

RESOLUTION OF THE VILLAGE OF NYACK BOARD OF TRUSTEES

STATE OF NEW YORK
COUNTY OF ROCKLAND: VILLAGE OF NYACK

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In the Matter of the Amendments to Chapter 360, the
Zoning Code of the Village of Nyack

RESOLUTION

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WHEREAS, the Village Board of the Village of Nyack has noticed a Public Hearing with regard to a motion by the Village Board to amend various provisions of the Nyack Zoning Code, specifically as pertains to the residential density requirements in the DMU Zoning District; minimum apartment sizes in the Village of Nyack; mandated ground floor retail uses in the DMU Zoning District; building height regulations in the DMU Zoning District, and Sustainability Density Bonuses.

WHEREAS, Public Hearings on the adoption of these proposed amendments to the Zoning Code were held at a regularly scheduled meetings of the Board of Trustees on March 27, 2014 and April 10, 2014;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, at least 10 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to various parties pursuant to Village Law Section 7-706 (2)(a), (b), (c), (d);

WHEREAS, at least 60 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to the Village of Nyack Planning Board for review and comment;

WHEREAS, At least 30 days before prior to the initial Public Hearing a referral was made to the Rockland County Planning Department (including the Notice of Public Hearing, the proposed law, affected sections of the Village Code, the EAF & materials necessary to determine environmental significance) pursuant to G.M.L. Section 239-m;

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and found as follows:

1. That the proposed Zoning Code amendment was subject to SEQRA (NYCRR §617.6[a][1][i]) as an “Action”.
2. That the proposed Zoning Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).
3. That the proposed Zoning Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.
4. That the proposed Zoning Code amendment had a preliminary classification as a

“Unlisted” action under SEQRA.

5. That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendments to the Zoning Code and their magnitude:

a. That the Board has reviewed the EAF (see EAF attached, including the narrative “Analysis of Potential Impacts of the Village of Nyack Proposed Phase 1 Zoning Changes”), the CAF, and the reports of the referral agencies prepared in relation to the proposed amendments to the Zoning Code with a view to identifying potential environmental concerns.

b. That the Village Board has finds that the intent underlying the proposed amendments to the Zoning Code, as more particularly detailed in the legislative intent set forth in the text of the amendments, encompasses, inter alia, the Board’s desire to further goals of the Comprehensive Master Plan by encouraging residential development in Nyack’s downtown, promoting infill development in the downtown, providing a range of housing choices to residents, and furthering the Village’s sustainability policies.

BE IT FURTHER RESOLVED, the Village the Board of Trustees, based upon the findings made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the action under consideration, and upon the record pertaining to the proposed amendments to the Zoning Code find and determine that:

- 1) The Village Board is in possession of all information reasonably necessary to make the determination as to the Environmental significance of the proposed amendments to the Zoning Code.

- 2) The Village Board finds that the impact analysis attached to the EAF reveals that the proposed legislation will have no environmental impact which cannot be mitigated, and that the development potential relating to the amendments would not cause (1) a substantial adverse change in existing air quality, ground or surface water quality or quantity, parking, traffic or noise levels; a substantial increase in potential for erosion, flooding, leaching or drainage problems, (2) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources, (3) the impairment of the environmental characteristics of a Critical Environmental Area, (4) the creation of a material conflict with a Nyack's LWRP, current plans or goals as officially approved or adopted, (5) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character, (6) a major change in the use of either the quantity or type of energy, (7) the creation of a hazard to human health, (8) a substantial change in the use, or intensity of use,

of land including agricultural, open space or recreational resources, or in its capacity to support existing uses, (9) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action, (10) the creation of a material demand for other actions that would result in one of the above consequences, or (11) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment. The Village Board notes that any small environmental impacts associated with any potential development can be addressed and mitigated throughout the land use board review process.

3) Based upon the forgoing, and upon the record herein, that this action shall not have any significant impact upon the environment that can not be mitigated.

3) That the Nyack Village Board makes and adopts a “Negative Declaration” under the provisions of SEQRA, finding and determining that the action will have no negative effect on the environment.

