

Memo

To: Nyack Code Review Committee
From: Bob Galvin, Village Planner
CC: Steve Knowlton, Don Hammond, Walter Sevastian, Doug Foster, Don Yacopino, Jim Politti
Date: 10/25/2013
Re: ***Land Use Administration and Technical Advisory Committee*** - Follow Up

The Committee met in July to review priorities and develop a sense of what issues the Committee should address. In the meantime, we have received increasing requests for development projects in the DMU as well as currently meeting with the proposed developers of the Acker Property. For all of these projects as well as others in the discussion stage, there are legitimate issues with density, number of stories and height as well as streamlining the land use process. There will be increasing pressure to deal with these issues as soon as possible. To move forward the work of the Committee, I have prepared the following:

- Revised Goals with related actions
- Scorecard including the Pro's and Con's of specific actions being evaluated for each of these objectives.
- List of Priority Action Items

The objective is to have specific members take ownership of a specific initiative and obtain feedback from the overall Committee on specific issues (via email). The Committee should meet as soon as possible to test the concepts, develop alternatives, refine and begin sending recommendations to the BOT. I am available to provide additional staff research and coordination.

Committee Goals

The following Committee Goals are proposed:

1. ***Reduce the burden on Land Use Boards***, making the process more understandable, with less duplication and complication, more clarity for each board's roles and responsibilities and provide more time for boards to focus on

providing more effective and timely review with better outcomes for both board members and applicants.

2. **Reduce the burden on the Building Department**, provide less time and staff resources for board administration, provide more clarity to the code with less complicated procedures, possible reduction of variance requests with more time and focus on plan review.
3. **Make the Land Use Process more Understandable and Predictable for Applicants and Reduce the burden on homeowners for smaller property improvements/modifications**, more clarity, less board duplication, *reduction in possible variance requests, reduce number of smaller applications with less demand for staff, administrative and board resources, more timely and efficient process, more predictable outcome.*
4. **Protect and Maintain the Integrity of Community Character.**

Related Action Items/Lead Persons

1. **Streamlining the Land Use Application Process (Steve Knowlton/Don Hammond)**
 - **Elimination of Selected Noticing Requirements**
 - **ARB sign applications** – eliminate public hearing and mailing notification. Limit sign application only to the posting of a sign due to timing and cost considerations to the Village and applicant and goal of streamlining process.
 - **Tree Removal Applications** for Planning Board - same as above- posting sign should be sufficient.
 - **Evaluate Site Plan process** and which applications need to go before the Planning Board and which can be handled administratively by the building department. It appears that almost everything needs to go before the Planning Board.
 - **Multiple board involvement** in most every application also needs to be balanced against the goal of streamlining the land use process. For example, a single family home expanding a rear deck will need site plan approval, a possible ZBA variance and ARB approval. Additionally, the ARB and Planning Board would provide recommendations to the ZBA if necessary. An application for a demolition permit would go to the ARB and Planning Board.

- o **Evaluation of ARB's Role in the Land Use Process:**

(Resource: Powerpoint on Design Guidelines by John Frye, AIA of the Ossining Village Planning Board/BAR. This discusses the ARB and Planning Board relationships presented at a land use seminar which focused on several approaches to design review and guidelines. Villages of Ossining and Tuckahoe have a combined Planning Board/ARB.)

- a) **How to address issues in the ARB process:**

- **Merging the functions** of the ARB into the PB – can leave number of Planning Board members at 5 or add two members of existing ARB to PB, raising total number to 7
- **Advisory** – Making the ARB advisory to the Planning Board and establishing a value threshold for triggering review of single family and two family residences by the ARB as well as targeted review to commercial/industrial/multi-family and elements visible from the adjacent street. ARB still would have **regulatory** approval for signs. (There are no local landmarked structures or historic districts in the Village.)

- o **Streamline Tree Removal Permit Process** – evaluate recommendations of the “GI” Roundtable Report pertaining to Tree Removal process (found in Appendix III, **Nyack Green Infrastructure Report**, June 13, 2013).

2. Density and Zoning Code Text Changes (Doug Foster/Don Yacopino)

This would focus on several identifiable issues effecting downtown development and address near term development of larger properties. This review should have an impact on economic development and furthering the concept of the Comprehensive Plan.

