as *“the capacity for a socio-ecological system to: (1) absorb stresses and maintain function in the face of external stresses imposed upon it by climate change and (2) adapt, reorganize, and evolve into more desirable configurations that improve the sustainability of the system, leaving it better prepared for future climate change impacts”*.

General analyses of the period of climate change and general global warming that we are currently in project that as the climate warms and the earth experiences hotter temperatures over the next 20 to 50 years, we will globally see more heat waves, increased periods of drought, more torrential storms, and increased susceptibility to invasive species (insects, plants, and aquatic.) At the local level, the Village will experience some or all of these climate change effects in the coming decades.

The focus of climate resilience efforts, then, is the development and implementation of strategies, from local community action to global treaties, that minimize and mitigate the impact of climate change.

While the actions of one small community may not change the overall arc of global climate change, it is the responsibility of every community to act with forethought and purpose to move in the direction of less environmental impact. The Village of Upper Nyack can contribute in a positive way to climate planning and resilience by recognizing that these climate issues **are** coming; by initiating planning efforts **now** to minimize future contributions to the causes of climate change; and by initiating informed actions **now** to become a more climate resilient community in the face of coming climate issues.

Thus, this Section of the **2020 Comprehensive Plan** is somewhat different than preceding Sections; it will consist entirely of **Goals & Recommendations**. Some of these will expand on previously identified Goals & Recommendations; some of these will reference back to prior Goals & Recommendations for more detail, and

many will simply be new Goals & Recommendations. Collectively all are intended to provide a broad spectrum of actions, both large and not-so-large, that a small Village and its 2000 plus residents can take to be part of the greater effort to address climate planning and resilience.

Goals & Recommendations

1. PROTECTION OF OPEN SPACES AND UNDEVELOPED LANDS

The NYS Department of Environmental Conservation (DEC) notes: *“Open space is simply land or water that is undeveloped (free from residential, commercial, industrial, or institutional use). Open space can be either private or publicly owned and includes areas such as forests, agricultural field, public parks and preserves, and coastal lands. These spaces can be as small as a vacant lot or as large as the Adirondack and Catskill Forest Preserve.”* Open spaces and undeveloped lands have significant benefits in that they provide areas of:

- a. Scenic beauty
- b. Cultural value and historic significance
- c. Public access for outdoor recreation
- d. Protection or restoration of ecological functions
- e. Wildlife diversity and habitat for endangered plant and animal species
- f. Mitigation of natural hazards such as flooding
- g. Protection of water supplies

The protection of open spaces and undeveloped lands is an important component of the land use concept of ‘Smart Growth’, which encourages economic growth and development around clustered population centers and away from undeveloped areas.

Protecting open spaces and undeveloped lands often requires a combination of community planning activity, land use regulations, municipal incentives, and individual actions. Areas of open spaces that are significant to the Village of Upper Nyack and should be continued to be protected and (where possible) expanded are:

a. **River Hook - The Hester Haring Cason Preserve**

The nearly 12-acre **River Hook - The Hester Haring Cason Preserve** is an open space property purchased by the Village of Upper Nyack in 2018 for municipal use with a primary focus on open space preservation and a long-term master plan goal of maintaining a rural, semi-wild quality. Refer to **Section 7: Parks, Open Space & Recreation** for further discussion of **River Hook - The Hester Haring Cason Preserve**.

b. **Nyack Beach and Hook Mountain State Parks**

Nyack Beach State Park (61 acres) and Hook Mountain State Park (676 acres) are located partially within the Village of Upper Nyack and are

functionally part of a continuous complex of parks that includes Rockland Lake State Park and Haverstraw Beach State Park. They preserve the varied natural scenic elements of the acres they encompass while providing (the only) public access point to the Hudson River in the Village of Upper Nyack. The expansion of these park lands in 2017 through the purchase of approximately 30 acres of meadow and woods at the base of Hook Mountain, from the Sisters of Christian Doctrine (The Marydell Faith & Life Center), was a significant expansion of protected, undeveloped land in the Village. Refer to **Section 7: Parks, Open Space & Recreation** for further discussion of **Nyack Beach State Park**.

c. **Marydell Faith and Life Center**

The remaining property on which the Marydell Faith and Life Center is located is the largest remaining single lot in the Village. As it is substantially undeveloped, a means of protecting the land should be found. Consideration should be given to including this area in the proposed new **R-160 Residential-Conservation District** as discussed in **Section 5: Residential Alternatives**.