BE IT FURTHER RESOLVED, the Village the Board of Trustees has reviewed the CAF prepared by the Village Planning Consultant, and determined that there are no significant effects on any coastal resource area as a result of the proposal, nor any significant effects on delineated coastal resources identified on the Coastal Assessment Form as a result of the project. The Village Board reached this determination by considering the CAF Form prepared by the Village Planning Consultant within the context legislative intent expressed by the Village Board, the EAF and the analysis accompanying the same.

Furthermore, the Village Board has reviewed the LWRP policy standards and conditions with a view towards determining whether the application is consistent with such policies and standards. Specifically, and based on the Village Board's review of the analysis of the potential impact of the legislation as set forth in the EAF, the Village Board determines that the proposed legislation is consistent with and does not conflict with the LWRP standards.

Therefore, the Village Board determines that the legislation does not conflict with the Local Waterfront Revitalization Plan, and the Village Board further determines that the application is consistent with LWRP policy standards and conditions.

BE IT FURTHER RESOLVED, the Village the Board of Trustees has considered the criteria under Village Code section 360-5.6(C) with respect to the proposed text amendment of the zoning code, considered the comments of the Rockland County Planning Board and the Town of Clarkstown on the proposal, and finds that amending the zoning code as set forth in the legislation will benefit the health safety and welfare of the residents; and further finds that the zoning code amendments are consistent with the Comprehensive Plan's goals of by encouraging residential development in Nyack's downtown, promoting infill development in the downtown, providing a range of housing choices to residents, and furthering the Village's sustainability policies.

The Board specifically finds that the concerns raised by the Rockland County Department of Planning and by the Town of Clarkstown Planning Department have been adequately addressed in the legislation, and in responsive correspondence sent to those entities, which

correspondence is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, the Village the Board of Trustees approves the Zoning Code amendments as proposed.

This resolution was adopted by a unanimous resolution of the Board of Trustees at the regular meeting of the Board on April 10, 2014.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Village of Nyack Board of Trustees			
Name of Action or Project: 2014 Proposed Zoning Amendments and New Sustainability Chapter (Phase 1)			
Project Location (describe, and attach a location map): Village of Nyack (primarily in Downtown (DMU), Mixed Use, Multifamily and Commercial Districts)			
Brief Description of Proposed Action: The proposed zoning code amendments include the following: a.) Adding a new "Sustainability" chapter to the Village Zoning Code to provide incentives for the use of green infrastructure in connection with development applications; b.) Amend the Village Zoning Map by establishing a Downtown Mixed Use (DMU) Overlay Zoning District to provide for flexibility in the current requirement for ground floor retail uses in areas of the DMU zone outside of the core downtown retail are; c.) Establishing a minimum unit size of 450 square feet for studio apartments in the Village of Nyack; and d.) Modifying the residential density from 30 units per acre to 50 units per acre and maximum height requirement from 38 feet to 40 feet in the DMU District.			
Name of Applicant or Sponsor: Village of Nyack, Board of Trustees		Telephone: 845-358-0548 E-Mail: bgalvin@nyack-ny.gov	
Address: Village Hall, 9 North Broadway			
City/PO: Nyack		State: NY	Zip Code: 10960-2697
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Village of Nyack, Board of Trustees</u>		Date: <u>1/13/14</u>
Signature: <u>Robert Galvin, AICP - Village Planner</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Please see the attached analysis of impacts which describe the proposed actions and analyzes their impact in terms of increased dwelling units, population, school aged public school children, trip generation, and parking. None of the proposed increases resulting from these proposed actions are considered significant.

The density bonuses in the new sustainability chapter are based on the Village's adopted "Green Infrastructure" Report. The new sustainability chapter will provide an opportunity for the Village to tie incentives to specific public policy priorities. These incentives yield both short-and long-term dividends for developers and building owners and offset the costs of initial outlays. They also provide public benefits through cost reductions in managing stormwater, improved water and air quality, heat island redu

In Nyack, the purpose of the change in the Village's downtown density is to align density with the existing FAR, and promote the goals envisioned in the updated Comprehensive Plan to encourage downtown residential development and infill redevelopment.

Our analysis indicates that there would be approximately 80 incremental units added under the proposed density increase. The bedroom mix based on recent projects and market trends is estimated to be 25% efficiencies, 50% 1 bedroom and 25% 2 bedroom units. The market trend is directed toward rental units. Full build-out is projected over a 5 – 6 year period.

