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Local Law # \_\_\_ of 2014

A local law to amend Chapter 360 of the Code of the Village of Nyack, entitled "Zoning", as follows:

*(New text in italics)*

**A. As pertains to residential density in the DMU Zoning District**

Legislative intent:

Over the past eighteen months the Planning Board has reviewed several proposed residential projects in the DMU zone. Generally, these proposals are in conformity with the goal of the Village's **Comprehensive Master Plan (2007)** to encourage residential development in the downtown area. The Plan seeks to promote residential uses in the downtown as a way of adding to the street life, which in turn can increase safety and provide greater buying power for retail stores and restaurants. Moreover, many projects reflect the changing nature of uses from warehousing to residential along streets in the downtown area (i.e. Burd Street, Jackson Street and western Main Street).

Many of the proposals have been received positively by the ARB and Planning Board. However, they have also required variance requests for some form of density relief. Since there have been a number of similar variance requests for area/bulk relief including density, the Village Planner believes that this indicates an underlying problem in the zoning code. The Village Planner advises that this issue of variance requests for density will continue to increase with the rebound in the residential market and the additional projects being proposed in the Village. While the Planning Board and other land use boards may react positively to these projects, it is difficult to make a positive recommendation for a ZBA approval if the density increase being sought is significant.

Currently, the density requirement for the downtown DMU Zone is 30 dwelling units per acre with a maximum FAR of 2.0. The density requirement and the FAR maximum do not work well together and, in fact, appear to be in conflict. With the current density requirement, it is impossible to approach the maximum FAR allowable in the DMU.

The LUTC Committee is recommended that the Village Board modify the current DMU density by increasing it to 50 units per acre. The recommended density would be similar to the maximum density currently allowed in the Nyack Code, specifically for the MFR-3 multi-family district without the higher height (85 feet) or number of stories (allowable at 8 stories). This density also matches an alternative of using an infill density approach for smaller properties in

the DMU. This infill approach, if applied to all DMU properties, would result in the same density of 50 units per acre.

Based on the foregoing, the Village Board believes that increasing the residential density in the DMU zoning district is consistent with the Comprehensive Master Plan and will encourage appropriate development in the Village of Nyack.

Text Change:

Table 4.1 (Zoning Code section 360, Attachment 2, page 1) shall be modified as follows:

***Under DMU: Change Maximum Density (du/acre) from 30 to 50.***

***(Table attached)***

ZONING

360 Attachment 2

Village of Nyack

Table 4-1  
Dimensional Standards  
[Amended 5-26-2011 by L.L. No. 5-2011; 2-9-2012 by L.L. No. 3-2012; 10-11-2012 by L.L. No. 11-2012]

	SFR-1	SFR-2	TFR One- Family	TFR Two- Family/TFR Not-For- Profit Ambulance Facilities	MFR-1	MFR-2	MFR-3	DMU	RMU	OMU	CC	WVF	M	H
Minimum lot area (square feet)	7,500	5,000	5,000	10,000	20,000	20,000	40,000	—	7,500	7,500	7,500	—	—	40,000
Minimum lot width (feet)	50	50	50	75	100	100	100	—	25	50	60	25	50	200
Minimum street frontage (feet)	—	—	—	100	100	100	100	—	25	50	60	25	50	—
Minimum lot depth (feet)	—	—	—	100	100	100	—	—	—	—	—	—	—	200
Minimum front setback (feet)	(e)	(e)	(e)	(e)	30	30(a)	20(b)	—	—	15	15	10	20	(n)
Minimum side setback (one) (feet)	(f)	(f)	(f)	(f)	25	20(a)	20	(f)(k)	10	10	(f)(k)	10(f)	20	(n)
Minimum side setback (both) (feet)	(e)	(e)	(e)	(e)	50	20	40(b)	(f)(k)	20	20	-(k)	20	40	(n)
Minimum rear setback (feet)	(d)	(d)	(d)	(d)	30	25(a)	20(b)	(e)(k)	15	25	25(k)	—	20	(n)
Building height (stories)	2	2	2	2	3	4	8	3	2	2	2	n/a	2	3 1/2
Building height (feet)	32	32	32	32	40	50	85	40	32	35	35	35	35	40(o)
Maximum building length (feet)	—	—	—	—	160	160	160	—	—	—	—	—	—	—
Maximum floor area ratio	—	—	—	—	—	—	—	2.0	0.75(h)	0.5	0.5(j)	0.65	1.0	1.2
Minimum usable open space (per du)	—	—	—	—	360	100	100	—	—	—	—	—	—	n/a
Maximum density (du/acre)	—	—	—	—	14	30	50	50	18	—	—	24	—	n/a
Minimum dwelling unit size (square feet)	900	900	900	750	600	600	600	600	600	600	600	600	—	—

