

**LOCAL LAW NO. _____ OF 2026, AMENDING
CHAPTER 360 (ZONING) OF THE CODE OF THE
VILLAGE OF NYACK, SO AS TO ADD
PROVISIONS REGARDING ADAPTIVE REUSE OF
ELIGIBLE RELIGIOUS AND/OR EDUCATIONAL
BUILDINGS AND USES, FOR THE PURPOSE OF
CONSTRUCTING MULTI-FAMILY DWELLINGS
(04/09/2026 DRAFT)**

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, Purpose and Intent:

This Local Law is adopted pursuant to New York State (“NYS”) Municipal Home Rule Law (“MHRL”) §10; and in accordance with the procedures prescribed in MHRL §20, and NYS Village Law §7-706 and §21-2100. The purpose and intent of this Local Law is to foster the renovation and reuse of buildings originally constructed for religious and/or educational uses, and which have historic, architectural, economic, cultural or other value to the Village of Nyack (“Village”), and are at risk of becoming under-utilized, blighted, vacant or restricted in future uses, by encouraging the adaptive and flexible reuse of such buildings to allow greater economic and efficient use and occupancy of the property, and to increase the supply of housing (including affordable units) in the Village, and with no net loss of usable open space or outdoor recreational areas on the property, by virtue of allowing redevelopment for multi-family housing in the Single-Family Residential-1 (SFR-1), Single-Family Residential-2 (SFR-2), Two-Family Residential (TFR), and Office Mixed Use (OMU), Zoning Districts. The Village’s housing shortage, and affordability crisis, justify, under specified criteria, the override of certain Village Zoning Code regulations when religious and/or educational buildings are used for multi-family housing that must include a minimum proportion of affordable units, which will help to keep lower-income residents in the Village, and leverage religious and/or educational institutions’ uniquely beneficial community role in serving their communities by enabling them to utilize their stagnant assets to increase the Village’s housing inventory (including affordable units) without direct fiscal cost to the Village.

Section 2 – Paragraph “A” (Residential), of §360-3.2 (Use-specific standards) of Article III (Use Regulations), of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended to the extent only of adding a new Sub-Paragraph “1B,” which new Sub-Paragraph “1B” shall read as follows:

(1B) Adaptive Reuse of Religious and/or Educational Buildings.

- (a) Special Use Permit Authority. The Village Board of Trustees (“BOT”) may grant a special use permit, subject to, and in accordance with, the provisions set forth in this sub-paragraph 1B, to allow a multi-family housing use of an eligible building, irrespective of whether such multi-family housing use is allowed or not in the applicable Zoning District; and such adaptive reuse of an

existing building may occur within its existing footprint irrespective of whether the existing footprint is dimensionally non-conforming (“Adaptive Reuse”). As part of the special use permit, the BOT may modify the Dimensional Standards (Table 4-1) of the Village’s Zoning Code, so long as the BOT determines that each modification is necessary to preserve the building and to allow its Adaptive Reuse; which grant of a special use permit shall also require site development plan approval by the Planning Board. This special use permit authority, granted to the BOT, shall be in lieu of, rather than in addition to, the Zoning Board of Appeals’s special use permit authority relating to schools, educational facilities, houses of worship and places of religious instruction in residential and Office Mixed Use (OMU) Zoning Districts.

- (b) **Eligible Building.** An eligible building shall mean any building sited on a lot of less than four acres in size, except as prescribed in §360-3.2(A)(1B)(e)[2] below, and which building is used and occupied, or if vacant or abandoned has most recently been used and occupied, as a school, educational facility, house of worship, place of religious instruction, or a religious convent or monastery, and which building was originally constructed for said type(s) of religious and/or educational use and occupancy (“eligible use”); and which building (i) has a subsisting Certificate of Occupancy (“CO”) that permits the use and occupancy of the building as an eligible use, or (ii) although lacking a CO for an eligible use, is a legal nonconforming use for an eligible use, or (iii) is vacant or abandoned, but its last most recent CO was for an eligible use, or, if it lacked such a CO, then its last most recent legal nonconforming use was for an eligible use.
- (c) **Exterior Alterations.** As a condition of the special use permit, the applicant shall continue to retain, unchanged, the existing eligible building’s exterior architecture, except for minor changes essential to accommodate necessary appurtenances; or shall demonstrate, to the satisfaction of the BOT, that all proposed exterior alterations are generally consistent with the existing eligible building’s architecture, style and design, and with the neighborhood in which it is located.
- (d) **Parking.** As part of the special use permit authority of the BOT, the BOT may modify the Zoning Code’s accessory off-street parking requirements based on the applicant’s information regarding the parking impact of the proposed Adaptive Reuse project; and/or parking may be provided on another privately owned lot (or lots) within 500 feet of the entrance to the building subject of the application, subject to the BOT’s approval of any legal instruments, including the recording of same in the Rockland County Clerk’s Office, that the BOT may require to memorialize said off-site private parking.