The projected incremental population of 135 represents the difference between the 210 residents estimated for the 125 units allowable under the current density and the 290 residents projected for the 205 units under the proposed density. The Village's population has remained static since 2000, experiencing an increase of 28 people or 0.4 percent during this period.

The number of public school age children generated by the 125 units would be approximately 9 while the potential 205 units would generate 15 public school age children. The difference would be six public school children attributable to the 80 incremental units. The Nyack School District has projected increased enrollment of 52 students dor the upcoming district-wide.

The potential 205 units provided in the proposed density increase would generate 127 PM peak hour trips, a difference of 50 additional PM peak hour trips. These projected increases are not considered significant. It should also be noted that the Athene Office Building is currently generating significantly higher trip generation than the replacement residential development.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Village of Nyack, Board of Trustees	4/10/14
Name of Lead Agency	Date
Jennifer Laird-White	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Robert James Galvin, AICP - Village Planner
	Signature of Preparer (if different from Responsible Officer)

PRINT

PART 3 – Short Form EAF : Phase 1 of the Village of Nyack Proposed Zoning Changes

Analysis of Potential Impacts of the Village of Nyack Proposed Phase 1 Zoning Changes

Introduction

The Village of Nyack proposes to adopt text changes to the Village of Nyack Zoning Code (Chapter 360) and Zoning Map. These amendments include modifying the residential density in the Downtown Mixed Use (DMU) zone from 30 to 50 units per acre, thereby, aligning the district's residential density with the DMU's current Floor Area Ratio (FAR) and increasing the maximum height from 38 to 40 feet. The DMU's existing 3 story maximum is being maintained together with other area and bulk requirements. The Village is also proposing to amend the Village Zoning Map by establishing a DMU Overlay Zone to provide flexibility in the current requirement for ground floor retail uses in areas outside the commercial downtown core. The Village is also proposing to establish a new minimum size for efficiency/studio units of 450 square feet while maintaining a 600 square foot minimum for one-bedroom units. The Village is also proposing to establish a new sustainability chapter in the Zoning Code. This will provide incentives for incorporating specific "Green Infrastructure" techniques aligned with the Village's adopted public sustainability policies. The following memorandum will provide the background and rationale for these proposals and analyze the residential development potential and impact.

Background

DMU Proposed Residential Density Change from 30 to 50 Units per Acre

In Nyack, the density requirement of 30 units per acre and the FAR maximum of 2.0 are not aligned with each other and, in fact, are in conflict. With the current density requirement, it is impossible to approach the maximum FAR allowable in the DMU. The proposed change is an effort to correct this inconsistency, align both

density and FAR in the DMU zone and promote the goals envisioned in the updated Comprehensive Plan. The recommended density of 50 units per acre would align closely with the 2.0 FAR in the DMU and match the highest density allowed in the Village Code.

Our analysis indicates that there would be approximately 80 incremental units added under the proposed density increase. This represents the difference between 125 units allowable under the current density and the potential 205 units under the proposed density. The bedroom mix based on recent projects and market trends is estimated to be 25% efficiencies, 50% 1 bedroom and 25% 2 bedroom units. The market trend is directed toward rental units. Full build-out is projected over a 5 – 6 year period.

Our analysis indicates a total projected population increase of 135 new residents attributable to the incremental residential units at full build-out. This represents a two percent increase over the Village's 2010 population of 6,765.¹ The Village's population has remained static since 2000, experiencing an increase of 28 people or 0.4 percent during this period.

The projected incremental population of 135 represents the difference between the 210 residents estimated for the 125 units allowable under the current density and the 290 residents projected for the 205 units under the proposed density.

The number of public school age children generated by the 125 units currently allowed would be approximately 9 while the potential 205 units would generate 15 public school age children. The difference would be six units attributable to the 80 incremental units.

¹ U.S. Census, 2000 and 2010.

Trip generation rates for PM peak hour have been calculated for both the 80 incremental units as well as the 125 units currently allowed and the proposed 205 units projected under the density increase. Approximately 50 PM peak hour trips would be generated by the 80 incremental residential units. For the 125 units allowed by the current density, total PM peak hour traffic would result in 77 PM peak hour vehicle trips. The potential 205 units provided in the proposed density increase would generate 127 PM peak hour trips. These projected increases are not considered significant. It should be noted that the Athene Office building (formerly Presidential) is currently generating significantly higher trip generation than a replacement residential development.

