

Village of South Nyack
Dissolution Plan
Suggested Amendments

The following are comments/suggestions for changes to the distributed DRAFT Dissolution Plan and the corresponding recommended potential language changes to the South Nyack Dissolution Plan:

- I. Trustee Hogan suggested we further explain how residents can determine the impact on their property taxes. We will add a blue pop out box in the Executive Summary. Suggested language:

“How to calculate your property tax savings?

Divide the assessed value of your home by the number by 1,000 and multiply it by \$13.80. This will be an estimate of your new Town tax. (In addition you will also be responsible for private refuse pickup at approximately \$360/year and have to add this to your estimated tax.) Compare this new estimated Town tax to your current combined Town and Village property tax bills. You can then determine the difference between the new estimate and our old tax. Alternatively you can estimate a 30-32 percent reduction in your tax (town and village combined) then add the \$360.”

- II. Roger Seiler recommended that we add language to the property deeds on properties transferred to the Nyack Joint Fire District and the Town of Orangetown that protect the South Nyack residents should the properties later be used for alternate purposes or sold:

Add: “The Village will add a covenant to the deed transferring the Fire House to the Fire District that indicates that the purpose of transfer is to provide a Fire House at this location to serve the residents of the area formerly known as the Village of South Nyack. Should the property be sold by the Fire District, all proceeds shall belong to the taxpayers of South Nyack and shall go to the benefit of the South Nyack Legacy District.”

Similar language was recommended to be added to the section on the transfer of the Parks and Other Recreational Properties to the Town of Orangetown. Covenant language could also be added if the transfer occurs prior to the dissolution, otherwise this cannot be done. The Village and the Town may want to consider an IMA that would accomplish the same.

Note: There has been discussion on certain Village owned properties as to whether they should be transferred for the purpose of parks/open space or sold and used to offset Village liabilities. The Board of Trustees will need to finalize this determination.

- III. Trustee McCue recommended amending the plan language relative to the Village’s Tree Program. Amend the language on page 21 regarding the Village’s tree program to read as follows:

“The Village has an active tree committee and in recent years the Village has appropriated \$5,000/year for the purchase of approximately 38 trees/year that are then planted and maintained by the Department of Public Works annually.”

- IV. There were 5 comments provided by Lee Prisament after the public meeting regarding land use issues. The following is a summary of the comments and recommended approach to amend the Dissolution Plan:

1. Our unregistered Hillside CEA 3 is adjacent to and continuous with Orangetown’s registered “Upper Grandview and Environs” CEA. Wouldn’t it make sense to recommend that Orangetown, at the earliest practical time after dissolution, extend it’s CEA to include South Nyack’s CEA 3 and reregister it as a single area? Can we do this before dissolution?

The Village of South Nyack has appointed a sub-committee to review and address this prior to dissolution. Therefore, the following is recommended to the Dissolution Plan on page 43:

Delete the following two paragraphs:

If there are Maps of the CEAs on-file with the Village Clerk (or Building Department) these should be produced for review by project stakeholders. Per Village Zoning §330-10 ‘Critical environmental areas’, which also has a text which links it with 617.14.g., there should also be checks for whether there may have been any associated notice in the SEQR Environmental Notice Bulletin (ENB) and whether other documentation may be available which characterizes each CEA and defines their associated rationale.

Depending on what information is located, it may be suggested to complete necessary procedures in order to define the respective three footprints of the CEAs, as well as to undertake SEQRA administration, a hearing, and ENB publication in order to ensure the effect of this law cannot be challenged. For the same reasons, it is suggested for Village officials to confirm whether there is more information available on the Village CEA’s mapped footprints and rationales, which can help inform whether to retain the CEA designations within the proposed hybrid zoning framework that the Town could consider adopting.

Replace with the following:

The Village of South Nyack has appointed a sub-committee to review and legally establish the CEAs in the Village prior to dissolution.

