

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 28, 2016

Nyack Village Board
9 North Broadway
Nyack, NY 10960

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date:

Date Review Received: 7/1/2016

Item: VILLAGE OF NYACK - COMPREHENSIVE PLAN (N-157A)

Comprehensive Plan Updates and amendments to the Village of Nyack Zoning Ordinance and Zoning Map.

Throughout the Village

Reason for Referral:

State highways, NYS Thruway, Towns of Clarkstown and Orangetown, Villages of Upper Nyack and South Nyack, Long Path, County parks

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

1 The Village of Nyack Comprehensive Plan, "Plan Nyack: Blueprint for the Future" is well organized and thorough. The Village has spent great effort in publicizing the Plan, and holding many public outreach efforts to include as many residents and business owners in the process as possible. The Plan is organized so that the general issues/existing conditions are discussed first, followed by the "Issues and Opportunities" section, and ending with the "Recommendations" section. The "Recommendations" section seems to generally focus on the issues raised in the "Issues and Opportunities" section. To maintain consistency, the document should strive to include recommendations for all issues discussed in the "Issues and Opportunities" section. In addition, some of the recommendations do not correlate to any text in the Plan. By not providing any previous discussion sections, it is difficult to understand the full context of the recommendation. Each proposed "Recommendation" should have some dialogue provided earlier in the chapter so that the importance of the recommendation can be more clearly understood. Specifics on the chapters, and where these recommendations are located will be discussed separately below.

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2 The numbering for the different subsections of the chapters is done differently between the various chapters. Some chapters have a #.1 for the Existing Conditions section, #.2 for the Issues and Opportunities section, and #.3 for the Recommendations section, while other chapters just use the decimal system for the entire chapter, such as Chapter 4, Land Use. The numbering system should be consistent throughout the document.

3 On page 11, the Rockland County Comprehensive Plan is noted as one of the regional plans used in the development of the Nyack Comprehensive Plan, "Plan Nyack: Blueprint for the Future." The reference to the name is listed as "Rockland County Tomorrow;" it should instead be "Rockland Tomorrow."

4 Page 12 lists several villages which studied how to combine or share services. These included Nyack, South Nyack, Grandview, Piermont, and Upper Nyack. The spelling for the Village of Grand View is incorrect, and should be listed as either "Grand View" or "Grand View-on-the-Hudson."

5 Page 13 indicates that a bus rapid transit stop will be located at Artopee Way. Currently, this is only a "proposed" stop, and should be indicated as such. In addition, another stop is proposed at the intersection of NYS Route 59 and Mountainview Avenue, and this location should be added to the text of the plan.

6 Further on page 13, in the second paragraph in the second column, it is indicated that the New NY Bridge will not have dedicated bus lanes. This should be amended to indicate that buses will however, be allowed to use the bridge's emergency lanes during peak travel. This issue was documented in the Mass Transit Task Force recommendations, and publicly discussed.

7 Page 18 lists information about State parks that are in close proximity to the Village of Nyack. Nyack Beach State Park should be added to this list. No mention is made regarding the County parks within the area, such as Mountainview Nature, Buttermilk Falls, Sean Hunter Ryan Memorial, or Clausland Mountain. In addition, the Long Path, a regional hiking trail that traverses from the western end of the George Washington Bridge, and heads north to the Adirondacks, weaves its way through Rockland County and Nyack. These should be included in the section on "Capitalizing on Proximity to an Exceptional Park System." Lastly, mention of Bike Route 9 and the Hudson Valley Greenway should be included as well, as they both traverse through the Village of Nyack, and are part of a larger regional trail system.

8 On page 25, Drivers of Housing Demand, the last paragraph mentions other recreation options such as the Greenway Water Trail, Long Path, and NYS Bike Route 9. The 1.77 mile long Conrad J. Lynn Trail, which connects the Upper Nyack Greenway Trail to the R. G. Esposito Trail in South Nyack, should also be included in this list, as it was designated as a Greenway Trail in October 2008.

9 On page 30 of the Socioeconomics and Housing chapter, the three distinguishable areas of the Village (Waterfront, Downtown, and Gateway) are discussed in greater detail. Reflecting on this discussion, several recommendations are provided for Waterfront and Downtown. However, no recommendation is provided for the Gateway area, yet an important opportunity is mentioned. The recommendation section should include an action item for Gateway, as was done with the other two areas of the Village.