(e) Restrictions on Uses, and Floor Area Ratio, in Particular Zoning Districts. For an eligible building sited on a lot located in the Single-Family Residential-1 (SFR-1), Single-Family Residential-2 (SFR-2), Two-Family Residential (TFR) or Office Mixed Use (OMU) Zoning Districts, the only uses that are permitted in such Zoning Districts shall be those that are allowed as per the applicable Permitted Uses (Table 3-1) of this Chapter (Zoning); except that, for an eligible building as prescribed in this sub-paragraph 1B, the BOT may approve, by special use permit, multi-family housing, so long as the following additional conditions and requirements are complied with.

[1] A minimum of eleven percent (11%) of the eligible building's total dwelling units shall be affordable and workforce for-sale housing units, or affordable and workforce rental units, in accordance with Chapter 120 (Affordable Housing) of the Village Code ("Chapter 120 affordable units").

Alternatively, rather than complying with the aforesaid 11% minimum Chapter 120 affordable units, a minimum of ninety percent (90%) of the eligible building's total dwelling units must, instead, be occupied, or set-aside and reserved for occupancy, only by volunteers and their immediate respective families ("Volunteer Dwelling Units"). For the purposes of this alternative, a "volunteer," in order for the dwelling unit to count for inclusion in the said minimum percentage of Volunteer Dwelling Units, must be a member in good standing with a not-for-profit fire company, ambulance company, emergency services company, or other first responder organization or association ("not-for-profit first responder entity") that is either headquartered within, or primarily serves, the Village; and, upon request by the Village, the not-for-profit first responder entity shall promptly provide all documentation reasonably required by the Village so as to verify qualification of a Volunteer Dwelling Unit ("verification of Volunteer Dwelling Unit status").

A third alternative, rather than complying with the said 11% minimum Chapter 120 affordable units, is that, instead, a minimum of forty-five percent (45%) of the eligible building's total dwelling units must be Chapter 120 affordable units, plus a minimum of forty-five percent (45%) of the eligible building's total dwelling units must be volunteer first responder units (subject to verification of Volunteer Dwelling Unit status).

[2] An eligible building's maximum density shall not exceed that of the Multifamily Residential-3 (MFR-3) Zoning District. The eligible building shall also be subject to the maximum floor area ratio (FAR)

restrictions proscribed for the Multifamily Residential-2 (MFR-2) Zoning District; however, if an eligible building is sited on a lot in excess of four acres, and within 750 feet of a commercial Zoning District, then the BOT may approve of any use that is allowed in the Downtown Mixed Use-2 (DMU-2) Zoning District, subject to the maximum FAR restrictions proscribed for the DMU-2 Zoning District and so long as there is no net loss of usable open space or outdoor recreational areas on the property.

- (f) The applicant, requesting the BOT's grant of a special use permit for an Adaptive Reuse project, shall be the deeded owner of the school, educational facility, house of worship, place of religious instruction or religious convent or monastery that qualified the property as constituting an eligible building (as defined above in this sub-paragraph 1B), and shall remain the applicant until the BOT grants final approval of the special use permit, and until the final approvals of all other applicable Village land use boards are granted, approving of the Adaptive Reuse project. The applicant may authorize, in a written and signed document satisfactory in form and substance to the Village's Chief Building Inspector and Village Attorney, another person, company, corporation, limited liability company, association, organization or business entity, including a for-profit entity, to administratively handle, conduct and carry-out the application process on behalf of the applicant.
- (g) Additional Conditions. The BOT may impose additional conditions, as part of its approval of the special use permit contemplated in this sub-paragraph 1B, as the BOT may deem to be necessary so as to protect, preserve and/or enhance the neighborhood surrounding the eligible building, and to encourage the most appropriate Adaptive Reuse of the eligible building and its appurtenant property, which additional conditions may include those that are intended to ensure that there will be no net loss of usable open space or outdoor recreational areas on the property.

Section 3 – Within the Use column, of the Residential section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, directly beneath the existing language “Adaptive Reuse,” the following new language as a new type of Use:

Adaptive Reuse of eligible religious and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B)

Section 4 – Column SFR, within the column for Residential Districts, within the Residential use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert,

within the blank/empty space in the new row to be entitled “Adaptive Reuse of eligible religious and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B),” the following new language.

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Section 5 – Column TFR, within the column for Residential Districts, within the Residential use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, within the blank/empty space in the new row to be entitled “Adaptive Reuse of eligible religious and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B),” the following new language.

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Section 6 – Column OMU, within the column for Other Districts, within the Residential use section, of 360 Attachment 1, Table 3-1, entitled “Permitted Uses,” of Chapter 360 (Zoning), of the Code of the Village of Nyack, is amended so as to insert, within the blank/empty space in the new row to be entitled “Adaptive Reuse of eligible religious and/or educational buildings and uses by special use permit of the Village Board of Trustees as per §360-3.2(1B),” the following new language.

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Section 7 – Severability.

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 8 – Effective Date.

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.