In January 2007, the Board of Trustees of the Village of Nyack adopted its updated **Comprehensive Master Plan**. One of the goals of the updated Plan was to encourage residential development in the downtown area. The Plan promoted residential uses in the downtown as a way of adding to the street life and activity, which, in turn, can increase safety and provide greater buying power for retail stores and restaurants. The Plan also promoted infill development in the downtown commercial area.

In 2009, the current Zoning Code was completely revamped and attempted to incorporate many of the Master Plan's recommendations. The Floor Area Ratio for the newly zoned DMU which encompassed the Village's Central Business District was established at 2.0. This is a common FAR, typical for most business districts in Westchester and Rockland Counties. At the same time, the residential density was established at 30 units per acre. It should be noted that there are no communities in the region that use both a density requirement and FAR to control building size and number of units. Many municipalities rely solely on FAR and other area and bulk

requirements including maximum height and number of stories, lot area, and parking requirements.

The problem with DMU density has become more apparent over the last two years with approximately a dozen projects with DMU zoning appearing before the Planning Board and requesting variances for some form of density relief. Many of these projects reflect the changing nature of uses from warehousing to residential along streets in and around the downtown area. These are also areas that are being blighted by vacant and/or deteriorating warehousing uses. These projects are primarily on smaller, infill lots. Generally, these proposals are in conformity with the goals of the Village's updated *Comprehensive Master Plan* to encourage residential development in the downtown area. Most of these proposals have been received positively by the Planning Board and ARB. The Zoning Board of Appeals has approved most of these density variance requests. Traditionally, when there are a number of repeated, similar variance requests, it is felt by many planners and code officials that there may well be an underlying problem in the zoning code. Therefore, the Planning Board in December 2012 requested that the Board of Trustees study this downtown density issue. The Board of Trustees formed a land Use Technical Committee composed of present and former land use board members, trustees and staffed by the Village Planner, Building Inspector and Village Attorney. The proposed zoning changes are a result of this committee's review.

Analysis of Residential Development Potential and Impacts

Over 90 percent of the properties in the DMU's commercial core along North Broadway and Main Street are at or above the maximum allowable number of stories. There is minimal redevelopment potential in this commercial core area. Over the last two years, the ZBA has approved a total of 11 new residential units from six projects in the DMU zone.

Development potential in the DMU is limited to upper Main Street, Burd Street and Jackson Avenue and a portion of South Franklin Street. These are areas that have several vacant, deteriorating buildings. The Athene Office Building (formerly the Presidential Insurance Company) at North Broadway and Main Street is also a potential candidate for an adaptive reuse project. Following is a brief description of the soft sites which have redevelopment potential. We have used a build-out over the next 5 to 6 years based on availability, and discussions with brokers and developers in the community.

Potential Redevelopment Sites in the DMU

Downtown Commercial Core

- 1) ***Athene Office Building*** – Presidential Life Insurance was merged into the Athene Annuity and Life Assurance Company in February, 2014. This property was the headquarters of Presidential. It employs approximately 100 people at the building. The property is 0.77 acre or 33,451 square feet. The 40,000 square foot building is 3 stories fronting on North Broadway and Main Street

with a two story annex extending to Lydecker Street. The property has surface parking at the rear for its employees. The company will be remaining at its present location for another two years, after which it will be relocating to new headquarters in Iowa. The property is currently on the market.

This has the potential for an adaptive reuse project with ground floor retail along North Broadway and Main Street. All required parking would be able to be provided on-site. The current density would allow 23 units with the proposed density change allowing 38 units.