10 The Downtown section on page 30 references the "Superblock site." A description of what that entails should be provided. (This description is finally provided on page 168 - and should be moved earlier in the Plan to the first time it is mentioned.)

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11 If the municipal parking lot reconfiguration, as discussed in the Parking Recommendation section (page 47) of the Land Use and Zoning Chapter, includes the main lot within the Superblock or along Artopee Way, then the redesign should include discussions with the Rockland County Department of Public Transportation (for TOR) and the NYS Department of Transportation (for the BRT) to ensure that the best overall circulation pattern, staging of buses, and interconnectivity of the proposed station can be incorporated into the design.

12 Information about Telecommunications is provided on page 55. The first paragraph briefly describes the land-line service, which is provided by Verizon. It continues with a discussion on Verizon's FiOS service, but fails to mention any other internet or television service providers. This must be expanded to include the other carriers, such as Cablevision or Dish, DirecTV, etc., or only generically discussed, as done in the following paragraph on cellular service.

13 The "Issues and Opportunities" section does not discuss either solid waste or energy. The existing conditions section does not discuss any issues or problems with either of these topics. However, the "Recommendations" section for Solid Waste provided on page 61 lists five bulleted action items, with one item containing five sub-bullets and four bulleted action items for energy. The text for the "Issues and Opportunities" section should be expanded to briefly discuss some of the issues associated with solid waste and energy so that the recommendations are provided in a better context.

14 The "Roadway System" discussion on page 65 notes "Figure 6.1 also provides the location of signalized intersections...". This must be corrected to be Figure 13.

15 The discussion on "Interstate" on page 65 mentions exits to/from I-287. This should be expanded to also refer to I-87. This should be corrected in each of the paragraphs in this section of the Plan.

16 There is a typographical error on page 67, fourth paragraph under Local Roads. The last sentence reads "these street right-of-way over local street streets." The word right-of-way should be made plural, and the extra word "street" removed.

17 There are several incorrect references on page 69: 1) Under Local Service, it should be "Transport" of Rockland (TOR) not "Transit"; 2) It should be noted at the end of the first paragraph under Local Service, that "TOR service is provided by the Rockland County Department of Public Transportation."; 3) Table 4 list the service span for Bus Route 91 from 7 AM - 7 PM - this should be corrected to be 7 AM - 8 PM; 4) Under the Commuter Services paragraph, the first sentence should be changed to indicate that "The Rockland County Department of Public Transportation provides a commuter..." instead of "TOR operates..."; and 5) Add in the second sentence after "Tarrytown Stations, as well as..." "...the Harlem Line in downtown White Plains and service to the White Plains TransCenter."

18 Under the Paratransit Services section, the following corrections should be made: 1) The second sentence should be corrected to read: "The fleet consists of 28 vehicles with a capacity of 4-18 people."; 2) The fourth sentence should be changed to read: "ADA TRIPS is Rockland County's complementary paratransit service limited to origins and destinations within three-quarters of a mile from the municipal fixed-route transit."; and 3) The fifth sentence should be changed to "In 2014, TRIPS provided approximately 62,000 rides."

19 The "Bicycle Circulation" section discusses NYS Bike Route 9. It indicates in paragraph #2 that the route enters the village from Piermont. This should be corrected to read "from Piermont Avenue."

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20 The last paragraph on page 72 regarding "Bicycle Circulation" provides some of the parks that are in close proximity to Nyack, and therefore, an impetus for bicyclists riding through the Village. Nyack Beach State Park and Tallman Mountain State Park should be added to this list, particularly since both of them connect to Bike Route 9 and the Hudson River Valley Greenway Trail.

21 Section 6.2.3 on page 77 indicates that the high subsidy per rider cost for the TZx service is due to low ridership. This is not accurate. The reasons for the higher subsidy per rider is to provide incentive for transit use, and because it is a connecting service to Metro-North. These changes need to be implemented in the Plan.

22 Under Commuter Option 1: Nyack-to-Tarrytown Service (page 89), it is stated in the second paragraph, "and the landing site is also served by buses operated by Transport of Rockland (TOR)." This statement must be deleted as this not accurate.

23 Several of the recommendations for the Transportation Chapter, Vehicular Circulation, have not been discussed in the text, and should be added in the appropriate section to provide context for the recommendation. An example is the recommendation to create additional loading zones; which was never mentioned in the Issues and Opportunities or other section of the Plan.