NYACK CODE

Accessory buildings	SFR-1	SFR-2	TFR One-Family	TFR Two-Family/TFR Not-For-Profit Ambulance Facilities	MFR-1	MFR-2	MFR-3	DMU	RMU	OMU	CC	WF	M	H
Minimum front setback	12	12	12	12	12	12	12	12	12	12	12	12	12	—
Maximum building height	7%	7%	7%	7%	—	—	—	—	—	—	—	—	—	31%
Maximum building coverage														

Dimensional standards table notes:

- (a) Or 1/2 the height of the building, whichever is greater.
- (b) In all MFR-3 districts where federal or state-assisted housing developments are involved the Planning Board may vary the minimum parking requirements (not to exceed a fifty-percent reduction of the minimum requirement), without the need for a variance, so as to achieve proper development of the site.
- (c) The front setback should be 20% of lot area divided by lot width.
- (d) 30% of lot area divided by lot width.
- (e) 30% of lot width.
- (f) None required, but if provided a minimum of five feet is required.
- (g) A rear yard is not required for the first story or 17 feet, whichever is less, but there shall be a fifteen-foot minimum under other conditions.
- (h) For a lot 15,000 square feet or greater in area, the maximum floor area ratio may be increased from 0.75 to 1.0 with a special permit from the Planning Board for mixed use. *The Planning Board shall also be permitted to provide a third story at a maximum height of 40 feet for a project that is certifiable under an appropriate LEED or similar program.*
  - (i)
- (j) For properties with water frontage, the applicable yard requirements shall be measured from the mean high-water line.
- (k) For a lot 40,000 square feet or greater in area, maximum floor area ratio shall be 0.6 and maximum building coverage shall be 45%.
- (l) Side and rear yards that are adjacent to residential zones must have a minimum setbacks of 15 feet including a landscaped buffer.

## ZONING

- (l) The minimum side yard shall be five feet or 10% of the lot width, which ever is larger.
- (m) (Reserved)
- (n) The minimum setback from the street line must be a minimum of 15 feet except where a structure in an H district faces a street occupied by one- or two-family residences on the opposite side, the structure must be set back a minimum of 25 feet.
- (o) Building height may be increased two feet for each additional foot of setback from surrounding streets, provided that in no case shall a structure exceed six stories or 72 feet.

**B. As pertains to minimum unit sizes for apartments within the Village of Nyack**

Legislative intent:

The Planning Board made a recommendation to the Village Board regarding a change to the minimum unit sizes (from 600 square feet to 450 square feet) in a **Memorandum on DMU Textual Changes for Multi-Use Buildings dated December 4, 2012**. This issue has been discussed by the Board of Trustees and understood that this would be changed as part of a larger review of the DMU. The recommendation was based on the review of the goals in the Village's **Comprehensive Master Plan** to encourage downtown residential development, the comparative review of the minimum dwelling unit sizes in similar communities, HUD guidelines and demographic and marketplace trends. It was recommended that the 600 square foot minimum be revised to 450 square feet in the DMU zone. The Village Board believes that the change recommended by the Planning Board is consistent with the goals of the Comprehensive Master Plan. It should be noted that SRO units are typically smaller than this recommended minimum.

Text Change:

Chapter 360-3.2 A (1)(b) shall be modified as follows:

**§ 360-3.2 Use-specific standards.**

Regardless of whether a use is permitted by right, as a special permit use, or as an accessory use, and regardless of the zoning district in which the use is located, the following additional standards must be met in respect of the uses identified, except as authorized by other sections of this chapter. Conformance with these standards will be determined during the application review by the final decision making body.

A.

Residential uses.

(1)

Mixed-use dwelling.

(a)

Access to any individual dwelling units above the street level must be provided from an enclosed lobby or corridor and stairwell, and must not pass through the use located on the first floor of the building. Unenclosed or partially enclosed exterior stairwells are prohibited.