- 2) **150 Burd Street** - The 8,366 square foot property consists of a one story, blighted warehouse structure. Current density provides for 6 units. The updated density would allow 9 units. The building would be demolished. The proposed units would be built on ½ of the property with the other half set aside for the required parking. Extensive streetscape would be provided.
- 3) **Burd Street/Jackson Avenue** - The property is a 34,850 square foot lot with a vacant, one story warehouse covering the entire property. It is probable that the existing building will be demolished. Current density allows for 24 units with 40 units allowed by the updated density proposed. The property has access from both Burd Street and Jackson Avenue. The property also has two additional parcels across Jackson Avenue which would be used for parking. This together with on-site parking on the property would be able to meet the parking requirements.
- 4) **12 South Franklin Avenue** – This property is on the west side of South Franklin around the corner from Burd Street. The property is 0.17 acre and consists of a 5,200 square foot plumbing supply building with 1 ½ stories. The

current density allows for 5 units. The updated density proposal would allow an additional 3 units for a total of 8 units. The property has access to 26 parking spaces which would not require additional parking.

- 5) **48 South Franklin Avenue** - This is a small parcel consisting of 3,050 square feet or 0.07 acre. It is a two story, vacant, dilapidated building with an elevator. Current density allows for 2 units which could be increased to 3 units under the proposed density. The applicant would need to acquire parking permits from the Village of Nyack for the Village lot (Artopee). There are available spaces at this 200 space lot which is within 300 feet of the property.

Upper Main Street

- 6) **Main Street and North Midland Avenue** - This vacant 0.82 acre or 35,720 square foot property is at the northwest corner of the intersection. It has been vacant for almost ten years and has been foreclosed. The new owners are now marketing the property. The condition of the property has been a blighting influence on adjacent lots along upper Main Street. The current density allows 25 units which can be increased to 41 units with the new density proposal. The proposed development would be able to provide all required parking on-site.
- 7) **Fabric Store/263 Main Street** – This one story building is occupied by a Fabric store. The 21,780 square foot property extends between Main Street and Depew Avenue. The current density allows for 15 units which could be increased to 25 units under the new density proposal. The lot has sufficient property to provide for all required parking.

8) Gateway Center @ Main Street – This 0.57 acre or 24, 830 square foot property is adjacent to the Fabric Store. The one-story building is occupied by several stores. The property also extends between Main Street and Depew Avenue. The current density provides for 17 units. This can be increased to 28 units under the new density proposal. The property has the ability to provide all of its parking requirements on-site.

9) Main Street/Rte. 9W – This is a 0.27 acre or 11,760 square foot property at the southeast corner of the intersection. This property is located at a heavily trafficked intersection. The property is adjacent to the above two described parcels. This lot is more appropriate for multi-family housing than retail use such as a CVS which would result in significantly higher trip generation. The current density allows 8 units with the proposed density increasing the potential to 13 units. The property can satisfy its required parking on-site.

Table 1 below summarizes the number of incremental residential units yielded by the proposed density increase. Full build-out of these units is projected to be over the next five to six years.

Table 1: Summary of Incremental Residential Units Yielded by Proposed Density Increase

Project	Existing Density Yield # of Units	Proposed Density Yield # of Units	Incremental # of Units
<i>Athene Office Bldg.</i>	23	38	15
<i>150 Burd Street</i>	6	9	3
<i>Burd Street/Jackson Avenue</i>	24	40	16
<i>12 South Franklin Avenue</i>	5	8	3
<i>48 South Franklin Avenue</i>	2	3	1
<i>Main Street/North Midland Avenue</i>	25	41	16
<i>Fabric Store/263 Main Street</i>	15	25	10
<i>Gateway Center @ Main Street</i>	17	28	11
<i>Main Street/Rte. 9W</i>	8	13	5
Total	125	205	80

Based on the bedroom mix in projects in the last three years, primarily in the Village’s DMU zone, any new residential developments created will consist of the following projected allocation of efficiency, one bedroom and two bedroom units.

Unit Type	Total Potential Incremental Units	
	%	Number
Efficiency	25%	20
1 Bedroom	50%	40
2 Bedroom	25%	20
Total	100%	80

Estimated Population

Table 2 shows the projected number of potential residential units by unit size (bedrooms) for the 80 incremental units projected under the proposed density increase. Utilizing population multipliers² by unit type, projected population increases attributable to the incremental units are calculated. These indicate a total projected population increase of 135 new residents attributable to the incremental units or a two percent increase over the Village's 2010 population of 6,765.³ The projected incremental population of 135 represents the difference between the 210 residents estimated for the 125 units allowable under the current density and the 290 residents projected for the 205 units under the proposed density. The Village's population has remained static since 2000, experiencing an increase of 28 people or 0.4 percent during this period.

