

Memo

To: Town of Clarkstown Planning Board

From: Bob Galvin, AICP – Village Planner, Village of Nyack

CC: Rockland County Planning Department, Village of Nyack - Mayor, Board of Trustees, Village Attorney, Building Inspector, Land Use Technical Committee (LUTC), Town Planner, Town of Clarkstown

Date: 3/24/14

Re: Analysis of Potential Impacts of the Village of Nyack Proposed Phase 1 Zoning Changes

Introduction

The Village of Nyack proposes to adopt text changes to the Village of Nyack Zoning Code (Chapter 360) and Zoning Map. These amendments include modifying the residential density in the Downtown Mixed Use (DMU) zone from 30 to 50 units per acre, thereby, aligning the district’s residential density with the DMU’s current Floor Area Ratio (FAR) and increasing the maximum height from 38 to 40 feet. The DMU’s existing 3 story maximum is being maintained together with other area and bulk requirements. The Village is also proposing to amend the Village Zoning Map by establishing a DMU Overlay Zone to provide flexibility in the current requirement for ground floor retail uses in areas outside the commercial downtown core. The Village is also proposing to establish a new minimum size for efficiency/studio units of 450 square feet while maintaining a 600 square foot minimum for one-bedroom units. The Village is also proposing to establish a new sustainability chapter in the Zoning Code. This will provide incentives for incorporating specific “Green Infrastructure” techniques aligned with the Village’s adopted public sustainability policies. The following memorandum will provide the background and rationale for these proposals and analyze the residential development potential and impact.

Background

DMU Proposed Residential Density Change from 30 to 50 Units per Acre

In Nyack, the density requirement of 30 units per acre and the FAR maximum of 2.0 are not aligned with each other and, in fact, are in conflict. With the current density requirement, it is impossible to approach the maximum FAR allowable in the DMU. The proposed change is an effort to correct this inconsistency, align both density and FAR in the DMU zone and promote the goals envisioned in the updated Comprehensive Plan. The recommended density of 50 units per acre would align closely with the 2.0 FAR in the DMU and match the highest density allowed in the Village Code.

Our analysis indicates that there would be approximately 80 incremental units added under the proposed density increase. This represents the difference between 125 units allowable under the current density and the potential 205 units under the proposed density. The bedroom mix based on recent projects and market trends is estimated to be 25% efficiencies, 50% 1 bedroom and 25% 2 bedroom units. The market trend is directed toward rental units. Full build-out is projected over a 5 – 6 year period.

Our analysis indicates a total projected population increase of 135 new residents attributable to the incremental residential units at full build-out. This represents a two percent increase over the Village's 2010 population of 6,765.¹ The Village's population has remained static since 2000, experiencing an increase of 28 people or 0.4 percent during this period.

¹ U.S. Census, 2000 and 2010.

The projected incremental population of 135 represents the difference between the 210 residents estimated for the 125 units allowable under the current density and the 290 residents projected for the 205 units under the proposed density.

The number of public school age children generated by the 125 units currently allowed would be approximately 9 while the potential 205 units would generate 15 public school age children. The difference would be six units attributable to the 80 incremental units.

Trip generation rates for PM peak hour have been calculated for both the 80 incremental units as well as the 125 units currently allowed and the proposed 205 units projected under the density increase. Approximately 50 PM peak hour trips would be generated by the 80 incremental residential units. For the 125 units allowed by the current density, total PM peak hour traffic would result in 77 PM peak hour vehicle trips. The potential 205 units provided in the proposed density increase would generate 127 PM peak hour trips. These projected increases are not considered significant. It should be noted that the Athene Office building (formerly Presidential) is currently generating significantly higher trip generation than a replacement residential development.

In January 2007, the Board of Trustees of the Village of Nyack adopted its updated **Comprehensive Master Plan**. One of the goals of the updated Plan was to encourage residential development in the downtown area. The Plan promoted residential uses in the downtown as a way of adding to the street life and activity, which, in turn, can increase safety and provide greater buying power for retail stores and restaurants. The Plan also promoted infill development in the downtown commercial area.

In 2009, the current Zoning Code was completely revamped and attempted to incorporate many of the Master Plan's recommendations. The Floor Area Ratio for the newly zoned DMU which encompassed the Village's Central Business District was established at 2.0. This is a common FAR, typical for most business districts in Westchester and Rockland Counties. At the same time, the residential density was established at 30 units per acre. It should be noted that there are no communities in the region that use both a density requirement and FAR to control building size and number of units. Many municipalities rely solely on FAR and other area and bulk requirements including maximum height and number of stories, lot area, and parking requirements.

