

## 4. LAND USE AND ZONING

The built environment – the type, location and intensity of existing and future land uses – defines the character of a village. It is important to know where and how much land is presently developed for residential, business, recreation and other uses. Examining these developed areas helps residents visualize desirable and undesirable aspects of land use patterns and provides a foundation for the planning policies and objectives guiding future development of vacant or underdeveloped parcels. A municipality's zoning and subdivision regulations are the major regulatory tools with which it can control land uses and influence future development patterns and practices. Below is a summary of the existing land use, development patterns and zoning in the Village of Nyack.

### 4.1 LAND USE

Nyack is a compact, built-out suburban community within the New York metropolitan area. According to the U.S. Census Bureau, the Village contains a total land area of 0.77 square miles, with a population density of 8,786 people per square mile, or 13.7 people per acre. This represents significantly greater density than both Rockland County (at 1,796 people per square mile, or 2.8 people per acre) and Westchester County (at 2,205 people per square mile, or 3.4 people per acre). This relative density is reflected in the overall land use patterns found in Nyack.

**Residential.** Residential uses account for the vast majority of the Village's land area (see Figure 4.1). The 2007 Comprehensive Master Plan (CMP) noted that the wide

variety of housing types in Nyack is a key reason that the Village is far less homogenous than most suburbs and achieves such a high density. This variety of housing stock ranges from single-family homes to apartments over stores to major apartment and townhome complexes. Significant housing developments completed since the 2007 plan include the Glenmare and Adare apartments on Main Street with 18 units and 16 units, respectively.

**Community and Institutional.** The largest community and institutional uses in the Village include Nyack Hospital, the Rockland BOCES facility at the former Nyack High School, and the St. Ann's Catholic Church and (now closed) school property. Smaller community uses includes other houses of worship, fire stations, the YMCA and the Nyack Library. There are no public schools in the Village.

**Office and Commercial.** The traditional commercial and service core of Nyack is centered along Main Street, Broadway, Franklin Street and some adjacent streets. Here, the commercial uses are small-scale stores, offices and restaurants, in a compact, walkable environment and served by on-street and municipal parking. With the opening of Exit 11 of the New York State Thruway, the commercial core spread to encompass all of upper Main Street, Route 59 and portion of Highland Avenue (Route 9W). However, the development pattern is more auto-oriented, with larger lots and more surface parking areas.



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**Mixed Use.** Downtown Nyack is characterized by a traditional mix of uses, with apartments or offices typically found over stores or restaurants. This is especially true along Main Street between Broadway and Washington Street, and on Broadway south of First Avenue. The complementary mix of uses contributes greatly to the Village's strong image and sense of place, attracting visitors from throughout the region.

**Open Space and Recreation.** The Village's main public park is Memorial Park, comprising approximately 11 acres along the Hudson River waterfront in the southeastern corner of Nyack. Key private open space or recreational uses include the Nyack Boat Club, the Hook Mountain Yacht Club and the 65-acre Oak Hill Cemetery.

**Industrial.** Very little land area in Nyack remains in industrial use. There are scattered light industrial uses along Burd Street, Jackson Avenue and High Avenue, as well as west of Exit 11. Many formerly industrial properties have been redeveloped for residential or mixed use. There are no remaining heavy industrial uses in the Village.

### 4.2 DEVELOPMENT IN THE PIPELINE

As a built-out community, very little of Nyack's land remains vacant, and most development potential lies in redeveloping underutilized or obsolete sites. In fact, the Village has recently seen substantial development interest, as market conditions continue to improve in the wake of a national recession. Development projects approved or proposed include the following (see Figure 4.2):

