

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 26, 2020

Upper Nyack Village Board
328 North Broadway
Upper Nyack, NY 10960

Tax Data:

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

Map Date: 2/6/2020

Date Review Received: 2/19/2020

Item: *VILLAGE OF UPPER NYACK COMPREHENSIVE PLAN UPDATE (UN-44A)*

Update of the 1999 Village Comprehensive Plan

Throughout the Village of Upper Nyack

Reason for Referral:

NYS Route 9W, Nyack Beach State Park, the Long Path, Town of Clarkstown, Hook Mountain State Park, Village of Nyack, Mountainview Nature Park

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***

As noted in the documents submitted with this GML referral, the Comprehensive Plan is a vision statement for the future of the Village. It acknowledges the past and offers direction for the future. Our department concurs, and applauds the Village for undertaking an update of this vital land use document. The goal of the Comprehensive Plan is to develop planning guidelines that support its history; residential development; business and economic development; parks, open space and recreation; special districts and historic landmarks; transportation, traffic and pedestrian safety; infrastructure; natural resources; quality of life and community character; and climate planning and resilience. These topics are addressed in separate chapters of the draft document.

We offer the following comments on the Comprehensive Plan Update.

1 The adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations are considered Type I Actions under Section 617.4(b)(1) of the New York State Environmental Quality Review Act (SEQRA). As such, they are more likely to require the preparation of an Environmental Impact Statement (EIS). The GML referral did not include any SEQRA documents. The EIS or Environmental Assessment Form must be submitted for our review.

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- 2 The Residential Alternatives Chapter includes a wide range of recommendations. We support the proposed renaming of the residential zoning districts to reflect their density. Creating a new R-80 Residential Conservation District to replace the R-4 zoning designation for those parcels abutting Clarkstown's R-160 Residential-Conservation District is well-considered given the significant environmental constraints in this area. Additional details must be provided for the proposed special permit review process. If the single-family dwellings to be allowed on a minimum of two acres will be special permit uses, specific criteria must be established, in addition to the applicable bulk standards.
- 3 Currently, the underlying zoning designation for the state parkland at the northern end of the Village is R-1, a low density residential zone with a minimum lot area requirement of 40,000 SF. The Plan proposes to create an R-160 Residential-Conservation District that reflects the significant natural features and limited infrastructure of these areas, should there ever be a New York State mechanism that divests these areas as part of the park system and returns them to private ownership. A special permit review process is recommended. Additional details must be provided for the proposed special permit review process. If the single-family dwellings to be allowed on a minimum of four acres will be special permit uses, specific criteria must be established, in addition to the applicable bulk standards.
- 4 With regard to affordability, owner-occupied accessory apartments are proposed as a special permit use in all residential use areas. Compliance with all Building Ordinance regulations, and specific standards including the age of the existing house, owner occupancy, limitation of accessory apartment size, exterior appearance, provision for off-street parking and impact on adjacent residents are potential requirements. The special permit will have a defined time period requiring re-review and re-approval on a periodic basis. In order to accomplish the goal of not permitting the accessory use to run with the property, we recommend that Village require a deed restriction to be recorded upon approval of the special permit.
- 5 Short Term Lease/Rentals are addressed in the Affordability section. Their allowance would require a special permit with similar standards as proposed for accessory apartments. Airbnb is specifically mentioned. The homeowner would be required to register short term leases/rentals with the Village. Given that properties with short term leases/rentals are sometimes used as venues for parties and large gatherings rather than accommodation, we recommend that this issue be addressed. Enforcement, violation actions and penalty provisions must be specified for both the property owner and prospective renters to discourage misuse of the premises.
- 6 In order to preserve large, older homes and Hudson River mansions of significant architectural value with well-established large, landscaped properties, the Village has provided for the reuse of certain qualifying residential structures for multi-family condominium and cooperative ownership. The Plan proposes to modify the current Multiple Dwelling Conversion standards. We concur with the special permit designation, as well as the standards related to re-review and re-approval, maximum number of units and preservation incentives. With regard to expansions of, or additions to existing structures, or allowing a greater number of residential units than established by the underlying as-of-right building lots, we recommend that the Village establish specific criteria or guidelines for such exceptions so that the underlying goal of preservation is still achieved.
- 7 With respect to oversize dwellings, the Village proposes to restrict the size of newly constructed dwellings on marginal, infill sites by revising current bulk standards. The current standards permit the maximum allowable build-out on smaller parcels resulting in out of scale construction. A residential Floor Area Ratio (FAR) requirement is proposed, as well as a revised building height standard. The FAR standard will require a detailed look at all occupiable spaces. The proposal to establish the building height as a ratio based on the distance from the lot line will create a sliding scale so that some smaller lots might not be eligible for the current height standard of 35 feet. We agree that these revised standards will limit the bulk and height of residential structures on smaller lots so that they are more in harmony with neighboring houses. The Village must also consider establishing a development coverage standard in its residential zones to limit the amount of impervious surface area in these districts.

