



Memorandum

To: Mayor Jen Laird-White
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Attorney
Village of Nyack

Date: August 23, 2017

Project #: 25818.00

From: Valerie M. Monastra, AICP
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Re: Special Permit Findings – TZ Vista

This memorandum pertains to the application for a Special Permit pursuant to Nyack Village Code, § 360-2.5(B)(2)(c), submitted by TZ Vista (the Applicant). Specifically, this memorandum addresses the question of whether the TZ Vista development application meets two findings: that the project promotes the purposes for which the WF Zoning District was established and achieves the design guidelines set forth in § 360-2.5B(2)(c)[6] of the Village Code. As detailed below, VHB finds that the TZ Vista application promotes the stated purpose of the WF Zoning District and adheres to the district's design guidelines, though adherence to a few of the guidelines should be further developed during the Site Plan review process. This analysis relies on materials submitted by the Applicant, including the drawings and zoning analysis submitted with the extended Part III of the TZ Vista Environmental Assessment Form (EAF) dated June 28, 2017.

1) Promotes the purposes for which the WF District has been established

The "purposes for which the WF District has been established" as outlined in the WF Zoning District regulations per § 360-2.5(B)(1) are provided below, followed by an analysis of each item.

(1) Purpose. The purpose of the WF District is to provide for and encourage uses along and near the Hudson River related to and appropriate for a waterfront area. The zoning district is intended to encourage a proper balance of uses in and near the waterfront by facilitating water-dependent uses where public access will be provided, and to preserve the aesthetics and ambiance of the area.

The residential uses, café, waterfront walkway and waterfront recreational amenities proposed as part of the TZ Vista application comply with the permitted use regulations of the WF zoning district, as set forth in the Village Code § 360, Table 3-1 Permitted Uses, and are therefore considered appropriate as part of the desired balance of uses in and near the Nyack waterfront. These uses benefit from and relate to the waterfront area, and as required, the proposed project provides public access to the waterfront along the full length of the shoreline within the Project Site boundaries. As detailed below in section two, the Proposed Action preserves the aesthetics and ambiance of the area through its adherence to the WF district's design guidelines.

In order to provide a district in which commercial uses at the shoreline will be compatible with other waterfront uses and objectives and encourage the overall development of the Village, the specific intent of this section is to:

(a) Maximize the utilization of waterfront land by water-oriented uses which require a waterfront location.

The waterfront walkway to be provided along the full length of the shoreline within the Project Site maximizes the utilization of the waterfront by providing public access where none exists today. Per the Applicant's proposed Landscape Site Plan, this waterfront amenity would include seating areas and an outlook point for visitors to enjoy views of the Hudson River. The TZ Vista development would also provide opportunities for

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waterfront recreation, which require a waterfront location, through the construction of one or two kayak launches and support facilities, including kayak storage and rental space, and recreational fishing areas.

(b) Regulate uses that may be enhanced by a location along or near the shoreline but do not require a waterfront location.

The proposed residential and retail uses do not require, but would be enhanced by, a location along or near the waterfront. Through the submission of the Special Permit application, the Applicant has committed to the WF Zoning District regulations, and therefore complies with § 360-2.5(B)(1)(b).

(c) Maximize physical public access from the land to and along the Hudson River shoreline.

Per the Applicant's proposed Site Plan, the TZ Vista development would provide pedestrian access along the full length of the shoreline within the Project Site boundaries. Pedestrian access would be provided in accordance with the WF District design guidelines, as detailed in section 2 below. In addition, access paths to the Hudson River shoreline and proposed waterfront walkway would be provided from Gedney Street through the Project Site at Main Street, Lydecker Street and High Avenue, allowing for access at all east-west roadways adjacent to the Project Site.

(d) Protect water quality, fish and wildlife, scenic views and natural vegetation and enhance aesthetic resources to the greatest feasible extent.

As part of the Part III EAF, the Applicant provided a consistency analysis of the proposed project with the Village of Nyack Waterfront Revitalization Program. This analysis supports the conclusion that there are sufficient measures taken by the Applicant to protect water quality and fish and wildlife habitat. The proposed residential buildings would be located a minimum of 50 feet from the Mean High Water Line (MHW), and no disturbance is proposed below MHW. Disturbance to the existing rip rap would be limited to the modification or relocation of existing stormwater outfalls. An Erosion and Sediment Control Plan (ESCP), Stormwater Pollution Prevention Plan (SWPPP), and best management practices would be implemented during and after construction to minimize potential impacts to fish and wildlife habitats.