The problem with DMU density has become more apparent over the last two years with approximately a dozen projects with DMU zoning appearing before the Planning Board and requesting variances for some form of density relief. Many of these projects reflect the changing nature of uses from warehousing to residential along streets in and around the downtown area. These are also areas that are being blighted by vacant and/or deteriorating warehousing uses. These projects are primarily on smaller, infill lots. Generally, these proposals are in conformity with the goals of the Village's updated *Comprehensive Master Plan* to encourage residential development in the downtown area. Most of these proposals have been received positively by the Planning Board and ARB. The Zoning Board of Appeals has approved most of these density variance requests. Traditionally, when there are a number of repeated, similar variance requests, it is felt by many planners and code officials that there may well be an underlying problem in the zoning code. Therefore, the Planning Board in December 2012 requested that the Board of Trustees study this downtown density issue. The Board of Trustees formed a land Use Technical Committee composed of present and former land use board members, trustees and staffed by

the Village Planner, Building Inspector and Village Attorney. The proposed zoning changes are a result of this committee's review.

Analysis of Residential Development Potential and Impacts

Over 90 percent of the properties in the DMU's commercial core along North Broadway and Main Street are at or above the maximum allowable number of stories. There is minimal redevelopment potential in this commercial core area. Over the last two years, the ZBA has approved a total of 11 new residential units from six projects in the DMU zone.

Development potential in the DMU is limited to upper Main Street, Burd Street and Jackson Avenue and a portion of South Franklin Street. These are areas that have several vacant, deteriorating buildings. The Athene Office Building (formerly the Presidential Insurance Company) at North Broadway and Main Street is also a potential candidate for an adaptive reuse project. Following is a brief description of the soft sites which have redevelopment potential. We have used a build-out over the next 5 to 6 years based on availability, and discussions with brokers and developers in the community.

Potential Redevelopment Sites in the DMU

Downtown Commercial Core

- 1) ***Athene Office Building*** – Presidential Life Insurance was merged into the Athene Annuity and Life Assurance Company in February, 2014. This property was the headquarters of Presidential. It employs approximately 100 people at the building. The property is 0.77 acre or 33,451 square feet. The 40,000 square foot building is 3 stories fronting on North Broadway and Main Street with a two story annex extending to Lydecker Street. The property has surface parking at the rear for its employees. The company will be remaining at its present location for another two years, after which it will be relocating to new headquarters in Iowa. The property is currently on the market.

This has the potential for an adaptive reuse project with ground floor retail along North Broadway and Main Street. All required parking would be able to be provided on-site. The current density would allow 23 units with the proposed density change allowing 38 units.

- 2) ***150 Burd Street*** - The 8,366 square foot property consists of a one story, blighted warehouse structure. Current density provides for 6 units. The updated density would allow 9 units. The building would be demolished. The proposed units would be built on ½ of the property with the other half set aside for the required parking. Extensive streetscape would be provided.
- 3) ***Burd Street/Jackson Avenue*** - The property is a 34,850 square foot lot with a vacant, one story warehouse covering the entire property. It is probable that the existing building will be demolished. Current density allows for 24 units

with 40 units allowed by the updated density proposed. The property has access from both Burd Street and Jackson Avenue. The property also has two additional parcels across Jackson Avenue which would be used for parking. This together with on-site parking on the property would be able to meet the parking requirements.

- 4) **12 South Franklin Avenue** – This property is on the west side of South Franklin around the corner from Burd Street. The property is 0.17 acre and consists of a 5,200 square foot plumbing supply building with 1 ½ stories. The current density allows for 5 units. The updated density proposal would allow an additional 3 units for a total of 8 units. The property has access to 26 parking spaces which would not require additional parking.

- 5) **48 South Franklin Avenue** - This is a small parcel consisting of 3,050 square feet or 0.07 acre. It is a two story, vacant, dilapidated building with an elevator. Current density allows for 2 units which could be increased to 3 units under the proposed density. The applicant would need to acquire parking permits from the Village of Nyack for the Village lot (Artopee). There are available spaces at this 200 space lot which is within 300 feet of the property.