(b)

The minimum habitable floor area in *an efficiency dwelling unit shall be 450 square feet and 600 square feet for a one bedroom dwelling unit.*

### C. As pertains to mandated Ground Floor Retail in the DMU Zoning District

#### Legislative intent:

The recommendation to modify the requirement for Ground Floor Retail space in some parts of the DMU Zoning District arose out of the same Planning Board recommendation to provide flexibility in mandating ground floor retail. Currently, the mandate requires such retail first floor space throughout the entire DMU district. Many of the applications heard by the Planning Board are required to provide retail/office use on the ground floor in marginal areas, with minimal pedestrian traffic. The immediate result may well be vacant, underutilized or marginal uses in areas not typically frequented by office workers, shoppers and other pedestrians. The **Comprehensive Master Plan** encouraged ground floor retail in the downtown's core retail area, specifying selected streets. The LUTC felt that a more defined approach would be preferable. This recommendation would provide an overlay zone mirroring the downtown streets as specified in the **Comprehensive Master Plan**. In the DMU Overlay Zone, ground floor retail would be mandated whereas it would be discretionary in the remainder of the DMU. The establishment of a DMU Overlay Zone would allow a zoning tool that would provide the Board of Trustees with more flexibility to apply additional controls or incentives for the core downtown retail streets in the future.

Based upon the foregoing, the Village Board of Trustees believes that modifying the Ground Floor Retail requirement in the DMU Zoning District to provide for flexibility in the requirement based upon the location of a particular application is consistent with the Comprehensive Master Plan.

#### Text Changes:

(i) Amend Chapter 360 ("Zoning"), Article VI ("Definitions"), section 360-6.1 ("Words Defined") to add the following definitions:

**Overlay Zone** – A zoning district which supersedes less restrictive regulations of a base zoning district.

**DMU Overlay Zone** – a special overlay zoning district which reflects the downtown streets in the Village's core retail area as specified in the Comprehensive Master Plan. The DMU Overlay Zone is identified on the map in Chapter 360 Attachment 5:2.

(ii) Amend Chapter 360 ("Zoning"), section 360-2.4 ("Mixed Use Districts") as follows:

§ 360-2.4 Mixed-use districts.

B.

Downtown Mixed Use District (DMU):

(1) Purpose. The purpose of the Downtown Mixed Use (DMU) District is to provide for the most intensive concentration of retail sales and service, personal services, office and public and institutional uses in the heart of the Village. In addition, the district is intended to encourage the development of multifamily residential units above the ground floor. Redevelopment should preserve the existing historic character, scale and mix of uses in the downtown. Appropriate new development should add to the civic and economic vitality of the community. In order to encourage pedestrian-friendly environments, special standards are provided to address urban design, building design and parking considerations. ***The DMU Overlay Zone is designed to place more specific standards in the district's core retail areas as specified in the Village's Comprehensive Master Plan. Unless otherwise specified, all standards of the DMU District apply to the DMU Overlay Zone.***

(2)

District specific standards:

(a)

***Ground floor uses are restricted only in the DMU Overlay Zone.*** In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities ***in the downtown's core retail area***, residential uses are prohibited along the entire length of the ground floor of the principal building adjacent to a public street. That nonresidential space shall be no less than 25 feet deep. A residential use may be located on the ground floor only when it shares that floor with another permitted use that occupies the portion of the floor adjacent to the street.

(iii) Include a DMU Overlay Zone in the Zoning Code as Chapter 360, Attachment 5:2, as follows:

A new Table 5.2 (Zoning Code section 360, Attachment 5) shall be added to the Zoning Code depicting the DMU Overlay Zoning District as follows:

*(Table attached)*

**D. As pertains to building height in the DMU Zoning District**

Legislative intent:

This recommendation from the LUTC would encourage more loft style residential development in the downtown area, attracting a more professional, younger demographic and in line with downtown market trends. This recommendation would make the maximum height limit of 40 feet for three stories compatible with the rest of the code. The existing MFR-1 zone has a limit of three stories with a maximum height of 40 feet.

Based upon the foregoing, the Village Board of Trustees believes that modifying the height requirement in the DMU Zoning District to provide for flexibility in the requirement based upon the location of a particular application is consistent with the Comprehensive Master Plan.