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- 8 The View Sight Lines section must include specific regulations to protect scenic views of the Hudson River and Hook Mountain. These might include an overlay zoning designation or height and bulk restrictions. The use of earth-toned building materials can be recommended so that residential structures blend in with the scenic backdrop. A ridgeline protection ordinance must also be considered. In addition, this section must be expanded to consider the impact of development in Upper Nyack on the view sight lines from the Hudson River.
- 9 The Business and Economic Development Chapter addresses the three existing business districts in the Village of Upper Nyack. These include the Route 9W Corridor, the Village Center and the Marine Business District. The goal is to develop appropriate zoning regulations and performance standards while balancing competing interests. We concur with the recommendation to create a single consistent zoning designation throughout the Route 9W Corridor given that the same as of right uses are permitted in the two existing zones. However, this section is confusing in that it recommends that a single broad list of appropriate uses be developed for this district, subject to zoning regulations and Performance Standards, but also proposes that a special permit process be established as part of the approval process for every use in this district. Does this mean that there will be no as of right uses in the Route 9W Corridor Business District? Will all uses be special permit uses subject to an additional layer of review? While we recognize the need to protect the surrounding residential areas, we question whether every commercial use warrants this level of review. Clarification must be provided.
- 10 The Automobile Scale section must include more specific information about parking requirements. If the existing commercial parking standards are to be retained, it must be so stated.
- 11 The Maintenance of Ridgeline section notes that the 9W business corridor abuts the Town of Clarkstown's R-160 Conservation Density Residential District throughout the Village's western border except at the southern end where the zoning changes to the R-4 Residential Zoning District. The recommendations in this section are specific to the residential zone which is disconnected from the rest of the Village's residential neighborhoods. It is therefore not considered part of the "Walkable Village" concept espoused for the other residential areas. A Critical Environmental Area designation is recommended, as well as a density reduction based on the underlying environmental issues. We believe these recommendations are more appropriately located in the Residential Alternative Chapter. In addition, it must be clarified whether or not a NYS DEC Critical Environmental Area designation is sought. The underlying environmental issues must be specified.
- 12 We concur with the Plan recommendation for the Village Center District as they seek to preserve the existing buildings and maintain a pedestrian scale by requiring the special permit process for approval. Hours of operation, signage and lighting, are addressed as well as performance standards to protect the surrounding residential areas. Subsequent chapters offer recommendations that are also applicable to this zone and must be cross-referenced.
- 13 The Marine Business (MB) District is part of the Van Houten's Landing Historic District; it represents a significant chapter in Upper Nyack's commercial history. While the Plan acknowledges this significance, it also notes that the marine business has intensified from pleasure craft repairs to the repair of large commercial boats and docks. Further intensification has implications for the adjacent R-4 residential zone, as well as the historic district. We concur with the recommendations to require a special permit for the primary uses in this district, as well as developing performance standards for the MB District. Promoting harmony with the adjacent residential use is essential. Adequate residential buffers shall be considered to mitigate noise and the view of the commercial facility. The buffers must not block views to the Hudson River. The Village must evaluate what future uses or operational changes are possible. Limitations must be considered, if appropriate.
- 14 The consideration of other low density uses acknowledges that the boatyard/shipyard/marina business might not be part of a future development proposal. Given its location on the Hudson River, the Village intends to incorporate public access to the waterfront in considering new uses. Walking access is in keeping with its "Walkable Village" concept. The proposed considerations for new uses recognize the importance of the Hudson River and the historic district. Additional details shall be provided to accomplish these goals.

