

VILLAGE OF NYACK LAND USE TECHNICAL COMMITTEE

To: Village Board of Trustees
From: Land Use Technical Committee (LUTC)
Re: July LUTC Meeting Recommendation
Date: July 27, 2015

In keeping with the charge of evaluating the Zoning Code and land use review processes, and addressing process issues routinely faced by the Building Department, the LUTC is providing the Village Board with the following proposal to integrate the architectural review element of land use applications into the Planning Board's Site Plan review process. This approach is utilized in other municipalities.

The LUTC has been charged with, inter alia, evaluating the land use processes in the Village with a view towards making recommendations which would lessen the burden on the under staffed Building Department, streamline the approval process for applicants, and maintaining the architectural integrity of the Village.

It is apparent that the receipt, processing and preparation of applications for three separate land use board meetings per month (ARB, Planning and Zoning) is extremely taxing on the Building Department. The Building Inspector's preparation of review summaries and comments for each of the meetings occupies the better part of three full weeks of his time each month. Furthermore, the requirement to obtain approval from three separate review boards, which sometimes draw different conclusions as to the appropriateness of certain elements of the same project, is a structural flaw in the review process which might lead to conflicting requirements being placed on applicants.

Integrating the review process of two of the Boards, while maintaining the same scope of review of each project, will greatly reduce the meeting preparation time in the Building Department. Further, integrating the review process will reduce number of meetings required to process any given land use application; a more streamlined process for the Building Department and all applicants.

The LUTC recommends that the architectural review element of land use applications be merged into the Planning Board's Site Plan review process while keeping an appropriate level of control over the design of projects. Mechanically, the integration of the review processes of the ARB and Planning Boards could be accomplished as follows:

>The membership of the Planning Board could be increased by two (2) members (the Planning Board presently has five (5) members). Under New York State law a Planning Board may consist of up to seven (7) members. The additional members of the Planning Board would be required to have architectural backgrounds.

>An architectural site plan review element would be added to the current Planning Board scope of review, drafted to maintain the current scope of review exercised by the ARB. A draft of suggested language is:

§ 360-5.7 Site development plan.

...

(D)(9)

The historical and architectural value and significance of the building or structure and its relationship to the historic and architectural value of the surrounding area, including: (i) consistency in terms of materials and architectural style with the particular architectural period with which the building or structure is associated, (ii) new construction shall be visually compatible in scale, design, materials, color and texture with buildings of historic value in the surrounding area, and (iii) the general appropriateness of proposed exterior design, colors, arrangement, texture and materials and other factors relating to aesthetic considerations that the Planning Board deems pertinent to the benefit of the Village and the historic or architectural significance of the structure or building and surrounding area.

(Addition of new Site Plan review element)

The LUTC concluded that if the ARB and Planning Board reviews were integrated the Building Department would be relieved from preparing one meeting each month; and applicants would have the benefit of a shorter, but equally thorough review process. Furthermore, the LUTC believes that applicants and the land use boards themselves would greatly benefit from having planning and architectural issues discussed and resolved at a single meeting, thereby eliminating the potential for conflicting conclusions being reached by separate reviewing boards.

Please advise whether the Village Board would like the LUTC to provide draft legislation reflecting the recommendations in this memorandum.

It should be noted that this memorandum should be circulated to the land use boards so as to receive any input as the Village Board deems necessary in considering this recommendation.