The Applicant also states that 100 percent of the Water Quality Volume from existing and new impervious surfaces would be treated before being discharged into the Tidal waters, protecting fish and wildlife habitat resources from human disruption and chemical contamination.

In addition, scenic views and aesthetic resources are preserved under the Proposed Action. The Applicant's proposal provides two view corridors through the Project Site to the Hudson River, at High Avenue and Lydecker Street, and reduces the width of the proposed buildings, per the design guidelines outlined in section 2 below. In addition, the Applicant has proposed a full landscaping plan as well as a green roof located on top of the proposed parking garage to enhance the aesthetic quality of the Project Site.

(e) Encourage the development of permitted uses to incorporate the development incentives and design guidelines set forth in § 360-2.5B(2)(c).

The Applicant's proposal incorporates the development incentives and design guidelines set forth in § 360-2.5B(2)(c), as detailed below.

2) Achieves the design guidelines set forth in the WF District regulations

Per § 360-2.5B(2)(c)[6], in determining whether to approve the development incentives identified in § 360-2.5B(2)(c)[1] through [5], the Village Board of Trustees should consider the extent to which the design guidelines, outlined below, are achieved. An analysis is provided following each guideline.

[a] Gedney Street.

[i] Location.

[A] Buildings should be set back a minimum of 12 feet and a maximum of 15 feet from the property line.

Per the proposed Site Plan, buildings are set back 12 feet from the Gedney Street property line.

[ii] Landscape treatment.

[A] Front yards should be landscaped with appropriate transition elements between the sidewalk and the adjacent ground-level private dwelling units.

The Applicant's proposed landscaping plan includes lawn areas, access walkways to private townhouses, rain gardens, street trees and street lights.

[B] Front yards should be designed in a manner consistent with the front yards of other residential front yards in the area north of Main Street.

The Applicant's proposed landscaping plan includes front yards that are open, with no fencing, walkways to individual townhouses, and landscaping details as described above. In addition, many of the proposed townhouses would have covered porches. These landscaping and design elements would be consistent with the surrounding residential neighborhood.

[iii] Building facades and massing.

[A] Building facade materials should be comprised of stone, stone veneer, brick, fiber cement board or panels, or wood. Stucco, exterior insulation finishing systems (EIFS) are discouraged.

The Applicant's proposed façade materials include brick facing and fiber-cement boards, in keeping with this guideline.

[B] Facades along Gedney Street may have a maximum of 50% glass below 35 feet and a maximum of 65% glass above 35 feet.

Per the Applicant's drawing A-207, facades facing Gedney Street have a percentage of total glass area below the thresholds set in this design guideline.

[C] Visual impact of larger windows should be reduced through the use of vertical subdivision of frames or other methods to reduce the visual impact.

The Applicant proposes muntins to divide window and door glazing, in keeping with this guideline.

[D] Reflective glass (excluding low-E glass, Solarban, and similar lightly tinted glass types) is prohibited.

No reflective glass is proposed.

[E] Parking structures facing a public street or other publicly accessible area should be architecturally integrated into the principal building using techniques such as an exterior clad in brick, architectural metal panels, a window-like facade treatment, or "liner" buildings, i.e., buildings located in front of the parking garage that screen the garage from public view.

The proposed parking garage would be below ground along Gedney Street.

[b] Main Street.

[i] Location and orientation.

[A] Buildings should be set back a minimum of 10 feet from the sidewalk.

Per the proposed Site Plan, buildings are set back a minimum of 10 feet from the Main Street property line.

[B] Buildings along Main Street shall address the corner of Main Street and Gedney Street while allowing for access and views out to the river from Main Street approaching the corner of Main Street and Water Street.

Per the proposed Site Plan, the proposed building at the corner of Main Street with Gedney Street meet the setback requirements for each street, maintaining the street wall along Gedney Street. Approaching the Hudson River, the proposed building further steps back from Main Street to provide for views to the river and pedestrian access.

[ii] Landscape treatment.

[A] Main Street frontage should have a maximum of one curb cut for garage access and refuse vehicles.