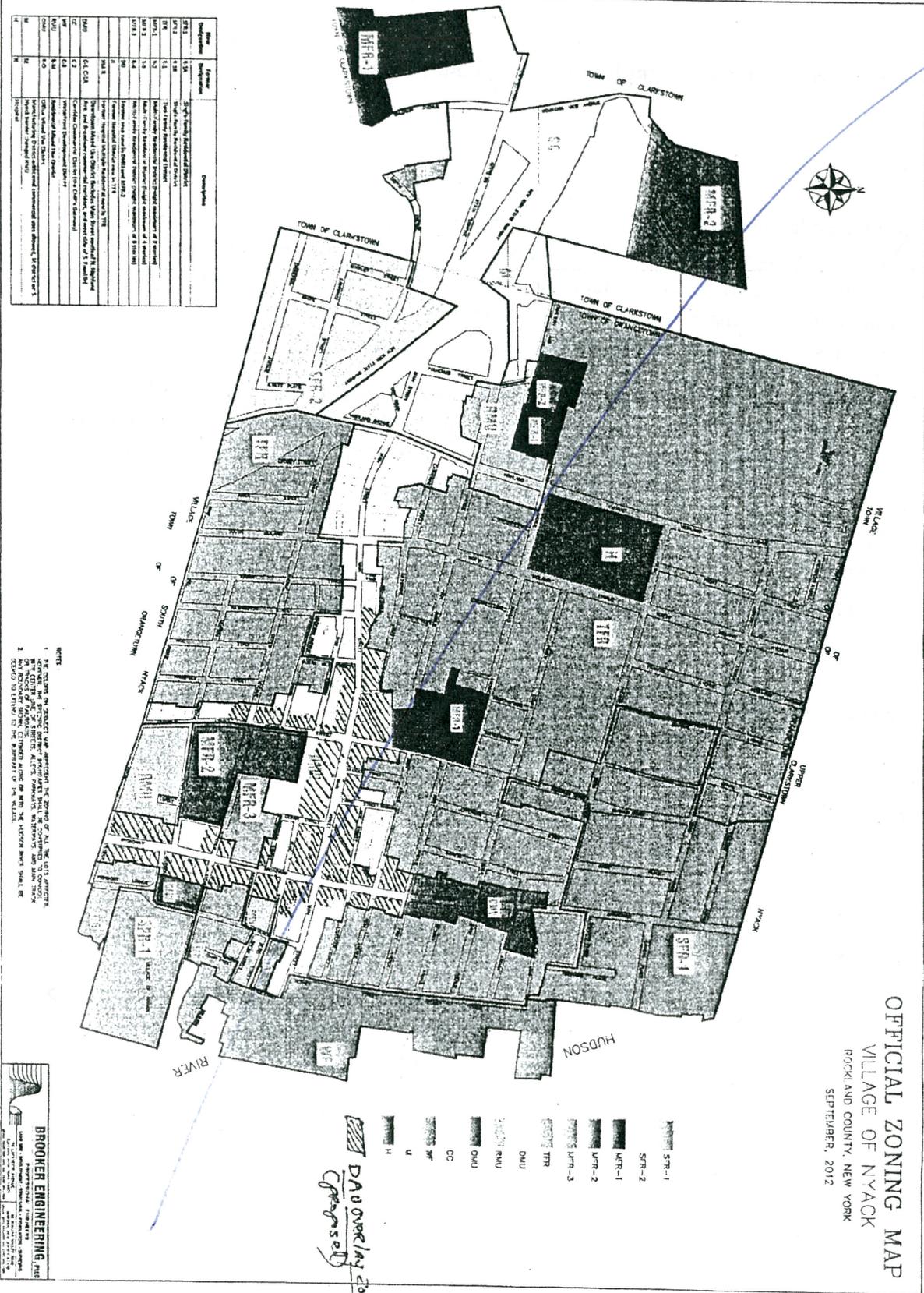
Text Change:

Table 4.1 (Zoning Code section 360, Attachment 2, page 1) shall be modified as follows:

***Under DMU: Change Building Height (feet) from 38 to 40.***

*(Table attached)*

DMU Overlay Zoning District



Code	Designation	Description
SFR-1	Single-Family Residential District	Single-Family Residential District
SFR-2	Single-Family Residential District	Single-Family Residential District
RFR-1	Two-Family Residential District	Two-Family Residential District
RFR-2	Two-Family Residential District	Two-Family Residential District
RFR-3	Two-Family Residential District	Two-Family Residential District
TRR	Transfer of Rights District	Transfer of Rights District
DMU	DMU District	DMU District
DMU-1	DMU District	DMU District
DMU-2	DMU District	DMU District
DMU-3	DMU District	DMU District
CC	Community Center District	Community Center District
H	Hotel District	Hotel District

NOTES:  
 1. ZONING DISTRICTS ARE SHOWN ON THIS MAP AS A RESULT OF THE VILLAGE OF NYACK ZONING MAP AMENDMENT AND ZONING ORDINANCE REVISIONS. THE ZONING DISTRICTS SHOWN ON THIS MAP ARE THE RESULT OF THE VILLAGE OF NYACK ZONING MAP AMENDMENT AND ZONING ORDINANCE REVISIONS. THE ZONING DISTRICTS SHOWN ON THIS MAP ARE THE RESULT OF THE VILLAGE OF NYACK ZONING MAP AMENDMENT AND ZONING ORDINANCE REVISIONS.