- o **DMU Density - Infill Development in the DMU** (see previous proposal – density of 3 units per 2,500 sq. ft. for all infill lots below 15,000 sq. ft.). Other options are 1) elimination of density

requirements in DMU and rely on FAR, unit size, and other area/bulk regulations; 2) maintain DMU density requirement and increase to 50 units/acre (reflect infill density for all properties in DMU and similar to maximum density currently allowed in the Village .

a) **Sustainability Density Bonuses w/cap at 40% of base density – Memo provided - (density bonuses can also include one story addition with height)** provides bonuses tied into the following sustainability initiatives (see examples from Village of Ossining and other communities nationwide):

a) **Green eco-roofs (see previous memo with performance standards)**

b) **30% permeable surfaces** If paving is installed as part of a new residential construction project for walkway, patios or uncovered parking, at least 30% of it must be permeable.

c) **Exceed NYS Energy Standards by 10%.**

d) **Rain gardens and water harvesting techniques.**

e) **Remediation of Brownfield site**

f) **Daylighting of Nyack Brook**

g) **The Planning Board would be permitted to grant a density bonus of 10 percent in the number of otherwise allowable units. The Planning Board would also be permitted to provide one additional story not to exceed an additional 10 feet in height for a project that is certifiable under an appropriate LEED or similar program.**

o ***Height in DMU*** - the current height in the DMU is a maximum of 38 feet for three stories. The maximum height for 3 stories is 40 feet in the MFR-1. Consider increasing the height in the DMU to 40 feet to allow for more design flexibility for loft style residential units.

- **Ground Floor Mandates in the DMU – DMU Overlay zone has been drawn) - A DMU Overlay Zone** needs to be developed to address the concept of only requiring ground floor retail in those areas of the DMU zone which were recommended in the Village’s Comprehensive Plan. A mapped DMU Overlay would provide more clarity as to where such space is required and encourage the concentration of contiguous retail pedestrian shopping. Outside of this Overlay, ground floor retail would not be mandated.

Resources Available

- **Powerpoint Presentation on Design Guidelines** prepared by John Frye, AIA (Ossining Planning Board/ARB)
- **Village Planner, Memorandum on Downtown Infill Development**, Village of Nyack
- **Village Planner, Memorandum on Density Bonus for Green Roofs**
- **Green Infrastructure Roundtable, Nyack Green Infrastructure Final Report**, June 13, 2013.

Scorecard

Action Item	Advantages	Disadvantages
Reduce Noticing for ARB & Tree Removals	Less paperwork & time for staff, less cost to Village	Posting of sign should be sufficient
Site Plan Process Review	Less applications to boards – less complex & more efficient process, more staff time & resources, more time for plan review and applications that impact the community. More predictable process with less time for homeowners for smaller property improvements, modifications.	May be some applications that slip through the process without review
ARB Process Review	less duplication and complication, more clarity for each board’s roles, provide less frustration for homeowners and provide a more integrated	Potential problems with existing ARB members if role is combined with Planning Board & they no longer sit on an ARB. General community concern that provides less protection for community character.

	<p>site review process, more time for boards to focus on applications that have a real impact on neighborhood, provide predictable, timely and better outcome for both board members and applicants</p>	
DMU Density	<p>Less number of variances to ZBA, foster economic development, compatible with Comp. Plan's vision of more housing downtown</p>	<p>Density increases and new projects may not be received well by all segments of the pop. Urban infill approach may lessen concern.</p>
Sustainability Bonuses	<p>Supports "GI" Roundtable process - allows sustainable development projects to move forward with appropriate density tied into sustainable goals. Results in more predictable and better outcome for community & developer.</p>	<p>See above. The approach of providing economic incentives to realize more environmentally sensitive design and meeting the Village's sustainable goals is an approach that will have more support from community & potential developers.</p>
Streamline Tree Removal Process	<p>Less frustration for Planning Board, less staff time, less frustrating for homeowners, still provide protection for trees, less admin time & cost.</p>	<p>If process is not developed properly, it will result in community concern that tree canopy is not being protected. Using some of the recommendations provided by the Roundtable can deal with these concerns.</p>
Height DMU	<p>Allow more flexibility for loft style apartments @ 40 feet or 3 stories. Already present in MFR-1 zone.</p>	<p>Increase of 2 feet in DMU is not significant increase while standardizing 3 story height across multi-family uses.</p>
Ground Floor Retail Mandates in DMU	<p>DMU Overlay zone provides clarity as to where such space should be required in conformity with the Comp Plan, allows retail space to be built where it is most needed and does not provide the Planning Board with waiver authority.</p>	<p>Use of an overlay zone is more defined and should foster the encouragement of contiguous pedestrian retail environment. It is flexible and should not generate any significant controversy and provide Planning Board with a necessary tool in its Site Planning.</p>