The Applicant has proposed a single curb cut for the entrance to the parking garage and refuse pickup. The garage doors are proposed to have a "Cottage Style" to blend with the Main Street frontage.

[B] Curb cuts should be a maximum of 24 feet wide.

The proposed curb cut is 24 feet wide, in keeping with this guideline.

[C] Landscaped area along Main Street should be designed to orient and distribute pedestrians to either the Claremont Pier or the new waterfront walkway and create a gateway to both of these riverfront places.

The proposed landscaped area along Main Street provides a gradually widening public walkway providing access from Main Street along a colored concrete path to the proposed waterfront facilities, including the café, waterfront walkway, and Claremont Pier. The Applicant proposes to create a focal point gathering area with a sculpture and a water feature at the intersection of paths from the existing Main Street, Water Street, and Clermont Pier.

[D] The entrance to the pedestrian access to the riverfront should be designed to clearly communicate the public nature of the pedestrian path. The entrance may include a landscape feature such as a gate, trellis, and/or a small seating area.

The Applicant proposes to create a focal point gathering area with a sculpture and a water feature at the intersection of paths from the existing Main Street, Water Street, and Clermont Pier. In addition, a large stairway is proposed from the corner of Main Street and Water Street, providing an inviting entryway to the pedestrian waterfront walkway. These design features satisfy this guideline.

[E] Access lanes for fire trucks and other public safety vehicles may be incorporated into the pedestrian paths and are encouraged to incorporate grass-crete/cellular grass paving system or similar treatment to avoid the appearance of excessive pavement.

As required, access for emergency vehicles is provided on Grass-Crete pavers and lawns with embedded structured grid, per the Applicant's landscaping plan and will meet all applicable state and local regulations.

[iii] Building facades and massing.

[A] Buildings along Main Street should step back a minimum of 10 feet over a height of 35 feet from the adjacent grade.

The Applicant proposes the following setbacks for the buildings along Main Street: the first step back of 10 feet is provided on top of the townhouses, at a height that ranges from 20 to 30 feet as the grade changes along Main Street. The second step back of a minimum of five feet is provided at the penthouse level. This is in keeping with this design guideline.

[B] Materials should be comprised of stone, stone veneer, brick, fiber cement boards or panels, or wood. Stucco, exterior insulation finishing systems (EIFS) are discouraged.

The Applicant's proposed façade materials include brick facing and fiber-cement boards, in keeping with this guideline.

[C] Facades along Main Street may have a maximum of 50% glass below 35 feet and a maximum of 65% glass above 35 feet.

Per the Applicant's drawing A-207, facades facing Main Street have a percentage of total glass area below the thresholds set in this design guideline.

[D] Visual impact of larger windows should be reduced through the use of vertical subdivision of frames or other methods to reduce the visual impact.

The Applicant proposes muntins to divide window and door glazing, in keeping with this guideline.

[E] Reflective glass is prohibited. Parking structures facing a public street or other publicly accessible area should be architecturally integrated into the principal building using techniques such as an exterior clad in brick, architectural metal panels, a window-like facade treatment, or "liner" buildings, i.e., buildings located in front of the parking garage that screen the garage from public view.

No reflective glass is proposed for the project. From Main Street, the parking garage is shielded from view by townhomes and the proposed café. In addition, as mentioned, the garage doors are proposed to have a "Cottage Style" to blend with the Main Street frontage. These design features meet this guideline.

[c] Waterfront.

[i] Access.

[A] Pedestrian access to the riverfront should be provided a minimum of every 200 feet from the nearest adjacent east-west street, and preferably align with streets east-west intersecting with Gedney.

The Applicant proposes to provide pedestrian access points at Main Street, Lydecker Street and High Avenue, aligning with all east-west streets intersecting with Gedney Street adjacent to the Project Site.

[B] A public waterfront area shall be provided of a minimum of 30 feet wide along the entire length of the waterfront. Within that public area, a pathway shall be provided of a minimum of 15 feet or as dictated by the fire department to ensure access for emergency vehicles.

The Applicant will be providing a 30 foot wide public access strip of land. Details should be finalized during Site Plan review. The Applicant's emergency access plan depicts an accessible pathway of varying width within the 30 feet, including the 26-foot fire access setback. Alternate surfaces include lawns with structured grid system allow access for emergency vehicles.