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DMU Overlay Zone  
 Prepared by  
 [Signature]

OFFICIAL ZONING MAP  
 VILLAGE OF NYACK  
 ROCKLAND COUNTY, NEW YORK  
 SEPTEMBER, 2012

ZONING

360 Attachment 2

Village of Nyack

Table 4-1  
Dimensional Standards  
[Amended 5-26-2011 by L.L. No. 5-2011; 2-9-2012 by L.L. No. 3-2012; 10-11-2012 by L.L. No. 11-2012]

	SFR-1	SFR-2	TR One-Family	TR Two-Family/ TR Not-For-Profit Ambulance Facilities	MFR-1	MFR-2	MFR-3	DMU	RMU	OMU	CC	WF	M	H
Minimum lot area (square feet)	7,500	5,000	5,000	10,000	20,000	20,000	40,000	—	7,500	7,500	7,500	—	—	40,000
Minimum lot width (feet)	50	50	50	75	100	100	100	—	25	50	60	25	50	200
Minimum street frontage (feet)	—	—	—	100	100	100	100	—	25	50	60	25	50	200
Minimum lot depth (feet)	—	—	—	100	100	100	—	—	—	—	—	—	—	—
Minimum front setback (feet)	(e)	(e)	(e)	(e)	30	30(a)	20(b)	—	—	15	15	10	20	(n)
Minimum side setback (one) (feet)	(f)	(f)	(f)	(f)	25	20(a)	20	(f)(k)	10	10	(f)(k)	10(f)	20	(n)
Minimum side setback (both) (feet)	(e)	(e)	(e)	(e)	50	20	40(b)	(f)(k)	20	20	(k)	20	40	(n)
Minimum rear setback (feet)	(d)	(d)	(d)	(d)	30	25(a)	20(b)	(g)(k)	15	25	25(k)	—	20	(n)
Building height (stories)	2	2	2	2	3	4	8	3	2	2	2	n/a	2	3 1/2
Building height (feet)	32	32	32	32	40	50	85	40	32	35	35	35	35	40(e)
Maximum building length (feet)	—	—	—	—	160	160	160	—	—	—	—	—	—	—
Maximum floor area ratio	—	—	—	—	—	—	—	2.0	0.75(h)	0.5	0.5(i)	0.65	1.0	1.2
Minimum usable open space (per du)	—	—	—	—	360	100	100	—	—	—	—	—	—	n/a
Maximum density (du/acre)	—	—	—	—	14	30	50	50	18	—	—	24	—	—
Minimum dwelling unit size (square feet)	900	900	900	750	600	600	600	600	600	600	600	600	—	—

NYACK CODE

	SFR-1	SFR-2	TFR One-Family	TFR Two-Family/TFR Not-For-Profit Ambulance Facilities	MFR-1	MFR-2	MFR-3	DMU	RMU	OMU	CC	WF	M	H
Accessory buildings														
Minimum front setback	12	12	12	12	12	12	12	12	12	12	12	12	12	—
Maximum building height	12	12	12	12	—	—	—	—	—	—	—	—	—	31%
Maximum building coverage	7%	7%	7%	7%	—	—	—	—	—	—	—	—	—	—

Dimensional standards table notes:

- (a) Or 1/2 the height of the building, whichever is greater.
- (b) In all MFR-3 districts where federal or state-assisted housing developments are involved the Planning Board may vary the minimum parking requirements (not to exceed a fifty-percent reduction of the minimum requirement), without the need for a variance, so as to achieve proper development of the site.
- (c) The front setback should be 20% of lot area divided by lot width.
- (d) 30% of lot area divided by lot width.
- (e) 30% of lot width.
- (f) None required, but if provided a minimum of five feet is required.
- (g) A rear yard is not required for the first story or 17 feet, whichever is less, but there shall be a fifteen-foot minimum under other conditions.
- (h) For a lot 15,000 square feet or greater in area, the maximum floor area ratio may be increased from 0.75 to 1.0 with a special permit from the Planning Board for mixed use. *The Planning Board shall also be permitted to provide a third story at a maximum height of 40 feet for a project that is certifiable under an appropriate LEED or similar program.*
- (i)
- (j) For properties with water frontage, the applicable yard requirements shall be measured from the mean high-water line.
- (k) For a lot 40,000 square feet or greater in area, maximum floor area ratio shall be 0.6 and maximum building coverage shall be 45%.
- (l) Side and rear yards that are adjacent to residential zones must have a minimum setbacks of 15 feet including a landscaped buffer.