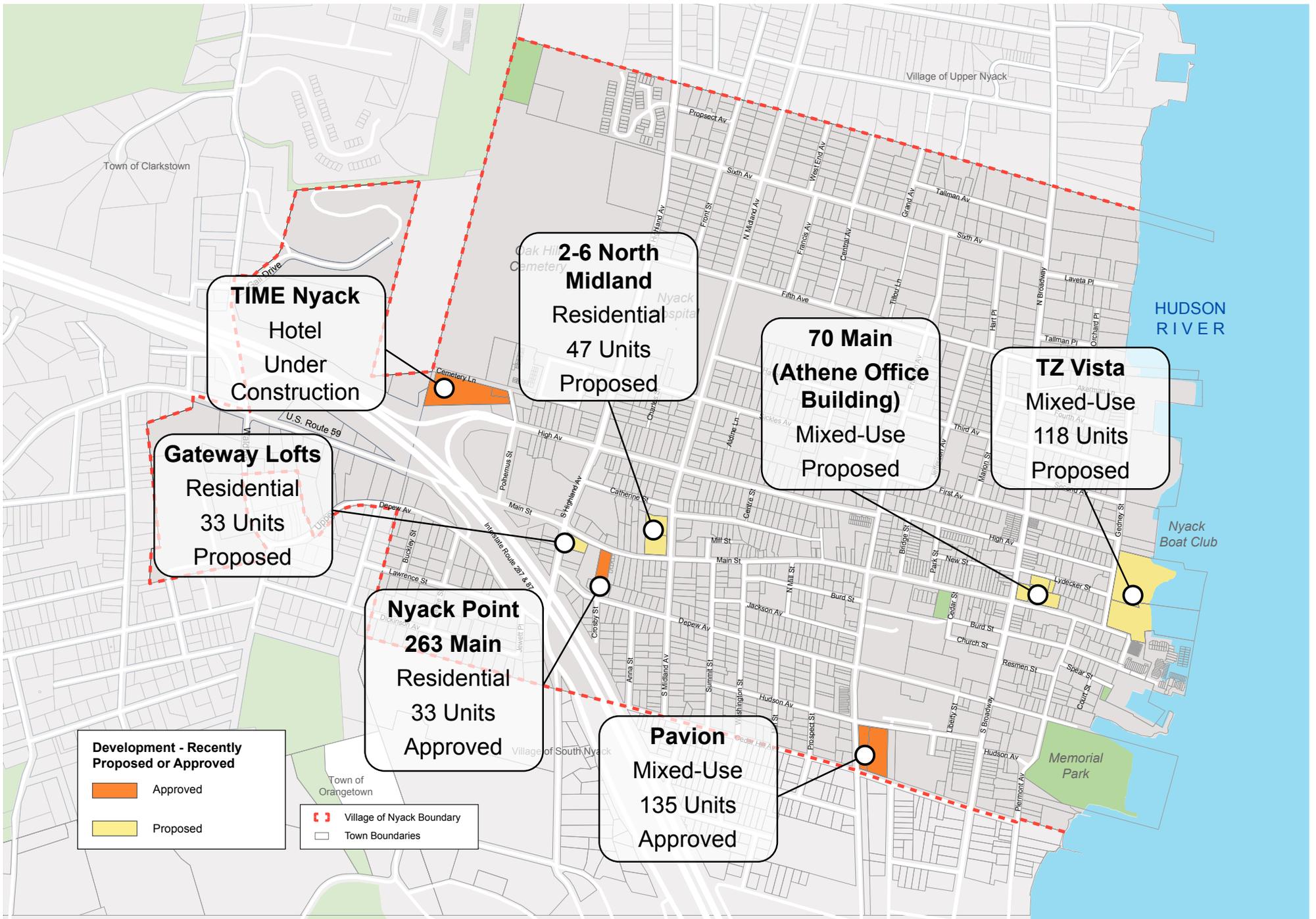
- TIME Nyack (hotel) – under construction
- Nyack Point (residential, 33 units) – approved
- Pavion (mixed use, 135 units) – approved
- TZ Vista (mixed use, 118 units) – proposed
- 2-6 North Midland (residential, 47 units) – proposed
- Gateway Lofts (residential, 33 units) – proposed
- 70 Main/Athene building (mixed use) - proposed

### 4.3 ZONING

The Village of Nyack has 13 primary zoning classifications, including two single-family residential districts, a two-family residential district, three multifamily residential districts, three mixed-use districts covering the central business district and environs, a waterfront district, a manufacturing district and a hospital district. See Figure 4.3 for a Zoning Map and Table 4.1 for a summary of the existing zoning districts.

The single-family residential zones allow for single-family homes on minimum lot sizes of 7,500 square feet or 5,000 square feet. The lower-density single-family district, the **SFR-1**, is found in the northeastern portion of the Village and is also mapped on Memorial Park. The higher-density single-family zone, the **SFR-2**, is located in a small area between the New York State Thruway and the border with South Nyack.

