

## Mary E. White

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**From:** buildingdepartment@nyack-ny.gov  
**Sent:** Wednesday, September 06, 2017 9:20 AM  
**To:** 'Mary E. White'  
**Subject:** Report  
**Attachments:** SKMBT\_22317090607570.pdf

Mary,

This is my final report to the board.

Don

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# Memo

To: Mayor Jen-Laird White and Village Board members  
From: Donald Yacopino  
Date: 9/5/2017  
Re: TZ Vista Special Permit Application

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This memorandum is in reference to the Special Permit Application for approval of Development Incentives required by 360-2.5B(2)(c). As stated below the Building Inspector finds the application is in compliance with the above referenced Development Incentives requirements of the WF zoning district.

**360-2.5B(2)(b): Special bulk requirements.** *The following requirements shall apply to all development within the WF District:*

**[1] Building height.** *No buildings or structures shall be erected to a height in excess of 35 feet, except as provided in § 360-2.5B(2)(c)[1]. In the WF zone, height shall be measured from the curb line of the street abutting the front yard and parallel to the Hudson River.*

**[2] Building width.** *The total cumulative width of buildings, structures, fences or walls more than 30 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line parallel to the adjacent street measured at the front yard. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the parcel provides more than one view corridor as required in § 360-.*

**[3] Riverfront setback.** *An average setback of 50 feet shall be provided from any buildings or structures on a lot to the normal high-water line of the Hudson River unless its design requires a location closer to such water line, as determined by the Planning Board. No part of any building or structure shall be closer than 15 feet to the normal high-water line.*

**360-2.5B(2)(b)[4] View corridor.** *In addition to any general requirements required by the View Protection Overlay District established in § 360-4.4B, the following specific requirements apply within the WF District:*

**[a]** *A view corridor to the Hudson River shall be maintained at the intersection where each street intersects Gedney Street or Piermont Avenue and at the northerly end of Gedney Street.*

**[b]** *Such view corridor shall have an unobstructed width of at least 50 feet at the street line and 100 feet at a distance 300 feet from such street line, measured perpendicular to the center line, extended, of such intersecting street. Such view corridor shall be*

unobstructed as to height; however, buildings may be located in this corridor if their highest elevation is below that of the mean elevation of the adjacent street line. In compliance with WF zoning district requirements, two View Corridors meeting the above description have been provided at High Avenue and Lydecker Street. (See page C-101 and Site Plan).

**[c]** No parking shall be allowed in the view corridor unless it is screened from view, and any landscaping within the view corridor shall be evergreen and maintained at a height no greater than four feet from the mean level of the street line within the view corridor. Landscaping, trees, trellises, and hedges may exceed four feet with site plan approval. All onsite parking is being provided in underground parking structures.

**360-2.5B(2)(c) Development incentives by special permit.** In order to encourage development which promotes the purposes for which the WF District has been established and to achieve the design guidelines outlined in § 360-2.5B(2)(c)[6], the following exceptions to the bulk requirements set forth above and in the lot and bulk regulations for the WF District may be permitted by the Village Board by the issuance of a special permit approving the same. Any development incentives approved by the Village Board are applicable only to the site plan application for which they have been approved. Such site plan application and special permit application must be accompanied by an environmental assessment form (EAF) that evaluates the environmental impacts of the exceptions to the bulk regulations. Viewsheds shall be preserved per § 360-2.5(B)(2)(b)[4].

**[1]** Building height may be increased to no more than 52 feet under the conditions as follows:

**[a]** Maximum height may be increased by five feet for each five-percent reduction of maximum permitted average building width, up to a maximum of 52 feet (e.g., if average building width is 45%, maximum permitted height is 35 feet; if average building width is 40%, maximum permitted height is 40 feet); and

The proposed building height of 52 feet is 17 feet greater than the 35 feet permitted as of right. The average permitted building width has been reduced by 17% to allow for the increase in height to 52 feet, as required, to comply with 360-2.5B(2)(c)[1][a][b][c].

(See page C-101-B)

**[b]** For any front yard step back, at a height of 22 to 24 feet, the building must step back five feet and at a height of 40-42 feet the building must step back an additional five feet. Alternatively, the building may step back a total of 10 feet at a height of 40 to 42 feet.

**Gedney Street buildings incorporate a 5 foot setback at 21 feet and a 5 foot setback at 42 feet. (See page A-200)**

**Main Street buildings incorporate a 10 foot setback at 23'8". (See page A-200).**

**Additional building elevations can be seen on pages A-200 through A-207.**

***[c] Notwithstanding the provisions of this subsection, in the case of a building exceeding 40 feet in height, the exceptions to height limitations set forth in § 360-4.2C(2), as amended, shall be limited to four feet except for a stairwell bulkhead.***

**Page A-104 indicates rooftop elevator bulkheads (penthouse) and HVAC equipment, however, heights of structures are not shown.**

**Architect provided follow-up information indicating parapet walls, elevator bulkhead and HVAC equipment to be 4 feet high above the roof. The stair bulkhead will rise to a height of 10 feet above the roof, all in compliance with the above referenced 360-4.2(2) and exceptions thereto.**

***360-2.5B(2)(c)[2] Building width may be increased to a maximum of 60% of the width of a parcel if the parcel provides two view corridors, and a maximum of 70% of the width of a parcel if the parcel provides three or more view corridors as required in § 360-2.5B(2)(b)[4].***

**The project proposes to provide two View Corridors, one at the intersection of Lydecker St. with Gedney St., the other at High Avenue which would limit the cumulative width of the buildings along Gedney Street to 60% of the property width along Gedney.**

**The property is 495.88 feet wide along Gedney Street, 60% of which is 297.5 feet. The three buildings are proposed to be 99 feet wide each, resulting in cumulative building width of 297 feet which is in compliance with 360-2.5B(2)(c)[2]**