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15 The Parks, Open Space and Recreation Chapter recognizes the value of Upper Nyack's natural environment and seeks to support stewardship of these assets through land use regulations and zoning while limiting the impact of public recreational use of these features on Village residents. Five primary parks, open space and recreation areas are identified: Nyack Beach State Park and Hook Mountain State Park; River Hook (Hester Haring Cason Preserve); the Long Path; Hudson River Greenway Trail; and New York State Bike Route 9. The State Parks are partially located within the Village and provide the only public access point to the Hudson River. As the primary gateway to Nyack Beach State Park and an entrance to Hook Mountain State Park, Upper Nyack must provide access for vehicles, bicycles and pedestrians. Motor vehicle access is problematic as on-site parking is limited so visitors park on residential streets. While on-street parking is prohibited on the streets closest to the park entrance, the Plan notes that additional parking restrictions may be necessary as well as input from the affected homeowners. The Palisades Interstate Park Commission must also be part of this discussion. Provision of additional off-site parking on park property must be explored. The use of grasscrete would reduce the impervious surface impacts. Off-site parking options within the Village must also be considered. Village residents must not be subject to parking restrictions meant for park users. Resident parking permits are a potential solution and must be considered.

16 The Plan notes that bicycle traffic will likely increase with the opening of the Shared Use Path on the Governor Mario M. Cuomo Bridge. Pedestrian access to the park is also discussed as having the lowest impact to Village residents and in keeping with the municipality's "Walkable Village" goals. In addition to the recommendations for well-maintained sidewalks, well-marked crosswalks and traffic calming measures, the Village must consider appropriate signage and wayfinding to encourage pedestrian access, as well as bicycle access. By identifying Village streets as shared roadways, all users will be aware of each other. In addition, reduced speed limits will allow for safer travel.

17 With regard to River Hook (Hester Haring Cason Preserve), we recommend that the Village also explore open space and historic preservation grant opportunities, in addition to donations and volunteer support, for funding to preserve, restore and maintain this property.

18 The Hudson River Greenway Trail is recognized as a popular recreational walking route. The extension of the sidewalk along the eastern side of North Broadway to the entrance of Nyack Beach State Park is discussed in the Plan. This sidewalk extension was to be completed in 2019 and signage provided designating it as part of the Hudson River Greenway Trail. This paragraph must be updated if the completion date has been extended or the project is finished.

19 The Park and Recreation Areas Map shall include labels identifying the specific open space resources.

20 The Special Districts and Historic Landmarks Chapter includes recommendations for certain resources mentioned previously, as well as a discussion of specific structures. The Village's historic districts and landmarks are recognized as valuable resources. The Plan revisits the recommendations of the 1999 Plan which included the adoption of historic preservation provisions to be included in the Zoning Ordinance, or a separate ordinance. Currently, the Planning Board, Architectural Review Board and Zoning Board of Appeals handle historic preservation and protection matters through the land use review process. The Village shall consider adopting a separate Historic Preservation ordinance that identifies historic resources and establishes specific criteria for proposed alterations and development. The Historic Preservation ordinance, if adopted, must be referenced in the Zoning Ordinance. A Historic Overlay Zone shall also be explored. This would allow for an additional layer of protection for historic resources.

21 With regard to the unique section of School Street within the Van Houten's Landing Historic District, the Plan recommends a special zoning designation or inclusion in the abutting Village Center Zoning District. We believe a special zoning designation or a Historic Overlay Zone is more appropriate than Village Center zoning as there are no commercial uses. A new zoning classification or an overlay zone can include provisions for preservation. Signage and wayfinding elements can help to identify this neighborhood and its connection to the larger historic district.

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22 We believe the Historic Preservation Overlay Zone recommended above is appropriate for the entire Van Houten's Landing Historic District and its varied components. Overlay zoning will establish additional guidelines for the preservation of historic properties.

23 It is unclear if fees are charged for the use of the Old Stone Meeting House. This must be considered as a revenue stream can be used for its maintenance, as well as a fund for other Village-owned historic properties. The Plan stops short of recommending that the Old Stone Meeting House serve as a museum, but suggests its use as a center for the history of Upper Nyack which is akin to a museum. The Village must consider this option. An admission fee could be charged and used to fund historic preservation efforts.