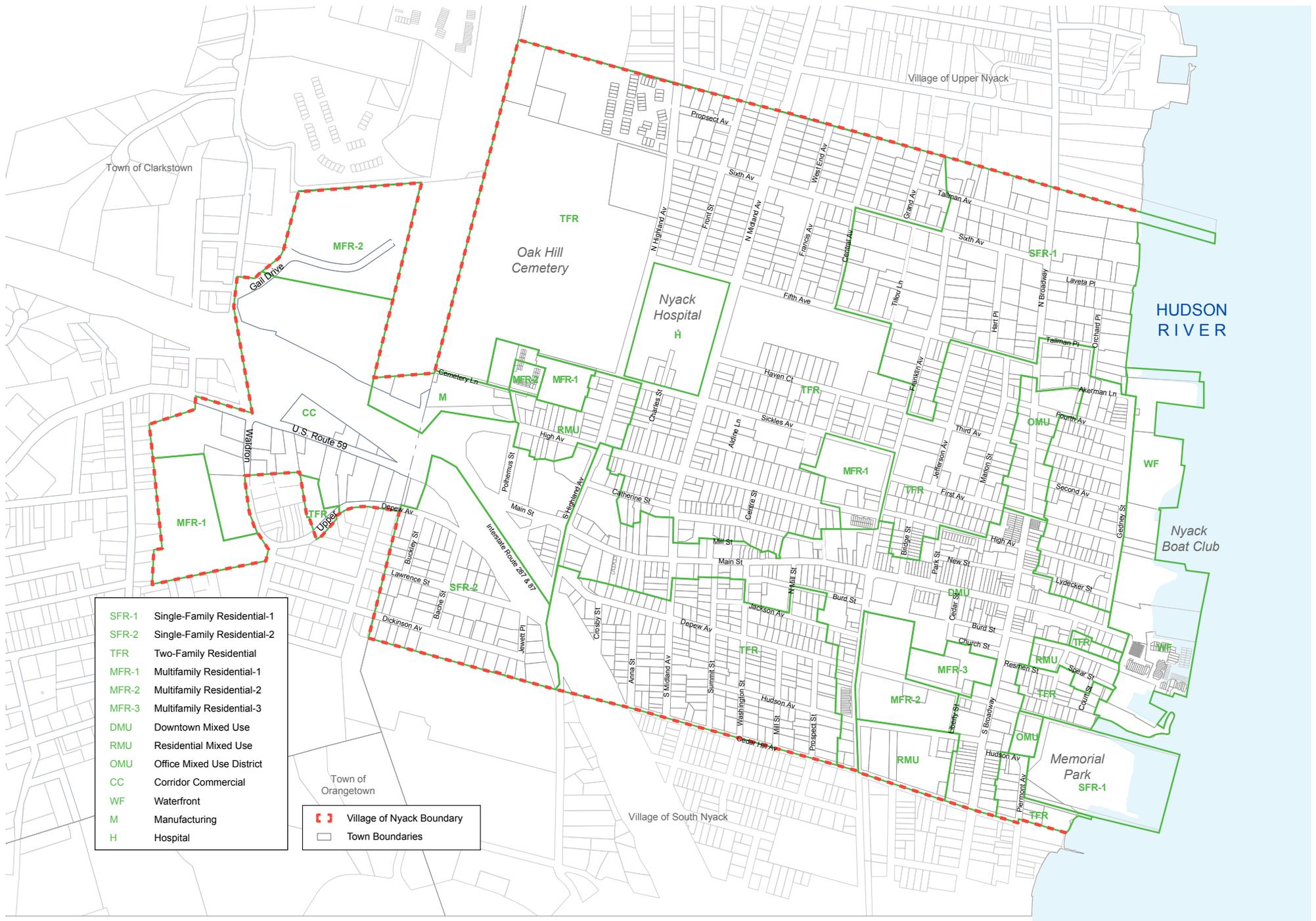
Nyack's two-family zone, the **TFR** district, which permits both single- and two-family homes (as well as the conversion of single-family residences to two-family) is found in large areas of the Village. It includes the Oak Hill Cemetery and BOCES properties, and has a minimum lot size of 5,000 square feet.