## ZONING

- (l) The minimum side yard shall be five feet or 10% of the lot width, which ever is larger.
- (m) (Reserved)
- (n) The minimum setback from the street line must be a minimum of 15 feet except where a structure in an H district faces a street occupied by one- or two-family residences on the opposite side, the structure must be set back a minimum of 25 feet.
- (o) Building height may be increased two feet for each additional foot of setback from surrounding streets, provided that in no case shall a structure exceed six stories or 72 feet.

**E. As pertains to the adoption of Sustainability Density Bonuses by incorporating a “Sustainability” Chapter in the Zoning Code with specific incentives to adopt Green Infrastructure and other sustainable incentives**

Legislative intent:

The Village Board has been in consultation with its Planning Consultant for several months concerning efforts to incorporate incentives in the Zoning Code to promote developments that incorporate “Green Infrastructure.” Incentivizing density credits in exchange for Green Infrastructure would be incremental to any of the other recommendations for density changes in the DMU. It would also apply Village-wide, targeted to the following zoning districts: DMU, RMU, OMU, MFR-1, MFR-2, MFR-3, and CC. The Board notes that due to the smaller size of downtown properties there may be less opportunity to implement a number of sustainability bonuses in the DMU.

The density increase recommendations from the LUTC provide an opportunity for the Village to tie incentives to specific local priorities promoting sustainability. While municipalities typically provide density bonuses for sustainability in the form of increased Floor Area Ratio (FAR), proposed residential projects in the Village of Nyack have not been able to maximize their allowable residential FAR due primarily to density and building height requirements. Therefore, the LUTC recommended percentage increases in the number of dwelling units to encourage specific sustainability initiatives. The recommendation also provides sustainability increases with regard to commercial and office uses in applicable zoning districts. There are also recommended caps provided for incentives under this chapter.

Mechanically, an applicant may apply to the Planning Board for one or more density bonuses in exchange for meeting the standards for the specific amenities being provided. The Planning Board at its discretion and subject to the specified standards may grant the density bonuses as set forth in exchange for the applicant providing one or more of the following sustainability amenities. Each amenity shall be eligible for a 10 percent density bonus in the number of units with the exception of green roofs which shall be eligible for a 20 percent density bonus due to the higher initial cost of implementation. Density bonuses shall not exceed 40 percent of the allowable number of units in the underlying district excluding the affordable/workforce housing under Chapter 120-1 of the Village Code. For commercial and office buildings in the CC and OMU districts, the density bonus would be an increase in FAR not to exceed 0.75.

Text Changes:

Chapter 360 (“Zoning”), Article IV (“Development Standards”) shall be amended to add a new section 360-4.14 entitled “Sustainability”.

§ 360-4.14 Sustainability.

A. Purpose.

*The purpose of this chapter is to promote the creation of a more sustainable community by incorporating the widespread establishment of green infrastructure and building practices in the design, construction and maintenance of buildings and site development. Such best practices are designed to use natural resources in a manner that enhances their usefulness for future generations, alleviate issues of stormwater management, enhance water quality and energy efficiency and generally promote the public health and welfare by enhancing the environmental and economic health of the Village.*

*The incentives included in this chapter in the form of density bonuses provide an opportunity for the Village to tie such incentives to specific local public policy priorities. These incentives yield both short-and long-term dividends for developers and building owners and offset the costs of initial outlays. They also provide public benefits through cost reductions in managing stormwater, improved water and air quality, heat island reductions, energy conservation and reductions in carbon emissions.*

B. Applicability.

*This chapter applies to all residential, mixed use, commercial and office uses in the following zoning districts: DMU, RMU, OMU, MFR-1, MFR-2, MFR-3, and CC.*

C. Definitions:

**Green Infrastructure** - *Green infrastructure (GI) is a term used to describe both a planning approach and a set of best management practices for stormwater management that infiltrate or otherwise reuse stormwater. Instead of conventional, engineered collection, conveyance and storage structures, GI techniques use soils and vegetation to manage stormwater. Common green infrastructure approaches include green roofs, trees, rain gardens, bioretention areas, vegetated swales, pocket wetlands, infiltration planters, and vegetated median strips as examples.*

**Green Roofs** – the roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. There are two types of green roofs: intensive roofs, which are thicker and can support a wider variety of plants but are heavier and require more maintenance, and extensive roofs or eco-roofs, which are covered in a light layer of vegetation and are lighter than an intensive green roof. For the purposes of this chapter, an extensive roof is the minimum standard required.