24 The Special District and Historic Landmarks Chapter concludes with three recommended actions. These include the adoption of historic preservation regulations, creation of a historic preservation overlay map and the development of a historic review process. The Plan recognizes age and significance as essential criteria to consider. We are supportive of these actions. While an overlay map that identifies historic resources is useful in the review process, we continue to recommend a separate Historic Overlay Zoning District with specific criteria as a means to accomplish preservation through the land use regulatory process. We recommend that the Village work with the Historical Society of Rockland County, as well as the Rockland County Historic Preservation Board to develop a review process for development applications that include historic properties. If the Architectural Review Board (ARB) is selected to undertake historic reviews, we agree that a licensed architect or architectural historian must be appointed to the ARB. We also concur that the historic review should precede Planning Board review so that it can be part of the site plan approval process.

25 The Special Districts and Historic Landmarks Map shall include all historic resources mentioned in the Chapter. Only two of the five historic landmarks referenced in the text are shown on the map. Upper Nyack Village Hall, Brookside and Shadowcliff must also be shown. In addition, River Hook (Hester Haring Cason Preserve), School Street, the Village Center District, and Marydell Faith and Life Center must be depicted on the map. Consistent names must be used in the document and on the map. The Old Palmer Burial Ground referenced in the text is listed as Upper Nyack Cemetery on the map; the Old Stone Meeting House is labeled as the First Methodist Episcopal Church of Nyack on the map. Finally, the orange historic district boundary must be included in the Legend.

26 The Transportation, Traffic and Public Safety Chapter classifies the Upper Nyack road network into major thoroughfares, primary roads, secondary roads and local roads. Route 9W is the only major thoroughfare; it is also a NYS road. There are no Rockland County roads within the Village. This chapter includes a discussion of Complete Streets, a concept supported by the Village of Upper Nyack and consistent with their goal of achieving a "Walkable Village." While vehicular traffic is the primary mode of transportation, excessive speed, intersection safety and parking issues are major concerns. With regard to excessive speed, it is noted that North Broadway is a wide, straight road with few traffic calming elements, visual road sharing cues or controlled stops. Given the earlier discussion of this roadway serving as the access to the state parks, we question whether a dedicated bike lane is possible. This would serve to protect cyclists and narrow the travel way, thereby reducing vehicular speeds. We note that the suggested roadway design elements do not specifically mention speed bumps. Since this is an effective way to force drivers to reduce their speed, it must also be considered.

27 Two troublesome intersections are called out in the document: Midland Avenue and Old Mountain Road, and North Broadway and Castle Heights Avenue. Both intersections are utilized by vehicles, bicycles and pedestrians. While the shortcomings of the two intersections are noted, solutions are not specifically offered. Crosswalks are a relatively simple fix and must be considered. Cautionary signage is another appropriate tool that does not require significant investment.

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28 The parking issue discussion focuses on the Village Center District, the residential streets near Nyack Beach State Park and River Hook. We offered recommendations on Nyack Beach State Park and River Hook in comments 15 and 17 above. Since much of the Village Center District's parking problems are related to school drop-off and pick-up, a traffic enforcement officer might be warranted. If parking is an issue when special events are planned at the elementary school, the district should pursue a parking agreement with the adjacent Summit School, particularly for evening programs.

29 Other issues noted in this chapter include shared use on Birchwood Avenue, Midland Avenue (north of Old Mountain Road) and Old Mountain Road. Midland Avenue is described as having a wide vehicle lane but no sidewalks or traffic calming design elements. The lack of sidewalks is an issue on each street. While the provision of sidewalks is a costly undertaking, a painted bike lane on Midland Avenue is a cost effective means of protecting cyclists and narrowing the vehicular travel lane to reduce speeds along this shared roadway. The Village shall consider the installation of a bike lane on Midland Avenue. This might also serve as an alternate route to the state park possibly diverting some bicycle traffic from North Broadway.