Table 2: Potential Incremental Residential Units and Potential Population Increase

Unit Type	Efficiency	1 Bedroom	2 Bedroom	Total
Potential # of Units	20	40	20	80
Population Multiplier	x 1.1	x 1.67	x 2.31	
Total Population	22	67	46	135

Potential Public School Age Children

The Nyack Union Free School District's proposed budget for 2014-2015 is \$77,046,000 which represents a 2.3 percent increase from 2013 – 2014. Total enrollment is projected to be 3,063 which is an increase of 52 students or 1.7 percent from the previous year's enrollment of 3,011 students. Most of this growth, 42 students, is at the elementary level. Elementary school enrollment is projected to

² Rutgers University for Urban Policy Research. *Residential Demographic Multipliers: Estimates of the Occupants of New Housing*, June 2006.

³ U.S. Census, 2000 and 2010.

be 1,343 students for the upcoming year, an approximately 3 percent increase from last year's 1,301 students. Enrollment at the middle school and high school levels is relatively static. ⁴

Table 3 shows that the 80 incremental units resulting from the proposed density increase would result in approximately six public school age children. This represents the difference between the 125 units allowable under the current density and the potential 205 units under the proposed density. The number of public school age children generated by the 125 units would be approximately 9 while the potential 205 units would generate 15 public school age children. The difference would be six units attributable to the 80 incremental units.

Table 3: Potential Public School Age Children (PSAC) in Potential Incremental Units Yielded by Proposed Density Increase

Unit Type	Total Unit Yield	Efficiency	1 Bedroom	2 Bedroom
Potential # of Units	80	20	40	20
PSAC Multiplier		0	x 0.07	x 0.16
Total PSAC	6	0	3	3

Note: Multipliers based on New York Table 3-2, all 5+ units for rent by type of unit (bedroom size) with a monthly rent of \$1,000 +⁵.

Trip Generation

⁴ Superintendent James Montesano. *Nyack Union Free School District, Presentation on Proposed Budget: 2014 – 2015*. March 18, 2014.

⁵ Rutgers University for Urban Policy Research. *Residential Demographic Multipliers: New York Table 3-2 All Public School Children: School Age Children in Public School (PSAC)*, June 2006.

Table 4 shows the trip generation for the 80 incremental units potentially resulting from the proposed increase in residential density in the DMU. This is based on the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition) methodology.⁶ The potential incremental residential units would generate higher volumes during the PM peak hour than the AM peak hour. Therefore, our analysis examined the PM peak hour only.

Table 4: Trip Generation Calculations

Project	Incremental # of Units	Weekday PM Peak Hour Traffic	Weekday PM Peak Hour In	Weekday PM Peak Hour Out
<i>Athene Office Bldg.</i>	15	9	6	3
<i>150 Burd Street</i>	3	2	1	1
<i>Burd Street/Jackson Avenue</i>	16	10	6	4
<i>12 South Franklin Avenue</i>	3	2	1	1
<i>48 South Franklin Avenue</i>	1	1	1	0
<i>Main Street/North Midland Avenue</i>	16	10	6	4
<i>Fabric Store/263 Main Street</i>	10	6	4	2
<i>Gateway Center @ Main Street</i>	11	7	4	3
<i>Main Street/Rte. 9W</i>	5	3	2	1
<i>Total</i>	80	50	31	19

As shown, the incremental residential development of the identified soft sites in the DMU would generate approximately 50 additional PM peak hour trips. For the 125 units allowed by the current density, total PM peak hour traffic would result in 77

⁶ Institute of Traffic Engineering. *Trip Generation Handbook (9th Edition)*. 2012.

PM peak hour vehicle trips. The potential 205 units provided in the proposed density increase would generate 127 PM peak hour trips, a difference of 50 additional PM peak hour trips. These projected increases are not considered significant. It should also be noted that the Athene Office Building is currently generating significantly higher trip generation than the replacement residential development.