**(Delete and replace current “Impervious Surface” definition in Chapter 360 (“Zoning”), Article VI (“Definitions”), section 360-6.1 (“Words Defined”) with the following):**

**Impervious Surface** - A surface that has been compacted or covered with a layer of material so it is highly resistant to infiltration or percolation of water. This includes, but is not limited to, roofs, asphalt, concrete, stone drives, sidewalks and patios. Pavers, gravel, and highly compacted soil and other semi-permeable surfaces shall be considered impermeable to the extent that they materially alter the surface water runoff characteristics of the site. Increases in stormwater runoff from these surfaces shall be calculated using the appropriate runoff curve numbers. Decks constructed above the ground surface that allow one-hundred-percent pass-through of stormwater to the ground surface below decks shall be considered to be permeable.

D. Density bonus incentives.

1. An applicant may apply to the Planning Board for one or more for one or more density bonuses in exchange for meeting the standards for the specific amenities being provided. The Planning Board at its discretion and subject to the specified standards may grant the density bonus as set forth in exchange for the applicant providing one or more of the following sustainability amenities\*(See Note.)
2. Each amenity listed under subsection D shall be eligible for a 10 percent density bonus in the allowable number of residential units in the underlying zoning district with the exception of green roofs which shall be eligible for a 20 percent residential density bonus due to the higher initial cost of implementation. The density bonus shall not exceed 40 percent of the allowable number of units in the underlying district excluding the affordable/workforce housing bonus under Chapter 120-1.
3. For commercial and office uses in the CC and OMU zoning districts, the density bonus for any individual sustainable amenity would be a 0.10 increase in FAR. The bonus for the installation of a green roof would be a bonus of 1 square foot for every square foot of green roof provided. The total increase in FAR shall not exceed 0.75 in the CC and OMU zoning districts.

4. *The bonus permitted under this Chapter is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk restrictions (See applicable footnotes in Table 4-1: Dimensional Standards.)*

*E. Allowable sustainability amenities eligible for density or applicable FAR bonus under this Chapter.*

*The following are allowable sustainability amenities eligible for density or applicable FAR bonuses:*

*1. Brownfield remediation.*

*Environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required for the development to take place.*

*2. 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.*

*3. Exceeding the New York State Energy Code by 10 percent, including but not limited to high density insulation, installation of high efficiency windows and HVAC systems, LED lighting, provision of white roofs. This shall require third party verification to the building department.*

*4. Provision of rain gardens and/or water harvesting techniques*

*5. Provision of solar collection panels and/or geothermal energy*

*6. Daylighting of Nyack Brook where appropriate and applicable based on review by the Planning Board.*

*7. Provision of Green extensive eco-roof.*

*Minimum standard is installation of green extensive or eco-roof installed on 50 percent of the building's total roof area or 1,500 square feet whichever is greater. For multi-family developments, the density bonus in the allowable number of units is 20 percent. For commercial and office buildings, the incentive would be a bonus of 1 square foot for every square foot of green roof provided, not to exceed a total FAR increase of 0.25. The following Performance Standards shall be considered by the Planning Board in granting the permitted bonus in exchange for this sustainable amenity:*

*a) **Water Use** - Demonstrate facility wisely uses potable water. For example,*

- May use drip irrigation when needed.*
- May meet at least 50% of green roof irrigation using non-potable sources such as HVAC condensate, rain-water collection, or other auxiliary water sources.*

*b) **Soil Depth** - Conserve water by retaining moisture for plant health.*

- Minimum: 6 inches or demonstrate additional potable irrigation reduction.*
- Demonstrate roof is sustainable with structural loading capability.*

*c) **Plant Species** - Provide appropriate plant species to save water suited to soil depth.*

*d) **Maintenance***

- Provide maintenance access and safe conditions for users (per Building Code compliance).*
- Provide permanent, ongoing maintenance of green maintenance system and benefits to roof elements. Provide commitment in a restrictive covenant.*
- Must maintain at least 80 percent plant coverage of planted beds (within 2 years of installation).*
- Provide engineering certification that the roof drainage system will sustain 100-year storm, and be able to handle blocked flows.*

8. Repurposing of materials.

*\*Note: Add under footnote (h) in Table 4.1 in the RMU district, the Planning Board would also be permitted to provide a third story at a maximum height of 40 feet for a project that is certifiable under an appropriate LEED or similar program. (Table Attached.)*

ZONING

360 Attachment 2

Village of Nyack

Table 4-1  
Dimensional Standards  
[Amended 5-26-2011 by L.L. No. 5-2011; 2-9-2012 by L.L. No. 3-2012; 10-11-2012 by L.L. No. 11-2012]