2. MAINTENANCE AND PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS AND NATURAL RESOURCES

New York State Village Law states: “*Local Comprehensive Plans can identify and provide for the preservation of natural resources and sensitive environmental areas*”. The maintenance and protection of environmentally sensitive areas and natural resources is an important goal of this Comprehensive Plan and a critical component in maintaining this Village’s future climate resilience. To this end the Village should:

- a. Develop Village – specific criteria for defining and establishing Critical Environmental Areas within Upper Nyack. (**Note: NY State Department of Environmental Conservation (NYS DEC)** does not currently identify any Critical Environmental Areas, per their regulatory definition, in Upper Nyack.)
- b. Identify and map the environmentally sensitive areas and natural resources within the Village that are Village-defined Critical Environmental Areas.
- c. Designate the Village-defined Critical Environmental Areas under the SEQRA (NY State Environmental Quality Review Act) process.
- d. Develop standards for protection of the Village-defined Critical Environmental Areas in the Zoning Ordinance and make their identification and protection part of the land use application review process.

Village – defined Critical Environmental Areas that should be designated and protected by the Village include:

a. **Hudson River**

The Hudson River is a 315-mile river that originates in the Adirondack Mountains and flows south through the Hudson Valley to New York City, draining into the Atlantic Ocean at New York Harbor. The lower half of the river is a tidal estuary whose tidal waters influence the river's flow as far north as the city of Troy. As referenced in the 1999 Comprehensive Plan Upper Nyack plays a role in the complex environment of the Hudson River with runoff and erosion from the Village's hilly terrain moving quickly and directly into the Hudson. All land use in the Village has a potential impact on this tidal estuary that is still in recovery from decades of pollution by industrial and human waste. Future development of the Village must be planned with the potential environmental impact to this important natural resource and critical environmental area in mind. In furtherance of these concerns the Village should consider creating a **Hudson River Overlay Zone** for the extent of Upper Nyack between North Broadway and the Hudson River. Refer to **Section 5: Residential Alternatives** for further specific discussion of a **Hudson River Overlay Zone**. Refer to **Section 11: Natural Resources** for further discussion of, and **Goals & Recommendations** for, the **Hudson River**.

b. **Wetlands**

Wetlands play an important role in the natural environment: they reduce the impacts of floods, absorb pollutants and improve water quality. In addition, they provide a habitat for a wide diversity of plants and animals, often supporting those that are found nowhere else. Wetlands are a natural resource whose boundaries may change over time. Because of this, wetland boundaries should be established and mapped based on current specific field conditions and observations in conjunction with New York State DEC and the US Fish and Wildlife Service National Wetlands Inventory recorded data and delineation. Refer to **Section 11: Natural Resources** for further discussion of, and **Goals & Recommendations** for, **Wetlands**.

c. **Steep Slope Areas**

Steep slope areas generally exist around the western and northern perimeter of the Village as a result of the Village location on the easterly side of the Palisades ridge. These slope areas are characterized by shallow soils which are subject to severe erosion when disturbed. As such they are subject to landslide type failures in severe cases. This is compounded by the potential failure of large trees which have limited soils available to establish sound root systems and disturb large areas of soil when uprooted in storms or by windthrow. Similarly, there are steep slope areas along the east side of the Village on properties between Broadway and the Hudson River. Protection of the steep slope areas along the east side of the Village could be part of the environmental regulations of the proposed **Hudson River Overlay Zone** for

the extent of Upper Nyack between North Broadway and the Hudson River. Refer to **Section 5: Residential Alternatives** for further discussion of a **Hudson River Overlay Zone**. Refer to **Section 11: Natural Resources** for further general discussion of, and **Goals & Recommendations** for, **Steep Slope Areas**.

d. **Streams & Water Courses**

Streams within the Village vary greatly in size and volume of flow, both “base flow” and storm flow. Protection of stream channels from the adverse effects of increased storm flows is important from the standpoint of stream channel stability and minimization of channel bank erosion and resultant sediment deposition. Stream channels serve to provide stormflow capacity in the channel or overbank areas which is not available in piped drainage systems, thus reducing storm flooding of surrounding areas or surcharging of ‘hard pipe’ drainage systems. In addition, streams provide an aquatic habitat for fish and various invertebrates. Waterbodies (ponds and wetland areas) also provide for stormwater management and additional habitat. Wetland areas further provide water quality benefits in the process of sediment filtration and natural absorption of nutrients and other pollutants. The protection of stream channels and water bodies includes the following:

1) **Maintenance of Crumbie Creek**

Crumbie Creek is the largest of the streams traversing the Village from west to east and outletting to the Hudson River. The stream has been impacted by increased flows and exhibits signs of bank scour and stream movement. The stream has also been subject to higher flows because of the redirection of tributary drainage area by installation of off-site drainage during the construction of the Wanamaker Lane subdivision. It would benefit the stream to have that tributary drainage area restored to the Castle Heights outfall if possible.

Note: Refer to **Section 11: Natural Resources** for further discussion of, and **Goals & Recommendations** for, **Streams and Water Courses**.

3. **MITIGATE THE NEGATIVE IMPACTS OF STORM WATER RUNOFF**

Much of the development in the Village occurred well prior to any regulations requiring stormwater management, mitigation of increased run-off, or run-off reduction measures. As a result, there are many drainage systems in the Village which are not capable of handling present day storm flows. Those systems which were designed for proper capacity when they were installed are now surcharged in such events due to the changes in storm intensity since they were originally designed. This has resulted in surface flow over roadways and flows escaping the various systems onto adjacent properties, in some cases flooding into structures and homes. The Village should pursue the following strategies to help mitigate the negative impacts of storm water runoff:

a. **Mapped Wetlands**

Wetland protection should be encouraged in order to maintain the stormwater, water quality and habitat benefits which they provide. The Village should maintain wetlands maps based on **NYS DEC**, the **US Fish and Wildlife Service National Wetlands Inventory** data, and observational data based on current specific field conditions to ensure that wetland areas are preserved during property development in the future. Refer to **Section 10: Infrastructure** for further discussion of Wetlands.

b. **Stormwater Storage & Detention Systems**

Stormwater detention should be integrated as a part of any decision-making process within the Village, whether that be in the course of property development or renovation, or in the design of Village projects. Any opportunity to provide for stormwater storage and detention should be investigated, as this will add to the resilience of the Village to future storm events.

c. **Stormwater Runoff Reduction**

Run-off reduction is based on the principle of recreating the natural drainage pattern of absorption or infiltration of rainfall from built hardscape improvement areas. This methodology reduces the burden on existing drainage systems. It currently is a requirement of the **NYS DEC** General Permit for soil disturbances over 1 acre, and the Village's ordinance for soil disturbances over 10,000 square feet. The Village should revise its regulations to require this practice for all levels of development and soil disturbance.

d. **Permeable vs. Non-Permeable Surfaces**

Pervious or permeable surfaces are one of the methods to reduce runoff in a large way. The use of pervious surfaces for walkways, driveways, patios, etc. over properly designed base courses and soils with good infiltration rates will eliminate run-off from those surfaces. Provide education and information links on the Village website to promote the use of pervious or permeable surfaces and make their consideration part of the land use application review process.

4. WATER RESOURCES & CONSERVATION

"Water is a scarce resource" is a consistent comment made by the Rockland County Planning Department in any land use application referred to it under GML 239 for review. The geographic position and configuration limit the availability of water for residents: the watershed area available to the County is limited to the geographic area of the County. That supply is provided by Lake Deforest and a number of wells throughout the County. To increase supply by importing water would be prohibitively expensive.

Water use in Rockland County is generally 100% consumptive with the exception of the area of western Ramapo served by the recently constructed treatment plant. **NYS DEC** required that plant to provide a higher level of treatment and recharge to the Ramapo River. All other areas of the County utilize treatment plants which ultimately discharge to the Hudson River. There is no recharge of that water to the County's aquifer.