**Nyack Comprehensive Plan**

**Figure 4.2: Development in the Pipeline**





## Nyack Comprehensive Plan

Figure 4.3: Zoning Map



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Table 4.1: Summary of Existing Zoning Districts

	District	Minimum Lot Area	Required Setbacks			Building Height	Floor Area Ratio/ Residential Density
			Front	Side (one)	Rear		
Single- and Two-Family Housing	SFR-1	7,500 sf	20% lot area divided by lot width	5 ft or 10% of lot width, whichever larger	30% lot area divided by lot width	32 ft/2 stories	--
	SFR-2	5,000 sf					
	TFR	5,000 sf					
Multifamily Housing	MFR-1	20,000 sf	30 ft	25 ft	30 ft	40 ft/3 stories	14 units/acre
	MFR-2	20,000 sf	30 ft	20 ft	25 ft	50 ft/4 stories	30 units/acre
	MFR-3	40,000 sf	20 ft	20 ft	20 ft	85 ft/8 stories	50 units/acre
Mixed-Use	DMU	--	--	5 ft if provided, 15 ft if abutting residential zone	15 ft if greater than 1 story	40 ft/3 stories	2.0 FAR 50 units/acre
	RMU	7,500 sf	--	10 ft	15 ft	32 ft/2 stories	0.75 FAR 18 units/acre
	OMU	7,500 sf	15 ft	10 ft	25 ft	35 ft/2 stories	0.5 FAR
Commercial and Light Industrial	CC	7,500 sf	15 ft	5 ft if provided, 15 ft if abutting residential zone	25 ft	35 ft/2 stories	0.5 FAR
	M	--	20 ft	20 ft	20 ft		1.0 FAR
Waterfront	WF	--	10 ft	10 ft	--	35 ft	0.65 FAR 24 units/acre
Hospital	H	40,000 sf	15 ft (25 ft if facing residences)	15 ft (25 ft if facing residences)	15 ft (25 ft if facing residences)	40 ft/3 ½ stories	1.2 FAR

Source: Village of Nyack Code, Chapter 360, Zoning

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The three multifamily zones correspond to Nyack's complexes containing three or more units, and differ primarily with respect to minimum lot size and permitted building height, with minor differences in setbacks. The **MFR-1** and **MFR-2** zones have a minimum lot size of 20,000 square feet, with permitted building heights of 3 and 4 stories, respectively. The **MFR-3** is the highest-intensity multifamily zone, with a minimum lot size of 40,000 square feet and a permitted building height of 8 stories. MFR-2 is mapped on the Warren Hills and Nyack Plaza developments, while MFR-3 is designated for the Tallman Towers and Depew Manor complexes and MFR-1 is located on all other multifamily developments (except for those along the riverfront).

The **Downtown Mixed Use (DMU)** zone covers all of downtown Nyack: Main Street between Gedney Street and Highland Avenue, and Broadway from First Avenue south to the South Nyack border. This zone, adopted based on recommendations in the 2007 CMP, is intended to support the Village's downtown core by concentrating retail, office and public uses, as well as residential units on upper floors. There are no minimum lot size, frontage or front yard setback requirements, and other setbacks are minimal. Building height is limited to 3 stories, or 40 feet). Within the DMU zone, the DMU Overlay District provides further restrictions that mandate ground-floor residential uses along street frontages. This overlay was created in 2014 to provide greater flexibility by limiting the ground-floor active use requirement to the core downtown area. All other provisions are the same for both the DMU zone and the DMU Overlay District. The DMU zone also provides for bulk and density incentives to encourage benefits such as affordable or senior housing, street improvements, additional parking and public

amenities. The specific amount of the incentives is not specified and is left to the Village Board to determine; Village staff report that developers have not utilized the incentives.

The **Residential Mixed Use (RMU)** zone is intended to preserve the character, scale and mix of uses in areas adjacent to the downtown core, providing for a transition between more intensive commercial areas and residential neighborhoods. This district is found small pockets at the southeastern corner of the Village and along High and Highland Avenues near the Exit 11 interchange. The RMU zone permits a wide range of residential and commercial uses, at a density roughly comparable to the MFR-1 but on smaller lots.

The **Office Mixed Use (OMU)** district is meant to provide for a mix of office and residential uses in a predominantly residential setting. Many of the buildings in this zone – which is mapped along portions of North Broadway and in a small area just west of Memorial Park – are former single-family homes that have been converted to professional offices.