2. South Nyack’s waterfront CEA 1 has all of the historic, ecologic, archaeologic, architectural, educational, and environmental sensitivities considered important for DEC registration. Within CEA 1 lies the entire 164 home National/State Register Eligible South Nyack Historic District scoped out by the Federal Highway Administration, New York State Department of Transportation and New York State Thruway Authority in compliance with Section 106 of the National Historic Preservation Act. Could we emphasize in our dissolution plan our recommendation that CEA 1 be registered as soon as practical after dissolution?

The Village of South Nyack has appointed a sub-committee to review and address this prior to dissolution. See previous response.

3. With regard to Historic Area’s, it’s not clear to me if we are recommending that protection of South Nyack’s recognized historic assets be under the umbrella of Orangetown’s HARB, as suggested in the executive summary or ACOBOR, as suggested in the land use section.

Suggested change to the Executive Summary on page 3: **Delete** the existing language on the historical areas:

“Identified historical areas of the Village are recommended for inclusion under the Town’s Historic Areas Review Board”.

And **replace** this section of the Executive Summary with the following language:

“Identified historical areas of the Village are recommended for protection and a Local Historic District should be established to allow protection under the Town’s Historic Areas

Review Board (HARB) or protected through a Critical Environmental Area regulations under the protection of the Town's Architecture & Community Appearance Board of Review (ACOBOR).”

The suggested change on page 43 & 44, would be to strengthen the existing language with the bold/yellow revisions outlined below:

Since the Village has not up to this point acted to directly establish municipal historic preservation regulations, such as by forming a NY State Certified Local Government body, like would be embodied in a Village Historical Preservation Commission or Board, it is supposed there is limited, or possibly inadequate time available to achieve this objective now. For instance, the New York Department of State's 2002 publication 'Certified Local Government (CLG) Program in New York State: Information & Regulations Regarding the Certification Process', covers requirements and the process for certification. It includes a requirement to adopt and enforce a law with preservation standards, plus a requirement to formally request the State Historic Preservation Officer's (SHPO) certification of the CLG. This process would likely take a minimum of three months to align these requirements, and possibly longer. **However, should the Village complete the historic survey for South Nyack's eligible areas and initiate the CLG process, it is possible that such a law could be substantially developed for the Town's consideration shortly following the dissolution of the Village and enabled as a Town Historic District. Should this occur, the Historic District would be under the control of the Town's Historic Architectural Review Board (HARB).**

However, should this not occur the alternative is to provide protection under the Village's Critical Environmental Area regulations found in Zoning §330-10.A. 'CEA 1: Hudson River Area'. Per Village zoning text, is described as an area east of Broadway bounded by the easterly length of the Village along the Hudson River, by the northern boundary of the Village, on the western side by the center line of South Broadway, and by the southern boundary of the Village of South Nyack. The zoning, paraphrased, highlights this CEA's role in the protection, preservation, and enhancement of important aesthetic and scenic qualities associated with such proximity to the River and it notes the historic significance of this area, including its architecture. If this CEA is retained in Town law, it can be used to regulate the conservation of South Nyack's historic character. For example, it could be setup to be invoked when a project is defined to be subject to State Environmental Quality Review Act (SEQRA) standards, such as when an Action is Type I according to 617.4, or it determined to be Unlisted when compared with 617.5 or Town Code 11-B-3. Orangetown Town Code Chapter 2 establishes and enables an Architecture & Community Appearance Board of Review (ACOBOR). This body provides for quality of design in the exterior appearance of buildings or land developments. According to Orangetown's Zoning for Historical Areas (Article X – Administration & Enforcement, Section 10.7 - Historical Areas), all properties located in a “Historic Area” in the Hamlets of Tappan and Palisades are subject to the review and jurisdiction of the ACOBOR. It could be recommended for land use actions in the Hudson River Area CEA and CEA 3: Mountainous Area, which includes areas west of Route 9W to the western boundary of the Village, to be reviewed by ACOBOR. Likewise, when adequate study of historic building features and attributes exists for locations west of Broadway, these could also be considered for being subject to ACOBOR jurisdiction.