The demand for additional supply, coupled with the increase in pollutants, has resulted in greater treatment requirements to maintain a water supply, but there are significant concerns as to the ability to maintain a water supply long-term that meets the needs of an increasing County-wide population. As such, it is critical for the Village of Upper Nyack to consider water conservation in all public policy decisions and land use application reviews, including the following:

a. **Coordination with Rockland County Water Task Force**

The Rockland County Water Task Force issued the **Rockland County Comprehensive Water Conservation and Implementation Plan** in March 2020. It presents an integrated approach to water conservation that is intended to complement other resource conservation efforts within the County. The successful implementation of the plan relies on solutions that are embraced and adopted by local jurisdictions in the County. As a local jurisdiction and a key stakeholder, the Village of Upper Nyack supports the goals of the Plan's recommended water conservation measures. Refer to **Section 10 – Infrastructure** for further discussion of the **Comprehensive Water Conservation and Implementation Plan** and specific recommendations for a process by the Village to implement it.

b. **Water Use Regulations**

The NYS Building Code incorporates requirements to minimize water use by various plumbing fixtures, somewhat reducing the water demands of all plumbing systems. The Village Building Department should continue to enforce these requirements and the Village should consider regulatory options for requiring water conservation construction measures that exceed the NYS Building Code minimum requirements. An example would be the use of WaterSense plumbing fixtures, per the US Environmental Protection Agency (EPA) WaterSense Program.

c. **Encourage Water Conservation Measures**

Additional specific measures to reduce water consumption and water waste should be encouraged by the Village including:

1) **Drip Irrigation**

This can provide for lesser amounts of water used, as it provides the required water amount and better saturates the soil versus running off.

2) **Rainwater Harvesting**

Utilizing rain barrels or other methods to capture rainwater for non-potable uses can reduce overall demand. This might be encouraged with tax incentives and the use of bulk purchasing to distribute rain barrels from the **Cornell Cooperative Extension of Rockland County**.

3) **Landscaping to Reduce Lawn Area**

Provide education and information links on the Village website to promote the use of landscaping to reduce lawn area. Minimization of manicured lawn areas reduces the need for additional irrigation as well as reducing the need for fertilizers and vector control chemicals which can degrade water supply quality.

4) **Rain Gardens**

Rain gardens can be attractive landscape elements which use run-off to provide irrigation water, i.e. roof drainage. As such, they provide both water conservation and stormwater run-off reduction benefits.

5) **Maintenance Agreements**

Maintenance agreements ensure the long-term viability of stormwater management measures constructed on private property.

6) **Native Plants**

Provide education and information links on the Village website to promote the use of native plants. Installation of native plants can reduce water use, as those plants are better suited to the local climate and do not require as high a degree of care once established.

7) **Minimize Lawn Watering**

Provide education and information links on the Village website to promote minimizing lawn watering and discourage the use of in-ground automated irrigation systems.

8) **Use of Grey Water**

Grey water, defined as used water from non-sanitary fixtures, may be utilized for some purposes depending on the source (i.e. sink, washing machine, etc.). Provide education and information links on the Village website to promote the appropriate use of grey water.

5. **REDUCE VILLAGE CARBON FOOTPRINT**

Carbon footprint is defined as the total amount of greenhouse gases produced to directly and indirectly support human activities, usually expressed in equivalent tons of carbon dioxide (CO₂). Carbon emissions and other greenhouse gases are caused by the burning of fossil fuels in the environment. Most human activities requiring energy emit carbon dioxide, including the electricity we use when generated from fossil fuels like coal, natural gas and oil. Greenhouse gases such as carbon dioxide trap heat, which then contribute to the overall warming of the earth. Reducing the Village's carbon footprint is an important step in responsible climate planning and resilience. Considerations for the Village to promote and support this effort include:

a. **Minimize Energy Demand**

The Village of Upper Nyack is a small village without a large municipal building, numerous municipal departments, or a fleet of vehicles. The Village has two facilities necessary to its functioning: Village Hall and the DPW Building. The Village should assess these two buildings, both as physical structures and operationally for how they are used, with the intent to minimize their energy demand in both of those distinct areas.

b. **Community Choice Aggregation (CCA) Program**

Upper Nyack is a member of a collaborative municipal energy program called **Rockland Community Power**. **Rockland Community Power** is a Community Choice Aggregation (CCA) program, a buying group through which Village residents and small businesses can purchase electricity sourced by clean energy. The program is designed to bring 100% renewable energy to the Village, reduce its carbon footprint, lower energy costs, strengthen consumer protection, and help meet New York State's ambitious goals to lower greenhouse gas emissions. Refer to **Section 10 – Infrastructure** for further discussion of the **Community Choice Aggregation Program**.