NYS DOT traffic count information is provided below for locations in and around the DMU zone. These counts are 2011 AADT volumes:

- Main Street @Franklin Street – 11,736
- Route 59 @Polimenous Street – 21,884
- Route 9W @Sickles Avenue – 9,274
- Route 9W @Upper Depew Avenue – 5,940
- North Broadway, north of Main Street – 4,147
- South Broadway, south of Cedar Hill Road

Parking

The soft sites identified in the analysis have the ability to provide their required parking on-site. For smaller, infill developments, there are a variety of existing provisions in the Village Code that provide alternatives to required on-site parking. The Village Code's provisions recognize that the character of the DMU (especially in the downtown commercial core) allows for lower parking requirements in some cases. These include allowing required accessory parking spaces to be located within 1,200 feet of the principal lot in the DMU District or 300 feet in all other districts. The ongoing availability of such spaces shall be guaranteed by deed restriction or legal contract to the satisfaction of the Planning Board (360-4.5 (E)).

Many smaller infill developments with residential units have taken advantage of providing parking either through the Village or private lots. Additionally, the Village, similar to many communities, has a payment fee in lieu of parking (360-4.5 (L)).

The Village of Nyack has four public parking lots in which monthly permits are provided. In the DMU, these include the main Village Lot (Artopee) with 200 + spaces (46 spaces are currently permitted with the remainder metered) and the Catherine Street Lot, accessible from Main Street with 55 spaces including 43 permitted spaces. Additionally, there are over ½ dozen private parking lots with approximately 100 spaces, available for long term rental. The Village's smaller infill residential developments have taken advantage of providing parking either through the Village or privately. As a recent example, a bar in the Village requested the elimination of 2 residential units on the second floor to be replaced by event space, an extension of the bar and outdoor rooftop dining. The Planning Board indicated that this was not in conformity with the *Comprehensive Master Plan* as well as having public safety issues. The bar owner reversed course and has now received permission to rehab and modernize the second floor apartments and add a partial third floor with two additional modern units. The parking for these units approved by the ZBA is being provided in a private parking lot around the corner.

Minimum Dwelling Unit Size

The minimum habitable floor area in an efficiency dwelling unit shall be 450 square feet and 600 square feet for a one bedroom dwelling unit.

The proposed changes in the Village's minimum dwelling unit size maintained 600 square feet for one bedroom units while using 450 square feet as the minimum for efficiency or studio units. Projects in the Nyack DMU within the last three years reflect only 25 percent of total units as efficiencies. There is a greater market

demand for one bedroom units with more 2 bedrooms on larger projects in the Upper Main Street area.

This recommendation was based on a review of the goals in the Village's Comprehensive Master Plan, a comparative review of minimum dwelling unit sizes in similar communities, demographic and marketplace trends and specific projects proposed within the last three years in Nyack.

The Village's *Comprehensive Master Plan* encourages residential development in Nyack's downtown, promotes infill development downtown and provides a range of housing choices. Housing trends in the region have been toward smaller apartment sizes in downtown locations. These trends reflect a declining birth rate, smaller household sizes and the attraction of downtown locations for singles and young professionals. Smaller unit sizes are also useful for providing less expensive units and typically generate less need for parking.

We reviewed what other suburban communities were doing in regard to minimum dwelling unit sizes. These were suburban communities with similar downtown Floor Area Ratios to Nyack (2.0). Several of the communities on Long Island, such as Great Neck Village, Freeport, and Patchogue have revised their zoning to encourage mixed use development. In the process, they have lowered their minimum apartment sizes below 600 square feet. Almost all of the municipalities in Westchester County with minimum apartment unit sizes use 450 square feet for an efficiency or studio (i.e. Villages of Mamaroneck, Bronxville, Tuckahoe, Scarsdale, etc.). Generally, the 600 square foot minimum size is used for one bedroom units. The minimum size of 450 square feet is derived from HUD's guidelines for studio or efficiency units. Similarly, Westchester County's *Model Ordinances for Fair and Affordable Housing* uses the 450

square foot minimum size. This model ordinance was developed as part of the County's housing settlement with HUD three years ago.