The purpose of the **Corridor Commercial (CC)** district is to facilitate a wide range of commercial uses that benefit from automobile traffic; that require larger parcels of land; and that may involve heavy commercial uses such as storage, warehousing, hotels and large-scale retail. The zone is mapped along Main Street and Route 59 west of Highland Avenue, in Nyack's "Gateway" area. In addition to typical auto-oriented retail and office uses, the CC district also permits a number of light industrial uses, making it the Village's de facto industrial zone. No residential uses are permitted in the CC district, except for retirement homes, nursing homes or assisted-living facilities by special permit.

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The **Waterfront Development (WF)** district is intended to encourage an appropriate balance of uses in and near the Hudson River waterfront by facilitating water-dependent uses where public access will be provided, and to preserve the aesthetics and ambiance of the area. The zone permits medium- to high-density residential uses along with key commercial uses such as arts and crafts studios, banks, bed and breakfasts, outdoor commercial recreation, hotels and inns, offices, restaurants and retail stores. The WF zone also has special bulk requirements designed to preserve view corridors and to provide for development incentives. While much of the district has already been developed, two key areas are subject to change. A nearly 4-acre site on Gedney Street, at the foot of Lydecker Street and High Avenue, is the subject of a major development proposal (“TZ Vista”) including 118 residential units and public open space. The Board of Trustees is undertaking a zoning text amendment to accommodate development of that site at a scale appropriate to the surrounding context. In addition, the Nyack Marina and surrounding area, which suffered substantial damage from Hurricanes Irene and Sandy, could be reconfigured to better accommodate future uses.

Nyack has one manufacturing district, the **M** zone, which is intended to promote industrial and highway-oriented commercial uses. The M district is mapped in only one location in the Village: the site of the future TIME Nyack hotel. Given this development, the Village should consider whether the M zone is needed. This site could be rezoned to the CC zone, so long as such a change did not render the hotel use nonconforming with respect to any area or bulk provisions.

The **Hospital (H)** district is mapped for the land bounded by Highland, Sickles, North Midland and 5<sup>th</sup> Avenues, which contains Nyack Hospital. The only permitted uses in this zone are hospitals and related uses, including parking. The hospital’s parking lot across Highland Avenue, between 5<sup>th</sup> and 6<sup>th</sup> Avenues, is not part of the H zone, but is mapped TFR; the Village may consider including this area in the H zone.

### 4.4 ISSUES AND OPPORTUNITIES

Nyack is a largely built-out community, with most opportunities for development found in targeted infill and redevelopment of vacant or underutilized sites. There appears to be general consensus among the community that such development is an effective way to support the Village’s tax base and promote economic revitalization initiatives. The challenge is to ensure that the scale and appearance of new development is consistent with the surrounding character, supports local businesses and preserves neighborhood quality of life.

The Village’s zoning code was updated comprehensively in 2009 to implement recommendations of the CMP, with other targeted revisions undertaken in the years since (as discussed more fully below), and the code is in relatively good shape. The following discussion outlines several recommended revisions to address continuing land use and zoning issues and achieve Nyack’s development and preservation objectives through further refinements.

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### 4.4.1 Area and Bulk Provisions

Most of Nyack's current area and bulk regulations appear to be functioning well; however, there are some key issues to be addressed. The Village has two key measures to control bulk: floor area ratio (FAR) and dwelling units per acre. FAR is used for the mixed-use and nonresidential zones, while units per acre is used in the mixed-use and residential districts. In zones where both measures are used (the mixed-use zones), FAR and units per acre are not calibrated to each other. Thus, a development may be able to achieve maximum FAR, but would not be able to achieve maximum units per acre.

The Village should consider adopting a uniform standard to control bulk across all zones, with FAR as the recommended measure. An advantage of FAR is that it can apply equally across all structures, regardless of the use or combination of uses present within the structures. This is especially helpful in a place like Nyack, which has a strong mixed-use environment, with a range of uses found even in single-use zones (e.g. nonconforming residences in the CC district). The amount of FAR achievable on any given site is dependent on its particular characteristics and the other area and bulk provisions. With FAR, residential density would be well-controlled by height and setbacks, and by marketing factors which dictate the size of units. Thus, FAR, together with other bulk requirements, provides flexibility within an established footprint while regulating the overall bulk of the building itself. One issue with switching to FAR is that the Village's sustainability incentives for residential development are in terms of density, so they would need to be converted to an equivalent FAR bonus.