c. **Promote Use of Alternative Energy**

According to the United States Environmental Protection Agency (EPA) buildings account for almost 40% of total energy use in the United States. Therefore, the use of alternative energy, i.e. energy that does not generate carbon emissions or other greenhouse gases, in homes and businesses can have a large impact on the problem. The Village should provide education and information links on the Village website to promote the use of alternative energy by Village residents at an individual level with appropriate systems and sources. Alternative energy systems that have been currently employed or considered for use in the Village include free-standing solar panel arrays, geothermal systems, and roof mounted solar panels. While encouraging alternative energy use the Village should review zoning regulations pertaining to alternative energy systems with an understanding of how deployment of such systems may affect the visual character of the area where they are located. Refer to **Section 10 – Infrastructure** for further discussion of **Solar Power** and specific recommendations for areas where the Village can provide information, coordinate with available Federal and State programs, and further facilitate alternative energy use.

d. **Promote Sustainable Building Design**

Sustainable building design, also known as 'green building', is an approach to building design that seeks to minimize the impact on the environment. It encompasses both the building itself and the use of environmentally responsible and resource-efficient systems and methods throughout the entire life of a building. This complete building life-cycle approach to sustainable design includes every phase: site design, building design,

building construction, building operation, building maintenance, building renovation, and building demolition. The Village should develop strategies to promote sustainable building design in these areas:

1) **Zoning Ordinance and Land Use Approvals**

The Village develops land use regulations through its Zoning Ordinance and can have the most direct impact on sustainable building design in the site planning stage of a building's life cycle. The Village should review the site planning regulations of its Zoning Ordinance and revise them to incorporate best practices in sustainable site design.

2) **Building Permit: Encouraging Enhanced Energy Performance**

Building design requirements for Building Permit approval, while enforced at the Village level by the Village's Code Enforcement Official, are based on the NY State Building Codes (which in turn are based on the International Building Codes) and thus established at the state level. The NY State Building Codes are updated every three years and with each update of the codes, particularly the State Energy Code, become increasingly more stringent regarding the energy efficiency of buildings. The Village will continue to enforce the NY State Building Codes as required but should consider tax incentives for sustainably designed new homes or new construction over a certain size that are certified in achieving increased energy efficiency utilizing a nationally recognized 'green building' rating and certification systems. Current nationally recognized rating and certification systems appropriate for tax incentive consideration include:

- a) Green Globes
- b) Energy Star
- c) LEED (Leadership in Energy & Environmental Design)
- d) National Green Building Standard
- e) Passive House Institute US (PHIUS)

3) **Building Permit: Requiring Enhanced Energy Performance**

The NY State Energy Research & Development Authority (**NYSERDA**) developed **NYStretch Energy Code 2020** as a statewide model energy code for New York jurisdictions to use to meet their energy and climate goals by accelerating the savings obtained through their local building energy codes. For jurisdictions that adopt it, **NYStretch Energy Code 2020** will provide savings of roughly 11% over the 2020 NY State Energy Conservation Construction Code. **NYStretch Energy Code 2020** is a statewide model energy code that:

- a) Is readily adoptable with minimal changes by local governments
- b) Is in enforceable language
- c) Is coordinated with the NY State Uniform & Energy Codes
- d) Is about one cycle ahead of the next NY State Energy Code in its requirements

- e) Lowers energy use and greenhouse gas emissions associated with new and existing buildings
- f) Is cost-effective and regionally appropriate

The Village should consider adopting **NYStretch Energy Code 2020** for all new construction.

4) **Building Permit: Encouraging Specification of Green Products**

Provide education and information links on the Village website to promote the appropriate use of 'green' building and construction products' (i.e. products that are certified 'green' under a nationally recognized rating and certification system) for all new construction and renovation projects. Appropriate 'green' product rating and certification systems currently include but are not necessarily limited to:

- a) Energy Star
- b) GREENGUARD
- c) WaterSense
- d) Green Seal

e. **Encourage Low-Pollution Lawn Care Equipment**

Gas powered lawn and garden equipment account for a significant portion of off-road carbon emissions and can pollute the air with harmful particulate matter and VOC's. Electric and battery-powered landscaping equipment are a better choice for personal homeowners and commercial landscapers because they improve air quality (and user health and safety) by eliminating the emissions created by internal combustion engines. They also contribute to improving the quality of life by eliminating disruptive noise levels.

f. **Other**

Other areas whereby the Villages' carbon footprint might be reduced:

- 1) Reduce the requirement for paper documents and change to digital documents, electronic filing, and electronic signatures.
- 2) Provide electric car charging station(s).