[ii] Soft shoreline treatment.

[A] In providing resilience to sea level rise, storm surge, and flooding, soft or vegetated shorelines and rip rap should be used instead of vertical sheet pile bulkheads where possible.

The Applicant proposes to maintain the existing shoreline treatment of rip-rap interspersed with plantings.

[iii] Landscape treatment.

[A] Entrance to the pedestrian access to the riverfront should be designed to clearly communicate the public nature of the pedestrian path. The entrance may include a landscape feature such as a gate, trellis, and/or a small seating area.

As described earlier and provided in the current proposed Site Plan, the Applicant proposes to create a focal point gathering area with a sculpture and a water feature at the intersection of paths from the existing Main Street, Water Street, and Clermont Pier. In addition, a large stairway is proposed from the corner of Main Street and Water Street, providing an inviting entryway to the pedestrian waterfront walkway.

[B] Access path should: incorporate a small seating/passive recreation area a maximum of 75 feet from Gedney Street right of way; use landscape elements such as planting, grading, garden walls, or decorative fencing to establish an implied transition between the public right-of-way and adjacent private dwelling units; incorporate trees/planters for shade and pedestrian comfort, a minimum of every 30 feet.

In keeping with this guideline, seating areas are provided atop the garage with benches along the High Avenue and Lydecker Street access pathways. The private and public waterfront areas would be grade separated, with a two to three feet height difference between the public walking area and the private yards separated by a landscaped berm or a low stone retaining wall. Planted beds will provide a 12- to 14-inch height difference between the private patios and public access paths between each building, with the private patios being higher than the public paths.

[C] Vertical transition to the riverfront should employ steps incorporating landscaping, terraces, and garden walls.

Vertical transitions are proposed along all access pathways to the waterfront, including a monumental stair at the corner of Main Street and Water Street, as well as a landscaped stairwell from the green roof along the High Avenue access pathway down to the pedestrian waterfront walkway. Changes in grade are enhanced with walls, planting beds and light fixtures along the stairwells. These design elements are in keeping with this guideline.

[iv] Building facades and massing.

[A] Facades located more than 35 feet from Gedney Street may have a maximum of 65% glass.

Per the Applicant's drawing A-207, facades facing Gedney Street have a percentage of total glass area below the thresholds set in this design guideline.

[B] Visual impact of larger windows should be reduced through the use of vertical subdivision of frames or other methods to reduce the visual impact.

The Applicant proposes muntins to divide window and door glazing, in keeping with this guideline.

[C] Reflective glass is prohibited.

No reflective glass is proposed for the project.

[D] Penthouses should be incorporated into the overall massing concept of the building.

Recessed penthouses are proposed on each of the three buildings and are incorporated into the overall massing of the buildings.

[E] Buildings should be massed to create a distinctive roof silhouette characteristic of downtown Nyack buildings

The Applicant's proposal includes liner townhouses that feature different appearances, especially at the roof line with cornices, balustrades, and other architectural elements, in keeping with this guideline.

[F] Parking structures facing a public street or other publicly accessible area should be architecturally integrated into the principal building using techniques such as an exterior clad in brick, architectural metal panels, a window-like facade treatment, or "liner" buildings, i.e., buildings located in front of the parking garage that screen the garage from public view.

As mentioned above, from Main Street and from the pedestrian waterfront walkway, the parking garage is shielded from view by townhomes and the proposed café. The parking garage doors are proposed to have a "Cottage Style" to blend with the Main Street frontage.

In addition to the information related to the design guidelines analyzed above, the Applicant stated in the EAF Part III that additional details regarding vegetation and pavement materials would be provided during Site Plan review. The Applicant should be held to this statement.

Elements of the Applicant's proposal of special concern to members of the public, which could be incorporated as potential conditions on the grant of a Special Permit, include the following:

- Finalizing details on the ownership or easements;
- Finalizing details regarding operation and maintenance of the public amenities, as well as responsibilities for future improvements; and
- Finalizing the details of the remediation clean up and any future responsibility of the final Site Management Plan for the remediated site. It is our understanding that the Applicant has offered to provide the Village with ownership of the portions of the Project Site under water, which reach out to the end of Clermont Pier, predicated on the Village being indemnified for any remaining environmental clean-up.