Another regulation that the Village may consider adjusting is maximum building height. Currently, height is controlled for all zones (except the WF district) by both feet and number of stories. Generally, the primary concern in regulating building height is the actual height itself, because of the impact on building appearance and the provision of light and air. The number of stories present within a building may have little impact on building aesthetics; it may however, affect residential density unless appropriate controls are provided to regulate allowable floor area and minimum height of stories. With such measures in place, the Village could allow for flexibility regarding the number of stories, so long as the building meets height and all other requirements.

Finally, the Village should adopt requirements controlling impervious coverage. Currently, there are no regulations for coverage except for accessory buildings in the single- and two-family zones and the H district. Establishing coverage controls would be a major step in reducing impervious surfaces and promoting more landscaping throughout Nyack. The Village may consider adopting standards for building coverage and overall lot coverage, or a single standard for all lot coverage (buildings, surface parking, sidewalks, patios, etc.). The appropriate coverage percentages will need to be carefully established in combination with other area and bulk controls, to ensure they are reasonable and achievable.

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### 4.4.2 Downtown Zoning

The DMU district was created in 2009 to implement the CMP recommendation of establishing a unified zone for the downtown core. A key provision of the zone was a requirement for active street-level uses, with residential uses prohibited on the ground floor. However, the DMU district encompasses a larger area than what is generally considered to be the downtown core, covering nearly the entire length of Main Street. West of Washington Street, the character of Main Street changes to one that is more heavily residential and less mixed-use. This area also tends to be more auto-focused, as it generally lacks on-street parking and sidewalks are not as well-established. Recognizing this issue, the Village in 2014 created the DMU Overlay District to better focus the requirement for active street-level uses. Within the overlay, residential uses are mandated on the ground floor; elsewhere in the DMU zone, they are permitted, though active uses are encouraged.

The Village should consider adjusting the DMU boundaries to better promote the land use goals for downtown and recognize the core as reflected in the 2007 CMP. The DMU zone could shrink to match the boundaries of the DMU Overlay District, and the remaining areas of the current DMU zone should be rezoned either to the RMU district or a newly created transition zone, to reflect the shift in character that occurs as one moves outward from the downtown core and abuts residential neighborhoods. With this zoning change, the DMU Overlay District could be eliminated.

In addition to adjusting the boundaries of the DMU zone, the Village should address the bulk and density incentives of this district. Currently, within the DMU district, the Board of

Trustees may allow increased FAR, density, building height or special uses, in exchange for key public benefits (provision of affordable or senior housing, street improvements, additional parking or design or recreational amenities). But the code does not provide specific incentive amounts, leaving it to the Board of Trustees to determine, based in part on the applicant's estimate of the required costs of the public benefit features. The DMU incentives, which were developed for applicability to potential development of the Riverspace site, do not appear to have been utilized in any development since they were adopted. The Village should determine the specific bonuses or additional uses to be provided through the incentives, to offer greater clarity for applicants who may seek to use them. This will need to take into account the potential for applicants to also use the sustainability incentives (which are capped at 40% of base density), with a complete analysis of whether the potential combination of incentives can be fully achieved.



**Downtown Mixed Use Overlay District**

*Village of Nyack*

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Finally, the Village should evaluate whether additional uses may be defined and permitted in the DMU zone to promote a wider range of activities. Examples of potential new uses include microbreweries and live/work studios.

### 4.4.3 Gateway Area

Nyack's "Gateway" area – the portion of Main Street and Route 59 near the Exit 11 interchange – has long been recognized as an area in need of improvement. While some of the uses in this area are successful and provide important services for the Village, in general the area is characterized by marginal or dormant uses and an unattractive entrance into Nyack, with significant paved areas and minimal landscaping.

The Gateway area is controlled by the CC zone, which is intended to promote an auto-oriented commercial environment and uses such as storage, warehousing, hotels and large-scale retail. The zone also permits a range of light industrial and vehicle-related uses.

The CC district has minimal provisions for landscaping and other site plan elements. Establishing building and coverage requirements, as discussed above, could be the most effective way to change the existing character of the zone. The Village should also create additional controls to improve site design and aesthetics in the Gateway area, recognizing that it will continue to serve as a primarily auto-oriented area. Examples include provisions for building orientation toward the street with parking to the side or rear, more specific landscaping standards and provisions for street trees.