**(See page C-101-B and page S-100).**

***[3] Floor Area Ratio (FAR) and density. FAR may be increased to no more than 1.50 if the site development plan:***

**Development Incentives by Special Permit and Floor Area Calculations Charts on page TS-001 indicate a floor area of 216,241 square feet divided by a net lot area of 144,806 square feet results in an Floor Area Ratio (FAR) of 1.493.**

***[a] Provides special waterfront improvements open to the public specifically incorporating the Development Incentives set forth in § 360-2.5B(2)(c)[5]; and***  
**The walkway is indicated on the plans. The café is located in the residential building.**

**A Waterfront Amenity Page, C-101-C has been added which includes kayak storage, kayak rental, two kayak launches, riverfront park with outlook pier and possible access to Clermont pier.**

**[b] Incorporates the design guidelines for the waterfront as set forth in § 360-2.5B(2)(c)[6][a] through [c].**

**The Village Attorney has requested comments from the Village Planner and Planning Consultant to comment on these issues.**

**[c] Notwithstanding the provisions of this subsection, residential density shall not exceed 35 residential units per acre. Additionally, any density bonus sought under Village Code § 360-4.14 shall be subject to the limit of 35 residential units per acre set forth in this subsection, and must meet at least three of the sustainability amenities set forth in § 360-4.14E.**

**As of right density is 24DU per acre which can be increased to 35 DU/Acre by providing the following sustainable amenities, as indicated on submitted plans: 30% permeable surfaces, rain gardens and green extensive eco-roof pursuant to 360-4.14E. ( See Development Incentives By Special Permit chart on page TS-001 and page C-500).**

**A September 5, 2017 memo from the architect indicates permeable concrete and grass-crete will occupy 84% of paved surfaces.**

**[4] Parking located underground.**

**All onsite parking is proposed to be in underground parking facility (See plan pages A-100-1, A-100-2 and C-104.)**

**[a] Required parking spaces per unit, when provided underground, shall be:**

**[i] Per EU: 1.0.**

**[ii] Per one-bedroom: 1.50.**

**[iii] Per two-bedroom: 1.75.**

**[iv] Per three-bedroom or greater: 2.0.**

**6 one bedroom apartments are proposed, requiring 9 parking spaces.  
95 two bedroom apartments are proposed, requiring 166.25 parking spaces.  
27 three bedroom apartments are proposed, requiring 54 parking spaces, resulting in 229 spaces required for the proposed residential building. In addition 10% additional parking spaces (23) are required as public parking spaces and 22 spaces are required, by deed, to be provided to Clermont residents, bringing the total number of required spaces to 274. The applicant is providing 283 parking spaces. ( See Parking Requirements Table 4.2 on page TS-001).**

*[b] All resident parking in excess of one space per unit shall be unreserved and available for shared parking use.*

**This issue is addressed in applicant's SPECIAL PERMIT COMPLIANCE NARRATIVE of July 31, 2017 under 360-2.5B(2)(c)[4][b].**

*[c] In addition to the resident parking spaces required by § 360-2.5B(2)(c)[4][a], a minimum of 10% additional public parking spaces shall be provided on site or within 200 feet of the site.*

**30 parking spaces for the public are being provided in the Gedney Street parking lots at the north and south corners of Lydecker St. ( See Parking Requirements Table 4.2 on page TS-001)**

*[5] Waterfront access. Waterfront access shall be provided per requirements in the WF design guidelines, including a pedestrian walkway, one water-dependent amenity (consisting of a kayak launch, pier, boat launch, or overlook), and a retail, restaurant, coffee shop or other food-and-beverage-related use located adjacent to the pedestrian walkway. Setback from the Hudson River shall comply with section § 360-2.5B(2)(b)[3] but shall specifically meet the following:*

**As previously stated, the walkway is indicated on the plans. The café is located in the residential building.**

**A Waterfront Amenity Page, C-101-C has been added which includes kayak storage, kayak rental, two kayak launches, riverfront park with outlook pier and possible access to Clermont pier.**

*[a] Minimum fifty-foot setback of any buildings from the normal high-water line of the Hudson River.*

**Page C-101 indicates the buildings are proposed to be set back from the mean high water line a distance of 50 feet.**

*[b] Of the 50 foot setback, 30 feet must be open to the public.*

**Page C-101 indicates a proposed 30 foot wide access path.**

*[c] Of the 30 feet open to the public, a fifteen-foot wide continuous walkway must be provided.*

**Page C-101-A indicates a proposed unobstructed 26 feet wide Fire Emergency Access path, required by 2015 International Fire Code.**

*[d] For the above public space, the area shall be dedicated to the Village of Nyack and maintained by the Village as parkland in perpetuity. Some variation in the location and precise width of the walkway may be allowed at the discretion of the Village Board if the flexibility enhances the operation of a water-dependent use, such as a boat club, pier or boat launch.*

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The area proposed to be dedicated to the Village of Nyack does not appear on the Site Plan (page C-101) but is covered in Special Permit Compliance Narrative Section 360-2.5B(2)(c)[5] (Waterfront Access).

### **COMMENTS**

Elements of the applicants proposal for a Special Permit might benefit from the following conditions being set.

- 1. Setting time constraints on the proposed construction phasing plan, completion of access path and dedication of land to the Village. A timetable is thoroughly covered in applicant's narrative.**
- 2. Granting of Special Permit should be conditioned on Planning Board approval of Development Incentives and Site Plan as required by 360-2.5B2(c).**
- 4. Final details from the applicant pertaining to the status of the Brownfield cleanup, any possible DEC involvement/monitoring during the construction process and future responsibilities of the applicant with regard to cleanup both on private property and property designated to be dedicated to the Village.**