6. **CLIMATE SMART COMMUNITIES (CSC)**

New York State provides support for local climate action through the **Climate Smart Communities (CSC)** program. **CSC** is a State program that assists local governments in taking action to reduce greenhouse gas emissions and adapt to a changing climate. The program offers free technical assistance, grants, and rebates for electric vehicles. There are two broad categories of Climate Smart Communities:

a. **Registered Communities**

Registered Communities have made a commitment to act by passing the **CSC** pledge. NY State provides a Model Resolution that provides a guide for communities to enact that includes the following actions:

- 1) Build a climate-smart community.
- 2) Inventory emissions, set goals, and plan for climate action.

- 3) Decrease energy use.
 - 4) Shift to clean, renewable energy.
 - 5) Use climate-smart materials management.
 - 6) Implement climate-smart land use.
 - 7) Enhance community resilience to climate change.
 - 8) Support a green innovation economy.
 - 9) Inform and inspire the public.
 - 10) Engage in an evolving process of climate action.
- b. **Certified Communities**
- Certified communities are communities that have gone beyond the **CSC** pledge by completing and documenting a suite of actions that mitigate and adapt to climate change at the local level. Understanding that the ongoing documentation process may be onerous in time and cost for a small community the size of Upper Nyack to maintain, the Village should make an initial commitment to the goals of the program as a **Registered Community**. The Village should establish a working committee headed by a Board of Trustee member to review the **Climate Smart Communities** program and grant opportunities in detail, confer / coordinate as needed with the **NYSERDA Clean Energy Communities Coordinator**, and develop a Village plan (reviewed and approved by the full Board of Trustees) to incorporate the Climate Smart Communities actions and measures, where appropriate, in its General Ordinance and Zoning Code.

NOTE: NY State has established a **Climate Smart Communities Grant** program to provide 50/50 matching grants to cities, towns, villages, and counties for eligible climate mitigation and adaptation projects. Municipalities need not be a registered or certified Climate Smart Community to apply. Funds are available for two broad project categories: implementation and certification.



Section 14: Vision Statement

OVERVIEW

The preceding Sections of this Comprehensive Plan have viewed the Village of Upper Nyack through a series of distinctive lens. Each has provided a selective view of the Village; i.e. its history; demographics; planning goals; residential development; business and economic development; parks, open space, and recreation; special districts and landmarks; transportation, traffic, and public safety; infrastructure; natural resources; quality of life and community character; and climate planning and resilience.

These Sections began with an overview of the Section topic, then discussed that topic as it has historically developed and is understood and / or experienced today, and ended with goals and recommendations for the Village to aspire to, to develop resources for, to provide a means for information and guidance, or enact General Ordinance or Zoning Code regulations over the next 10 years.

As stated in **Section 1: Introduction**, it is intended that this **Village of Upper Nyack Comprehensive Plan** provide an accurate understanding of Upper Nyack at this point in its history and, as a consensus planning document, define the goals that will provide guidance to its future.

Section 14: Vision Statement, then, is the final part of the Comprehensive Plan. It identifies next steps in this overall planning process: how the Goals and Recommendations developed in the Comprehensive Plan can be implemented.

IMPLEMENTATION

Implementation may be the most difficult aspect of the comprehensive planning process. It starts by recognizing that different planning goals and recommendations have different paths to implementation. While all planning goals and recommendations share some level of importance because they warranted discussion within the Comprehensive Plan, they cannot all be targeted for implementation within a short time period; some must be carried out over a more extended time frame. Ultimately, the true value of a comprehensive plan is the support and direction it gives to the Village Board as they make legislative decisions.

The following are mechanisms for implementing the planning goals and recommendations of this Comprehensive Plan.

1. UPDATE THE ZONING ORDINANCE

New York State law requires that zoning (and therefore the zoning ordinance) be adopted in accordance with a comprehensive or '*well-considered*' plan. The most direct implementation of a comprehensive plan occurs in a municipality's zoning ordinance, the document which is the official codification of a municipality's land use regulations.

