

WF ZONING DISTRICT

Existing vs. Proposed text (substantive differences – emphasis added)

<p><u>Riverfront Setback 360-2.5(B)(2)(b)[3]</u> –</p> <p>“An <i>average</i> 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. <i>No part of any building or structure shall be closer than 15 feet to the normal high water line.</i>”</p>	<p><u>Riverfront setback 360-2.5(B)(2)(c)[5][a]</u> –</p> <p>“Minimum 50 foot setback of any buildings from the normal high-water line of the Hudson River”.*</p> <p>*If a developer does not seek development incentives under the new text the old language would control.</p>
<p><u>Public access 360-2.5(B)(2)(e)</u> –</p> <p>“Permanent public access must be provided from any adjacent public street to and along the Hudson River . . . in the form of a <i>permanent easement, shall be at least 12 feet wide for at least 75% of its length</i> and shall extend along the normal high-water line of the Hudson River for the width of the property and shall be part of a continuous connection between the north and south boundaries of the property, Porous pavement material, such as cobblestone, brick, etc., suitable for pedestrian use, <i>at least six (6) feet wide, shall be provided for the entire length of the easement</i> . . . Provision satisfactory to the Village Board shall be made by the property owner for the maintenance of the public access.”</p>	<p><u>Public access 360-2.5(B)(2)(c)[5][a]-[d]</u> –</p> <p>1. “Waterfront Access. Waterfront access shall be provided per requirements in the WF Design Guidelines, <i>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.</i> Setback from the Hudson River shall comply with section § 360-2.5(B)(2)(b)[3] but <i>shall specifically meet the following:</i></p> <p><i>[a] Minimum 50 foot setback of any buildings from the normal high-water line of the Hudson River.</i></p> <p><i>[b] Of the 50 foot setback, 30 feet must be open to the public.</i></p> <p><i>[c] Of the 30 feet open to the public, a 15 foot wide continuous walkway must be provided.</i></p> <p><i>[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 dependant use, such as a boat club, pier or boat launch.”</i></p>

	<p>2. 360-2.5(B)(2)(c)[6][c](i)(b): “A public waterfront area shall be provided of a minimum of 30 feet wide along the entire length 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.”</p> <p>3. 360-2.5(B)(2)(c)[6][c](i)(a): <i>“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 east-west streets intersecting with Gedney. *</i></p> <p>*If a developer does not seek development incentives under the new text the old language would control.</p>
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<p><u>Design Guidelines 360-2.5(B)(2)(a)[6]</u></p> <p><i>None.</i></p> <p>“The quality of design of the proposed development as determined by the Architectural Review Board in accordance with its review in accordance with 360-5.15 C.”</p>	<p><u>Design Guidelines 360-2.5(B)(2)(c)[6][a]-[c]</u></p> <p><i>Set forth below.</i></p> <p>1. “Design Guidelines. In determining whether to approve the Development Incentives identified in §360-2.5B(2)(c)[1]-[5], the Village Board of Trustees will consider the extent to which the following Design Guidelines are achieved.</p> <p>[a] Gedney Street</p> <p>i. Location.</p>
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a. Buildings should be set back a minimum of 12 feet and a maximum of 15 feet from the 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.

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.

iii. Building Facades and Massing.

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

b. Facades along Gedney Street may have a maximum of fifty percent glass below thirty-five feet and a maximum of sixty-five percent glass above thirty five feet.

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.

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

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.

[b] Main Street

i. Location and Orientation.

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

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 and Water Street.

ii. Landscape Treatment.

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

b. Curb cuts should be a maximum of twenty four feet wide.

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.

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.

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

iii. Building Facades and Massing.

a. Buildings along Main Street should step back a minimum of ten feet over a height of thirty-five feet from the adjacent grade.

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.

c. Facades along Main Street may have a maximum of fifty percent glass below thirty-five feet and a maximum of sixty-five percent glass above thirty five feet.

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.

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.

[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 streets intersecting with Gedney.

b. A public waterfront area shall be provided of a minimum of 30 feet wide along the entire length 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.