4. While historic preservation is desired among many in South Nyack, it may be that Orangetown's HARB statute provides for a level of detail in conservation that is beyond what most South Nyack residences would be comfortable with. Perhaps the best approach would be to strongly suggest to Orangetown to first move forward with National/State registration of South Nyack's identified (and clearly need to be identified) eligible areas with the understanding that the most appropriate local law mechanisms of preservation will be identified later in the context of resident input.

Recommended action: The added language highlighted in yellow above provides for two alternatives in the Dissolution Plan. The first enables the historic preservation through a designated Local Historic District. The second enables historic character to be preserved through the regulations afforded to the Critical Environmental Areas. The latter is less restrictive.

5. One difference between South Nyack's and Orangetown's bulk requirements I didn't see in the plan is Orangetown's use of floor area ratio (FAR) to discourage massive and out of character renovations and new construction. It is unlikely that this zoning difference is the result of the introduction of zoning to South Nyack after it was largely built out because FAR is the standard in most historic, formerly built out communities in the Hudson Valley including Grandview, Piermont, Irvington and Hastings-on-Hudson. The strength of using FAR is that it requires tradeoffs between cross sectional size and height. It's also energy smart. We may want to recommend early adoption of this metric to bulk tables used in the Hamlet of South Nyack after dissolution, designed by planning experts familiar with the area. To encourage this, we may want to acquire those recommendations before dissolution.

If the Steering Committee agrees, this recommendation can be added in the final plan. Below is language that could be added to the Dissolution Plan:

The following revision to the Dissolution Plan is recommended to **Section VIII: Land Use Land Use Policy, Laws and Regulations, pg 42:**

3. The Town should adopt the Village's Schedule 1 - Table of Use & Bulk Requirements. In Orangetown's Zoning there is a series of Use and Bulk Regulating table attachments. It is recommended that the Village's Table of Use & Bulk Requirements be added to this series. It is recognized that the Village's current bulk regulations utilize an outdated land use approach and it is recommended that a floor area ratio (FAR) or a form-based code be considered to properly manage the historic form of the Village. Should the Village determine amendments are appropriate prior to dissolution, such modifications may be considered by the Town as part of the creation of the hybrid zoning ordinance governing the former Village. Any changes by the Village to the bulk tables should be done in coordination with the Town. Should these amendments not occur prior to dissolution, Orangetown should evaluate the former Village form as part of its updated Comprehensive Plan and codify as may be determined appropriate from that process.

V. A constituent identified that there are three streetlights, 2 on Gesner Ave and one in the park that have not been included in the listing of streetlights.

Suggested language addition to the section on streetlights on page. 29. The new language is in quotes:

The Village of South Nyack illuminates approximately 200 streetlights. "**Appendix C: Listing of Village of South Nyack Streetlights** is the preliminary listing of lights provided by the utility company to the Village. The finalized listing of streetlights owned by the Village and a part of the purchase and conversion project will be finalized during the transition phase and prior to dissolution. The listing will be finalized and made a part of the final street light project agreements Between the Village and the utility and the Village and NYPA".

VI. Recommendation from the meeting between Village and Town on fiscal transition issues. Assuming the 3/31/22 dissolution date, add language that further clarifies that 2022 is a transition

year and that Village residents will see their Town tax increase in January of 2022; however, they will no longer receive a Village tax bill in June. Language would be added to the Executive Summary and in the Fiscal Impact Section.

- VII. Village municipal parking lot. Suggested language addition
“The Town of Orangetown currently manages municipal parking lots for residents in other areas of the Town including Pearl River. The Brookside Avenue lot in the Village of South Nyack would be administered in the same manner.”
- VIII. Tree Program
“The Town of Orangetown currently manages a shade tree program similar to the Village’s program. The Town would incorporate the Village of South Nyack’s tree management program into its existing program.
- IX. Appraisals
Replace existing property value chart with chart that includes the appraised value. Amend corresponding language in narrative.