24 The "Bicycle Circulation Recommendation" section indicates that the Esposito Trail should be extended to Depew Avenue, and then shared bike lanes provided to the Downtown via Franklin Street. The "Issues and Opportunities" section should mention of the Esposito Trail and the value of extending it further north into Nyack.

25 The recommendations for Pedestrian Circulation on pages 98 and 99 include specific suggestions that were not discussed in the text. The need for a pedestrian master plan, stricter guidelines for sidewalk cafes, and the possibility of temporarily closing Main Street need to be discussed in the Plan text.

26 Section 6.3.6. provides recommendations related to parking in the Village. Recommendations cited that did not seem to be supported within the text are to conduct routine occupancy counts of the parking, review of regulations to accommodate parking near houses of worship during Saturday and Sunday worship hours, and reserving spaces for electric vehicle charging stations. These issues should first be addressed in the earlier portion of the chapter to provide context for these recommendations.

27 Pricing and the redesign of the parking at Memorial Park and the Marina area are issues that were raised in the "Issues and Opportunities" section, but did not have specific recommendations provided relating to them. The "Recommendations" section should be expanded to include these recommendations.

28 Though the Plan is not a dynamic document, there are two dates provided on page 117 that should be updated to reflect actual actions. These include whether the marina was dredged and if it reopened. If these two actions did occur, then paragraph two on page 117 should be updated to reflect this.

29 Three additional recommendations should be added to the Natural Resource Protection list on page 125. These include: 1) reducing the wetland buffer to 50 feet which would still protect the Hudson River while allowing for creation of amenities; 2) retaining a landscape architect to review site plans, etc. and requiring non-single-family development applications to provide landscape plans; and 3) establishing green infrastructure in key locations (Artopee Way, Catherine Street, and Spear Street) to improve drainage and stormwater management.

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30 One of the recommendations under the Natural Resource Protection issues is to explore opportunities to daylight the Nyack Brook. This issue is not addressed at all in the "Issues and Opportunities" section, and the brook is only mentioned in passing with regard to the flooding issues due to overflows from the water body. Text must be added to the Plan regarding the issues and opportunities of daylighting the brook.

31 The Natural Resources, Parks, and Open Space chapter should be expanded to include the various trails that traverse through the Village. These include: the Long Path, Hudson River Valley Greenway Trail, Hudson River Valley Greenway Water Trail, and Bike Route 9.

32 On page 137, under the Senior Center and Head Start section, and page 142 under Section 8.4.3 in the Historic, Cultural and Municipal Resources chapter, the Village of Grand View is listed as "Grandview." The spelling for this village should either be listed as "Grand View" or "Grand View-on-the-Hudson."

33 On page 157 there is a paragraph about the new hotel, The Time Hotel. It states "The Time Hotel, nearing completion in a converted former factory near Exit 11 of the New York State Thruway, opened in the spring of 2016..." This sentence is contradictory and the section stating "nearing completion" should be deleted if the hotel opened.

34 On page 159, the heading is listed as "Policy Recommendations" yet there are "Recommendations" in Section 9.4, starting on page 177. Should this instead be entitled "Issues and Opportunities" as was done in the other chapters to keep consistency?

35 Page 178 lists Recommendations for the Downtown area of the Village. Recommendation #5 discusses Visit Nyack and how the Village must continue to support the successes of this group. The text earlier in the chapter, does not discuss this goal. The Section 9.3 of the Plan should be expanded to include a discussion about Visit Nyack.

36 Pages 172-173 discuss the BRT station stop in Nyack, and the benefit of providing a well designed station that can help with economic development. This goal, as described on page 173, should be added to the "Recommendations." The design of this station at Artopee Way, should be done in consultation with the NYS DOT, who is coordinating the BRT project, and is planning a specific, branded shelter design with amenities. This shelter design could then be incorporated into the overall station design.

37 The text on page 175 in the second paragraph discusses the possibility of the Gateway being attractive to new commercial office space, mixed-use multifamily uses or light manufacturing. It further states that changes to the zoning text should recognize the economic value of the land uses present today while maintaining flexibility for this area for new uses. This statement should be added as a recommendation.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Transportation
New York State Thruway Authority
Rockland County Division of Environmental Resources
New York - New Jersey Trail Conference
Rockland County Department of Public Transportation
Rockland County Planning Board

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BFJ Planning

Towns of Clarkstown & Orangetown

Villages of South Nyack & Upper Nyack

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.