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.

ii. 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.

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 thirty feet.

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

iii. Building Facades and Massing.

a. Facades located more than thirty-five feet from Gedney Street may have a maximum of sixty-five percent glass.

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.

c. Reflective glass is prohibited.

d. Penthouses should be incorporated into the overall massing concept of the building.

e. Buildings should be massed to create a distinctive roof silhouette characteristic of downtown Nyack buildings

f. Parking structures facing a public street or other publicly accessible area

	<p>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.</p> <p>2. 360-2.5(B)(2)(a)[6] (as modified) The quality of design of the proposed development to the extent that the design incorporates Development Incentives or Design Guidelines set forth in §360-2.5(B)(2)(c), or as determined by the Architectural Review Board in accordance with its review in accordance with § 360-5.15C.” *</p> <p>*If a developer does not seek development incentives under the new text the old language would control.</p>
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<p><u>Height (worst case) 360-2.5(B)(2)(c)[1]</u></p> <p>“Building height may be increased to no more than 45 feet under the conditions as follows: Maximum height may be increased by five feet for each five-percent reduction of maximum permitted width, up to a maximum of 45 feet (e.g., if width is 45%, maximum permitted height is 35 feet; if width is 40%, maximum permitted height is 40 feet). In the case of a building 40 to 45 feet in height, the exceptions to height limitations set forth in § 360-4.2C(2), as amended, shall not apply.”</p>	<p><u>Height (worst case) 360-2.5(B)(2)(c)[6][a]-[c]</u></p> <p>“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, (b) For any front yard step back, at a height</p>
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	<p><i>of 22-24 feet, the building must step back 5 feet and at a height of 40-42 feet the building must step back an additional 5 feet. Alternatively, the building may step back a total of 10 feet at a height of 40-42 feet.</i></p> <p>(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.” *</p> <p>*If a developer does not seek development incentives under the new text the old language would control.</p>
<p>Parking –on surface 360-2.5(B)(2)(b)[4][c]</p> <p>“No parking shall be allowed in the view corridor unless it is screened from view, and any landscaping within the view corridor shall be maintained at a height no greater than three feet from the mean level of the street line within the view corridor.”</p>	<p>Parking –on surface 360-2.5(B)(2)(c)[4][a]-[c]</p> <p><i>“Parking located underground.</i></p> <p><i>[a] Required parking spaces per unit, when provided underground, shall be:</i></p> <ul style="list-style-type: none"> 1.0 per EU 1.50 per 1 BR 1.75 per 2 BR 2.0 per 3 or greater BR <p><i>[b] All resident parking in excess of one space per unit shall be unreserved and available for shared parking use.</i></p> <p><i>[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.”*</i></p> <p>*If a developer does not seek development incentives under the new text the old language would control.</p>

Floor Area Ratio (worst case) 360-2.5(B)(2)(c)[3]

“Floor area ratio may be increased to no more than 0.90 under the conditions as follows: the provision of special waterfront improvements open to the public, such as but not limited to park or plaza facilities, boat-launching facilities or off-street parking in addition to the parking required for the use intended for the site.”

Residential Density (worst case) –

Controlled by current Bulk table (24/acre) and Sustainability Incentives (current Code **360-4.14**) enables developer to get to 33/acre.

Floor Area Ratio (worst case) 360-2.5(B)(2)(c)[3][a]-[c]

“Floor Area Ratio (FAR) and density. FAR may be increased to no more than 1.50 if the Site Development Plan:

[a] Provides Special Waterfront Improvements open to the public specifically incorporating the Development Incentives set forth in §360-2.5(B)(2)(c)[5]; and

[b] Incorporates the Design Guidelines for the Waterfront as set forth in §360-2.5(B)(2)(c)[6][a]-[c].

[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 section 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 (3) of the Sustainability Amenities set forth in section 360-4-14 (E).

Residential Density – see above text.*

*If a developer does not seek development incentives under the new text, the bulk table under the current code would control.