	SFR-1	SFR-2	TRR One- Family	TRR Two- Family/TRR Not-For- Profit Facilities	MFR-1	MFR-2	MFR-3	DMU	RMU	OMU	CC	WF	M	H
Minimum lot area (square feet)	7,500	5,000	5,000	10,000	20,000	20,000	40,000	—	7,500	7,500	7,500	—	—	40,000
Minimum lot width (feet)	50	50	50	75	100	100	100	—	25	50	60	25	50	200
Minimum street frontage (feet)	—	—	—	100	100	100	100	—	25	50	60	25	50	—
Minimum lot depth (feet)	—	—	—	100	100	100	—	—	—	—	—	—	—	200
Minimum front setback (feet)	(e)	(e)	(e)	(e)	30	30(a)	20(b)	—	—	15	15	10	20	(n)
Minimum side setback (one) (feet)	(f)	(f)	(f)	(f)	25	20(a)	20	(f)(k)	10	10	(f)(k)	10(f)	20	(n)
Minimum side setback (both) (feet)	(e)	(e)	(e)	(e)	50	20	40(b)	(f)(k)	20	20	-(k)	20	40	(n)
Minimum rear setback (feet)	(d)	(d)	(d)	(d)	30	25(a)	20(b)	(g)(k)	15	25	25(k)	—	20	(n)
Building height (stories)	2	2	2	2	3	4	8	3	2	2	2	n/a	2	3 1/2
Building height (feet)	32	32	32	32	40	50	85	40	32	35	35	35	35	40(o)
Maximum building length (feet)	—	—	—	—	160	160	160	—	—	—	—	—	—	—
Maximum floor area ratio	—	—	—	—	—	—	—	2.0	0.75(h)	0.5	0.5(f)	0.65	1.0	1.2
Minimum usable open space (per du)	—	—	—	—	360	100	100	—	—	—	—	—	—	n/a
Maximum density (du/acre)	—	—	—	—	14	30	50	50	18	—	—	24	—	n/a
Minimum dwelling unit size (square feet)	900	900	900	750	600	600	600	600	600	600	600	600	—	—

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Accessory buildings	SFR-1	SFR-2	TFR One-Family	TFR Two-Family/TFR Not-For-Profit Ambulance Facilities	MFR-1	MFR-2	MFR-3	DMU	RMU	OMU	CC	WF	M	H
Minimum front setback	12	12	12	12	12	12	12	12	12	12	12	12	12	—
Maximum building height	7%	7%	7%	7%	—	—	—	—	—	—	—	—	—	31%
Maximum building coverage	7%	7%	7%	7%	—	—	—	—	—	—	—	—	—	31%

Dimensional standards table notes:

- (a) Or 1/2 the height of the building, whichever is greater.
- (b) In all MFR-3 districts where federal or state-assisted housing developments are involved the Planning Board may vary the minimum parking requirements (not to exceed a fifty-percent reduction of the minimum requirement), without the need for a variance, so as to achieve proper development of the site.
- (c) The front setback should be 20% of lot area divided by lot width.
- (d) 30% of lot area divided by lot width.
- (e) 30% of lot width.
- (f) None required, but if provided a minimum of five feet is required.
- (g) A rear yard is not required for the first story or 17 feet, whichever is less, but there shall be a fifteen-foot minimum under other conditions.
- (h) For a lot 15,000 square feet or greater in area, the maximum floor area ratio may be increased from 0.75 to 1.0 with a special permit from the Planning Board for mixed use. *The Planning Board shall also be permitted to provide a third story at a maximum height of 40 feet for a project that is certifiable under an appropriate LEED or similar program.*
- (i)
- (j) For properties with water frontage, the applicable yard requirements shall be measured from the mean high-water line.
- (k) For a lot 40,000 square feet or greater in area, maximum floor area ratio shall be 0.6 and maximum building coverage shall be 45%.
- (l) Side and rear yards that are adjacent to residential zones must have a minimum setbacks of 15 feet including a landscaped buffer.

## ZONING

- (l) The minimum side yard shall be five feet or 10% of the lot width, which ever is larger.
- (m) (Reserved)
- (n) The minimum setback from the street line must be a minimum of 15 feet except where a structure in an H district faces a street occupied by one- or two-family residences on the opposite side, the structure must be set back a minimum of 25 feet.
- (o) Building height may be increased two feet for each additional foot of setback from surrounding streets, provided that in no case shall a structure exceed six stories or 72 feet.

This local law shall be effective immediately upon filing with the Secretary of State.