30 The recommendations for Traffic, Transportation and Public Safety chapter focus on the "Walkable Village" concept and Complete Streets. They include improvements related to traffic calming; road sharing between motor vehicles and pedestrians; road sharing between motor vehicles and cyclists; and traffic pattern revisions. As noted above, all roads in Upper Nyack are under the Village's jurisdiction except for Route 9W. As funding becomes available, the Village can undertake most of these recommendations. Speed bumps must be included in the traffic calming installations, or an explanation provided as to why they are not mentioned.

31 The Pedestrian Destination Areas Map shall include labels that name the specific destinations.

32 As noted in Chapter 10 of the Plan, Upper Nyack's infrastructure consists of the road network, sidewalks, storm drainage systems, sanitary systems, above ground utilities and below ground utilities. The road network and sidewalks were discussed in the previous chapter. We concur with the Village's assessment that future planning decisions and infrastructure management must include provisions to improve both stormwater management from new developments and the existing drainage systems throughout the municipality. The Plan recognizes that capital expenditures will be required for upgrades and extensions of the drainage system, as well as the acquisition of drainage easements. The need to include periodic inspection and upgrades of the sanitary sewer system in the capital plan is also noted. We recommend that the Village consider stricter development coverage standards to limit the amount of impervious surface thereby reducing the amount of stormwater runoff generated on individual sites. The Village shall also utilize the site plan approval process to require pervious pavers, rain gardens and other stormwater retention practices.

33 With regard to above ground and below ground utilities, the Plan recognizes that these are services provided by private utility companies. We recommend that the Village continue to require that all utilities be placed underground in new subdivisions and larger developments. It is an effective land use planning technique that eliminates utility poles and overhead wires thereby reducing the possibility of power outages due to downed wires.

34 The Infrastructure Chapter must include a more detailed discussion of water resources and the water supply. Water is a scarce resource in Rockland County; thus proper planning and phasing of future development is critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The Village shall confer with the Rockland County Health Department's Division of Environmental Health and the Rockland County Water Task Force about appropriate water conservation efforts that can be implemented in Upper Nyack.

35 The Natural Resources Chapter includes a discussion of water courses and streams; flora and fauna; wildlife; wetlands; steep slopes; parks; aesthetic resources; and the Hudson River. Requiring the installation of stormwater mitigation measures in new developments and renovation projects is recommended to maintain pre-development runoff rates, and encourage natural infiltration and recharge. As noted above, the Village shall consider stricter development coverage standards in all zoning districts, as well as site plan improvements such as pervious pavers and rainwater gardens.

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36 Trees and street tree protocol are discussed within the Flora and Fauna section. We concur with the recommendations outlined. With regard to the street tree protocol, the Village shall consider a shade tree easement requirement as part of the subdivision approval process. A minimum tree planting standard shall be established. A tree replacement process must also be considered for diseased or damaged trees.

37 The wetlands paragraph shall specify whether Federal, NYS or local wetlands are found within the Village, and note the jurisdictional agency.

38 The Hudson River is recognized as a central attraction to living in Upper Nyack. The Plan notes that Nyack Beach State Park provides the only public access to the Hudson River. The suggestion that the Village explore a special entrance pass or free park access for its residents is understandable given the increased traffic and parking issues generated by park users. However, it is unclear whether NYS has granted such privileges to other municipalities in which state parks are located. The Village must be mindful that this might be a precedent setting concept.

39 The Plan considers the protection of Hudson River views. It notes that the current Zoning Ordinance does not address view sheds or the blocking of adjacent views. The Village must amend the Zoning Ordinance to regulate the affect of new construction and renovation projects on adjoining and uphill neighbors' views. We recommend that specific height and bulk standards be established rather than a statement of intent. A view shed analysis requirement must also be considered. As noted in Comment 8, the Village must also consider the view shed from the Hudson River when evaluating development proposals.

40 The Official Stream Map following the Natural Resources Chapter is incomplete in the printed copy of the Comprehensive Plan submitted for our review. It does not include a title, the preparing engineer's name, the date prepared, a north arrow, scale or legend. Final printed copies of the Comprehensive Plan must include the same map as the PDF version available on the Village's website.

41 The Quality of Life and Community Character Chapter reinforces concepts discussed in other sections of the Plan. These include visual character and visual impact. Our comments 7, 8 and 39 include recommendations to address visual impact.