The Village may also consider adjusting the minimum lot size for the CC zone. The minimum is currently 7,500 square feet, and establishing a larger minimum may encourage land assemblage that can help spur redevelopment, particularly in light of the potential for transit-oriented development associated with possible bus rapid transit (BRT) service. Any change to the minimum lot area will need to be carefully assessed given the potential to create nonconformities.

### 4.4.4 Waterfront

The WF covers nearly the entire Village Hudson River frontage east of Gedney Street, and also includes the Clermont Condominiums and marina area. Most of this area, with the exception of the vacant site at the foot of Lydecker Street which is part of a development proposal, is built-out and not subject to significant change. However, the Village should take steps to ensure that existing water-related uses (such as the Nyack Boat Club) are strengthened through a complementary mix of uses that promotes activity and a greater connection to the river. The introduction of additional uses could help to draw more residents and visitors to the waterfront, facilitating greater use of Nyack's greatest asset, without detracting from its downtown core. Additional uses that may be considered include bars and taverns (restaurants are already allowed) and outdoor water-related commercial recreation (such as kayak rental).

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### 4.4.4 Open Space Zoning

Two of Nyack's key open space resources – Memorial Park and Oak Hill Cemetery – are zoned for residential use, SFR-1 for Memorial Park and TFR for the cemetery. This is typical of many traditional zoning codes in New York, in which parks and open spaces were often zoned for low-density residential as a default provision. However, some communities are now opting to zone such space resources to a specialized open space zone, to provide greater protection. While it is not anticipated that either Memorial Park or Oak Hill Cemetery are under any development pressure, the Village may consider creation of an open space zone for these two areas, to recognize their significance. Alternatively, the cemetery may be rezoned to the lowest-density residential use (SFR-1), which is the only zoning district in which a cemetery is allowed.

### 4.4.5 Sustainability Incentives

In 2014, Nyack adopted a sustainability chapter to promote green infrastructure and building practices through density bonus incentives. Village staff report that the incentives have been quite effective in promoting sustainable development, with several recent significant development application opting in. The Village should continue to monitor the effectiveness of the incentives and adjust as needed to ensure that they are functioning given evolving sustainability goals and shifts in technology. For example, Nyack should consider adding incentives to promote car-sharing services and charging stations for electric vehicles. Others, such as alternative energy sources beyond solar or geothermal, may be considered with technological advances.

### 4.4.7 Parking

The provision of adequate parking, particularly in the downtown area, is a major concern for residents. However, it is also appropriate to balance the need for sufficient parking with Nyack's economic development goals, to ensure that parking regulations are not creating unnecessary barriers to revitalization. The Village should consider the following to ensure this balance:

***Municipal lot improvements.*** All municipal parking lots should be configured to assure that they are functioning at the highest level, while ensuring that adequate landscaping provides for aesthetic value and stormwater management.

***Reactivation of the in-lieu parking fee.*** The Zoning Code allows for the Planning Board to authorize a payment-in-lieu of parking in the mixed-use and CC zones. However, the Board of Trustees must set the fee per space by resolution. A reasonable fee such as \$3,000 per space could be appropriate; some communities have also waived up to the first five spaces to provide relief for small-scaled, "mom and pop"-type businesses.

***Improved functionality of the Parking Authority.*** The Authority does not currently have an executive director or board of directors; its functions are presently overseen by the Village Administrator. The Authority should be reconstituted, with clear duties and powers delineated, so that funds from in-lieu parking fees and other sources can be properly managed and used for long-term parking improvements.

***Promotion of shared parking.*** The Zoning Code allows for a reduction of required parking if the proposed uses have

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complementary peak parking demand. However, authority to reduce required parking to reflect shared parking rests with the Zoning Board of Appeals. The authority should be with the Planning Board, to consider shared parking as part of site plan review. In addition, the Planning Board should be able to reduce the parking requirement to the actual need of the proposed uses, based on a shared parking analysis, rather than reduce it to the least of the required spaces.

***Potential relaxing of downtown parking provisions.*** Most recent development applications in the downtown have required a parking variance, and the variance is typically granted. With the above improvements in place, the Village should consider whether parking requirements in the DMU zone can be reduced to reflect the proximity of municipal lots, the availability of on-street parking and the efficiencies gained from mixed uses.