The current **Zoning Ordinance of the Village of Upper Nyack** was adopted on January 18, 1962, with various Local Law Amendments made to it through 2017. For the process of bringing the Zoning Ordinance into conformance with the final approved **Village of Upper Nyack Comprehensive Plan**, the Village should establish a Zoning Ordinance Committee / Zoning Ordinance Consultant Team whereby the Zoning Ordinance Committee oversees the work of the Zoning Ordinance Consultant Team. This Consultant Team will be responsible to:

- a. Review the **Village of Upper Nyack Comprehensive Plan** to identify those Goals and Recommendations which may be directly implemented by changes or amendments to the current Zoning Ordinance.
- b. Identify those planning goals and recommendations which are best implemented by other means outside of the Village Zoning Ordinance.
- c. Assess the current **Zoning Ordinance of the Village of Upper Nyack** and identify how changes recommended by the Comprehensive Plan are best accommodated, i.e. whether by revisions / amendments to the current Zoning Ordinance or by a restructuring.
- d. Develop the schedule for revising the current Zoning Ordinance. It is recommended that the Village of Upper Nyack Board of Trustees allow twelve (12) months to complete this process.
- e. Prepare a revised Zoning Ordinance and coordinate the process for a working review with the Zoning Ordinance Committee; public hearings / review /comments; and final review, approval, and enactment by the Village Board of Trustees. It is recommended that the Village of Upper Nyack Board of Trustees allow six (6) months to complete this process.

2. UPDATE THE GENERAL ORDINANCE

In NY State all land use related regulations or decisions of a municipality must be consistent with that municipality's Comprehensive Plan. The Village of Upper Nyack Board of Trustees makes numerous decisions and engages in land use related planning actions which fall outside of the Zoning Ordinance. The Village Board should identify a Board of Trustees member(s) whose responsibility is to be the resource to the Board and advise whether land use related regulations, decisions, or programs of the Village Board of Trustees are consistent with the **Village of Upper Nyack Comprehensive Plan**.

3. CAPITAL PROGRAMS

As noted earlier, implementation of some planning goals and recommendations will need to be carried out over a more extended time frame. The Village of Upper Nyack Board of Trustees should review the work of the Zoning Ordinance Consultant Team wherein they identified those planning goals and recommendations best implemented by means outside of the Village Zoning Ordinance and:

- a. Evaluate and establish a priority and projected schedule for programs and capital improvements which will implement the goals and recommendations of the plan.
- b. Develop multi-year budget funding for the priority programs and capital improvements.
- c. Research and apply for appropriate state, federal and privately funded programs. Examples include:

- 1) **NYSERDA** (New York State Energy Research and Development Authority)
- 2) **NYS DEC** (New York State Department of Environmental Conservation)
- 3) **NYS DOS** (New York State Department of State)
- 4) **Hudson River Valley Greenway**: Community Planning Grants
- 5) **EPA** (US Environmental Protection Agency): Water Infrastructure Grants
- 6) **Climate Smart Communities (CSC) Grant**

4. COORDINATION WITH OTHER AGENCIES

Other governmental agencies that are considering capital projects on lands covered by the **Village of Upper Nyack Comprehensive Plan** must take the plan into consideration. The Village Board should identify a Board of Trustees member(s) whose responsibility is to be the resource to the Board and advise whether such governmental agencies in these actions are consistent with the **Village of Upper Nyack Comprehensive Plan**.

5. INFORMATION & EDUCATION

The Village should establish a working committee headed by a Board of Trustee member to review the Comprehensive Plan, identify all areas that suggest the Village provide information and educational guidance to Village residents, and develop a Village plan (reviewed and approved by the full Board of Trustees) to create informational / educational pages, with related links for further information, on the Village website.

6. MONITORING, AMENDING, AND UPDATING

As policy-making changes and the physical characteristics of the community change, the comprehensive plan should also change. The comprehensive plan should reflect new priorities and opportunities. NY State Statutes require that comprehensive plans include a provision setting maximum intervals for periodic review. It is recommended that the Village of Upper Nyack Board of Trustees schedule a review in five years after final approval of the **Village of Upper Nyack Comprehensive Plan** to determine whether it requires amending or updating.