42 We support the recommendation to develop an enforceable noise ordinance that addresses noise level and hours of operation. The enforcement agency must be identified, as well as a penalty structure for non-compliance.

43 The Climate Planning and Resilience Chapter acknowledges the need for communities to plan for the anticipated impacts of climate change. In considering the protection of open spaces and undeveloped land, the River Hook (Hester Haring Cason Preserve), Nyack Beach and Hook Mountain State Parks, and Marydell Faith and Life Center are specifically mentioned. We concur with the recommendation to rezone the Marydell Faith and Life Center property to the proposed R-160 Residential-Conservation District as a means of protecting a substantially undeveloped parcel. Some of the concepts under consideration for maintaining and protecting environmentally sensitive areas and natural resources have been discussed in other sections of the Plan. For example, this Chapter is more detailed than the Natural Resources Chapter in discussing mapped wetlands and the maintenance of Crumbie Creek. Yet, there is no reference to the Climate Planning and Resilience Chapter within the Natural Resources Chapter. These overlapping concepts must be appropriately cross-referenced so that it is clear that they are under consideration.

44 The NYS DEC website does not currently include any Critical Environmental Areas in Upper Nyack. Therefore, the recommendation to identify and map such areas must be revised to reflect that they are not yet designated.

45 We concur with the suggestions for mitigating the negative impacts of stormwater runoff. We recommended some of these concepts in Comments 32 and 35.

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46 In the Water Conservation and Re-use section, a number of water conservation measures are listed. This department encourages the Village to implement stormwater runoff limitations and water conservation measures through the site plan process as noted in Comments 32, 34 and 35. We strongly recommend that the Village work with the Rockland County Water Task Force in this effort.

47 We support the Village's commitment to reducing its carbon footprint. Minimizing energy demand; promoting the use of alternative energy; promoting sustainable building design through the zoning ordinance and building code, and encouraging low-pollution lawn care equipment are effective means of achieving this goal. Using digital documents, electronic filing and electronic signatures to reduce paper documents, and providing electric car charging stations are effective carbon footprint reduction strategies. Given the Village's commitment to this effort, we recommend that they pursue designation as a Certified Climate Smart Community with New York State. Funding opportunities and support for local climate action efforts are also available through this program.

48 The final chapter of the Comprehensive Plan is entitled Vision Statement. It includes an overview paragraph of the components of the plan. It lays out the format of each section of the Plan specifying that the topic is identified, discussed in both its historical and present-day context, and concludes with planning goals and recommendations. We recommend that the document format be edited for consistency. In our review of the Plan, we noticed that the recommendations and goals were not specifically called out in each chapter. While the Residential Alternatives Chapter listed specific recommendations and alternatives, most chapters did not include that heading. The Business and Economic Development Chapter includes "considerations" for each business district. Some recommendations are included in the Parks, Open Space and Recreation Chapter but they are within the text rather than a list at the end of each section or the conclusion of the chapter. The same format is used in the Special Districts and Historic Landmarks Chapter, although it concludes with actions for consideration. The Transportation, Traffic and Public Safety Chapter ends with recommendations. The Infrastructure recommendations are within the text rather than listed. In the Natural Resources Chapter, some recommendations are included in the text while the Trees and Street Tree Protocol sections contains a list of recommendations. The recommendations of the Quality of Life and Community Character Chapters are predominantly found within the text. The Climate Planning and Resilience Chapter contains a wide range of recommendations that are mainly presented in an outline format. For ease of use, the format of each chapter must be consistent particularly with regard to the recommendations, as these are the focus of the Comprehensive Plan. A clearly labeled list at the end of each topic section, or the conclusion of the chapter is preferable to including recommendations within the text.

49 Comprehensive Plan committee members must be involved in the Implementation process. They can serve on the zoning ordinance committee or consultant team, as well as assist Village Board members in determining which land use regulatory matters must be addressed outside of the Zoning Ordinance.

50 The list of state, federal and privately funded programs must include the Climate Smart Communities Program.

51 Nyack College owns a 21-acre parcel fronting on Route 9W that is currently for sale. The Plan does not address the pending status of this property or its potential redevelopment. The lot is shown as "Institutional/Quasi-Public" on the Land Use Map, and as Religious/Education Destinations" on the Pedestrian Destination Areas Map. The property is located in the Office Business and R-4 zoning districts. The Comprehensive Plan must include a discussion of the Nyack College site.