### 4.4.8 Natural and Scenic Resource Protection

Nyack has been proactive in establishing procedures for tree preservation and planting, by requiring a permit for removal of any significant tree, and by providing for street trees in the mixed-use and CC zones. However, these regulations should be clarified to improve their functionality. Village staff report that tree removal permits make up a substantial portion of the Planning Board's activities, but the board does not have the most effective tools to make informed decisions about these permits. The definition of significant trees appears to be overly broad and confusing, and while the recently established Tree Committee has completed a tree inventory

and recommended tree plantings, there is no officially established list of replacement or street trees.

The Tree Committee has been working to develop a Community Forestry Management Plan, advise the Planning Board and Building Department, support a consulting Village Arborist, recommend changes to code provisions regarding trees and suggest design guidelines for trees. The committee has begun to discuss many of the issues raised above, and should be supported in its efforts to improve Nyack's tree protection initiatives. In particular, the Village should retain a landscape architect who is also a certified arborist, to review site plans, certain tree removal permits and planting of street trees. Landscaping plans should be required for non-single-family development applications. Reasonable thresholds for review should be established for tree removal permits, to avoid unnecessary burdens on single-family homeowners. The consultant fees for the landscape architect could be paid out of escrow fees in development applications.

With regard to stormwater management, Nyack provides fairly stringent review of development applications by requiring a Stormwater Pollution Prevention Plan (SWPPP) for any land development activity involving at least 10,000 square feet (versus with the New York State Department of Environmental Conservation's requirement for 1 acre). However, the Village should consider whether it would be appropriate to reduce the minimum area of development to better control stormwater impacts. Lowering the minimum area to 7,500 square feet would capture conforming lots in the SFR-1, RMU, OMU and CC zones. For the CC zone in particular, with its redevelopment potential, ensuring that more SWPPPs are prepared for development applications could greatly improve stormwater management.

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Nyack has established a View Protection Overlay District to preserve and improve views from “key locations” within the Village to the Hudson River waterfront. For any construction or alteration of buildings in this district, the Architectural Review Board must provide a recommendation to the Planning Board to ensure proper siting, dimensions and configuration of structures to mitigate impacts on views. However, the View Protection Overlay District designates every east-west street within Nyack as a View Protection Corridor. It is unlikely that all of three streets provide a view of the river, much less one that is significant. The Village should reassess the View Protection Corridors and see to identify which specific public views offer can be considered important scenic resources that should be protected. Establishing clear protected public views, and procedures for protecting them, would provide greater clarity and predictability for future development applications.

### 4.4.9 Application Procedures and Board Duties

Nyack’s zoning code outlines general administrative procedures for site development plans, subdivisions, special use permits, variances and other approvals. However, no details are provided regarding the content and number of required plans, timing of submittals or noticing, only that all submission materials must be in a form and number as required by the Building Inspector. This lack of clarity has resulted in application materials that are not uniform and do not contain sufficient information on which the approval bodies can base their decisions. The Village should establish clear standards and procedures for all approval processes.

Having such provisions within the code itself provides greater predictability for applicants and to ensure compliance.

The Architectural Review Board (ARB) reviews all building permit applications that are subject to a Village board review, as well as site plans, subdivisions, demolitions and sign permits. The ARB is also responsible for issuing certificates of appropriateness for any exterior changes to buildings or sites designated as landmarks or located within designated historic districts, although no landmarks or historic districts have been established in Nyack.

At present, development applications go first to the ARB for a recommendation, and then to the Planning Board. This is problematic, as applications can change significantly in the course of site plan or subdivision review, which can force applicants to return to the ARB for a new recommendation. In some cases, the two boards are not in agreement on the application. The Village should explore options for making the ARB and Planning Board function better and avoiding the “back and forth” of applications. One option is to merge the two boards so that design review is considered as part of site plan or subdivision review, creating a more holistic and interconnected process. This would retain the full function of the ARB, but would require expansion of the Planning Board to seven members to incorporate additional members from the ARB. Another option for the ARB would be to make the board advisory, with the ability to provide recommendations to the Planning Board as part of site plan review. In either case, the Village should create design guidelines for the mixed-use and CC zones, and consider establishing peer review by an independent architect as consultant to the ARB. The review would be based on the design guidelines, which could help to reduce the potential for subjectivity.