New Sustainability Chapter

The new sustainability chapter is based on the Village of Nyack's Green Village and Clean Hudson Green Infrastructure Report completed and presented to the Board of Trustees in June, 2013. The recommendations in this report represent a 10 month educational and consensus-building process developed around a series of roundtables. The process involved local stakeholders including citizens, land use board members, the Village Planning and Building Departments and elected officials. The Board of Trustees formally adopted this report and its recommendations as guidelines for the development of public policies for the Village's continued sustainability efforts.

The incentives included in this chapter in the form of density bonuses provide an opportunity for the Village to tie such incentives to specific local public policy priorities. These incentives yield both short-and long-term dividends for developers and building owners and offset the costs of initial outlays. They also provide public benefits through cost reductions in managing stormwater, improved water and air quality, heat island reductions, energy conservation and reductions in carbon emissions.

VILLAGE OF NYACK
Local Waterfront Revitalization Program
Coastal Assessment Form

I. INSTRUCTIONS (Please print or type all answers)

A. In accordance with Local Law No. 4 – 1990, all Type 1 and unlisted actions as defined in the State Environmental Quality Review Act regulations (6 NYCRR 617.2) are to be reviewed to determine their consistency with the policies of the Village of Nyack Local Waterfront Revitalization Program (LWRP). This Coastal Assessment Form (CAF) is intended as an aid to the review. Type II actions are deemed consistent with the Local Waterfront Revitalization Program and do not require any further deliberation.

B. As early as possible in an agency’s formulation of a direct action or as soon as an agency receives an application for approval of an action, the lead agency under SEQRA shall do the following:

1. For direct agency actions, the agency shall prepare this Coastal Assessment Form to assist with its consistency review.

2. Where applicants are applying for approvals, the agency shall cause the applicant to complete this CAF, which shall be completed and filed together with the application for approval and the Environmental Assessment Form (EAF).

3. For Type I and unlisted actions, the agency shall refer a copy of the completed CAF to the Village Board for their review and recommendation within ten days of submission and, prior to making its determination of consistency, shall consider the recommendation of the Village Board. The lead agency shall make its determination of consistency based on the CAF, the Village Board’s recommendation and such other information as is deemed to be necessary in its determination. If an action cannot be certified as consistent to the maximum extent practicable with the LWRP policies, it shall not be undertaken.

C. Before answering the questions in Section III, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program, a copy of which is on file in the Village Clerk’s office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

II. DESCRIPTION OF PROPOSED ACTION

A. Type of Action – is action a direct agency action (an action planned and proposed for implementation by the Village of Nyack) or does it involve the application for an approval or permit to be granted by a Village agency? Check one:

1. Direct Agency Action _____X_____
2. Application for an Approval _____

2. Flood Hazard Areas	_____	X
3. Tidal or Freshwater Wetland	_____	X
4. Scenic Resource	_____	X
5. Critical Environmental Areas	_____	X
6. Structures, sites or sites districts of historic, Archeological or cultural significance	_____	X

B. Will the proposed action have a significant effect on any of the following?

1. Commercial or recreational use of the fish and wildlife resource	_____	X
2. Development of the future or existing water-dependent uses	_____	X
3. Land and water uses	_____	X
4. Existing or potential public recreation opportunities	_____	X
5. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement	_____	X
6. Physical alteration of one or more areas of land along the shoreline, land under water or coastal waters	_____	X
7. Physical alteration of three or more acres of land located elsewhere in the coastal area	_____	X
8. Sale or change in use of state-owned lands, located under water	_____	X
9. revitalization/redevelopment of deteriorated or underutilized waterfront site	_____	X
10. Reduction of existing or potential public access to or along coastal waters	_____	X
11. Excavation or dredging activities or the placement of fill materials in coastal waters of Nyack	_____	X
12. Discharge of toxic, hazardous substances, or other pollutants into coastal waters of Nyack	_____	X
13. Draining of storm water runoff either directly into coastal waters of Nyack or into any river or tributary which empties into them	_____	
14. Transport, storage, treatment or disposal of solid waste or hazardous materials	_____	X
15. Development affecting a natural feature which provides protection against flooding or erosion	_____	X

C. Will the proposed activity require any of the following:

1. Waterfront site	_____	X
2. Construction or reconstruction of a flood or erosion control structure	_____	X

Has this property been a subject of past Village Board, Planning Board or Zoning Board applications and/or approvals? If yes, please explain:

N/A