52 None of the maps in the printed copy of the Comprehensive Plan submitted for our review include a north arrow, or other features commonly found on a map. Given the landscape orientation of the maps with North on the right side rather than the top of the page, this must be addressed. Final printed copies of the Comprehensive Plan must include the same maps as the PDF versions available on the Village's website.

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53 Listed below are typographical, punctuation, format and update errors that we observed while reviewing the documents.

Page 1-3, 2nd paragraph, 1st sentence - 2019 must be changed to 2020.

Page 2-9, 1st paragraph, last sentence - add a comma between "Plan" and "the."

Page 2-10, 1st paragraph, 4th sentence - add a comma between "history" and "the."

Page 2-11, 1st paragraph, second to last sentence - add a comma between "history" and "the."

Page 2-12, 2nd paragraph, 1st sentence - add a comma between "1872" and "the."

Page 2-12, 2nd paragraph, 4th sentence - add a comma between "1960" and "the."

Some of the legend category colors on the Land Use Map are very similar, and therefore hard to differentiate. Greater color variation must be provided for Local and Private Parks; General Business and Light Industrial/Warehouse; Local Neighborhood and Not Yet Classified; and Two Family Residential and Three Family Residential.

Page 5-7, 2nd paragraph in Cluster Development, 2nd sentence - add a comma between "Districts" and "the."

Page 5-7, 2nd paragraph in Cluster Development, 3rd sentence - add a comma between "Districts" and "the."

Page 5-11, 2nd paragraph, 1st sentence - add a comma between "areas" and "provide."

Page 5-11, 2nd paragraph, last sentence - add a period at the end of the sentence.

Page 5-13, 2nd paragraph, 1st sentence - add a comma between "areas" and "provide."

Page 5-13, 2nd paragraph, 3rd sentence - add a comma between "site" and "the."

Page 5-13, 3rd paragraph, 1st sentence - add a comma between "areas" and "establish."

Consistent nomenclature must be used when referencing River Hook. It is alternately referred to as River Hook: The Hester Haring Cason Preserve, River Hook - The Hester Haring Cason Preserve, and River Hook (The Hester Haring Cason Preserve) throughout the document.

Page 8-2, 1st paragraph, second to last sentence - the periods after the words "construction" and "alteration" should be commas.

Page 8-3, 1st paragraph, 2nd sentence - add a comma between "1934" and "park."

Page 8-5, 2nd paragraph, 1st sentence - add a comma between "2018" and "the."

Page 8-11, 2nd paragraph, 3rd sentence - add a comma between "1957" and "the."

Page 9-4 - add a paragraph break before "The Primary Roads in Upper Nyack are:"

Page 9-4 - add a paragraph break before "Additional items of note for some of Upper Nyack's Secondary Roads include the following:"

Page 9-8 - In the Parking section, Nyack Beach State Park is incorrectly referenced as Upper Nyack Beach State Park. This must be corrected.

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Pages 10-2 and 10-3 - The "Transportation, Traffic and Public Safety" Chapter is incorrectly identified as Section 10 rather than Section 9. This must be corrected.

Page 11-9, 2nd paragraph, 1st sentence - the word "ordinance" is misspelled.

Page 11-9, 4th paragraph, 1st sentence - add a comma between "Nyack" and "the."

Page 11-9, 4th paragraph, 2nd sentence - add a comma between "River" and "the."

Page 11-9, 4th paragraph, 2nd sentence - eliminate the colon after "health."

Page 12-3, 4th paragraph, 2nd sentence - add a comma between "way" and "Van."

Page 13-2, 5th paragraph, 1st sentence - add a comma between "in" and "project."

Page 13-8, 3rd paragraph, 1st sentence - add a comma between "Agency" and "buildings."



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack
Rockland County Department of Health
New York State Department of Environmental Conservation
Palisades Interstate Park Commission
Rockland County Division of Environmental Resources
New York - New Jersey Trail Conference
New York State Department of Transportation
Nyack Fire District
Valley Cottage Fire District
Town of Clarkstown, Village of Nyack

Carol G. Brotherhood, Village Clerk

**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.