Upper Main Street

- 6) **Main Street and North Midland Avenue** - This vacant 0.82 acre or 35,720 square foot property is at the northwest corner of the intersection. It has been vacant for almost ten years and has been foreclosed. The new owners are now marketing the property. The condition of the property has been a blighting influence on adjacent lots along upper Main Street. The current

density allows 25 units which can be increased to 41 units with the new density proposal. The proposed development would be able to provide all required parking on-site.

- 7) ***Fabric Store/263 Main Street*** – This one story building is occupied by a Fabric store. The 21,780 square foot property extends between Main Street and Depew Avenue. The current density allows for 15 units which could be increased to 25 units under the new density proposal. The lot has sufficient property to provide for all required parking.

- 8) ***Gateway Center @ Main Street*** – This 0.57 acre or 24, 830 square foot property is adjacent to the Fabric Store. The one-story building is occupied by several stores. The property also extends between Main Street and Depew Avenue. The current density provides for 17 units. This can be increased to 28 units under the new density proposal. The property has the ability to provide all of its parking requirements on-site.

- 9) ***Main Street/Rte. 9W*** – This is a 0.27 acre or 11,760 square foot property at the southeast corner of the intersection. This property is located at a heavily trafficked intersection. The property is adjacent to the above two described parcels. This lot is more appropriate for multi-family housing than retail use such as a CVS which would result in significantly higher trip generation. The current density allows 8 units with the proposed density increasing the potential to 13 units. The property can satisfy its required parking on-site.

Table 1 below summarizes the number of incremental residential units yielded by the proposed density increase. Full build-out of these units is projected to be over the next five to six years.

Table 1: Summary of Incremental Residential Units Yielded by Proposed Density Increase

Project	Existing Density Yield # of Units	Proposed Density Yield # of Units	Incremental # of Units
<i>Athene Office Bdlg.</i>	23	38	15
<i>150 Burd Street</i>	6	9	3
<i>Burd Street/Jackson Avenue</i>	24	40	16
<i>12 South Franklin Avenue</i>	5	8	3
<i>48 South Franklin Avenue</i>	2	3	1
<i>Main Street/North Midland Avenue</i>	25	41	16
<i>Fabric Store/263 Main Street</i>	15	25	10
<i>Gateway Center @ Main Street</i>	17	28	11
<i>Main Street/Rte. 9W</i>	8	13	5
Total	125	205	80

Based on the bedroom mix in projects in the last three years, primarily in the Village’s DMU zone, any new residential developments created will consist of the following projected allocation of efficiency, one bedroom and two bedroom units.

<u>Unit Type</u>	<u>Total Potential Incremental Units</u>	
	<u>%</u>	<u>Number</u>
Efficiency	25%	20
1 Bedroom	50%	40
2 Bedroom	25%	20
Total	100%	80

Estimated Population

Table 2 shows the projected number of potential residential units by unit size (bedrooms) for the 80 incremental units projected under the proposed density increase. Utilizing population multipliers² by unit type, projected population increases attributable to the incremental units are calculated. These indicate a total projected population increase of 135 new residents attributable to the incremental units or a two percent increase over the Village's 2010 population of 6,765.³ The projected incremental population of 135 represents the difference between the 210 residents estimated for the 125 units allowable under the current density and the 290 residents projected for the 205 units under the proposed density. The Village's population has remained static since 2000, experiencing an increase of 28 people or 0.4 percent during this period.

Table 2: Potential Incremental Residential Units and Potential Population Increase

Unit Type	Efficiency	1 Bedroom	2 Bedroom	Total
Potential # of Units	20	40	20	80
Population Multiplier	x 1.1	x 1.67	x 2.31	
Total Population	22	67	46	135

Potential Public School Age Children

The Nyack Union Free School District's proposed budget for 2014-2015 is \$77,046,000 which represents a 2.3 percent increase from 2013 – 2014. Total enrollment is projected to be 3,063 which is an increase of 52 students or 1.7

² Rutgers University for Urban Policy Research. *Residential Demographic Multipliers: Estimates of the Occupants of New Housing*, June 2006.

³ U.S. Census, 2000 and 2010.

percent from the previous year’s enrollment of 3,011 students. Most of this growth, 42 students, is at the elementary level. Elementary school enrollment is projected to be 1,343 students for the upcoming year, an approximately 3 percent increase from last year’s 1,301 students. Enrollment at the middle school and high school levels is relatively static. ⁴

Table 3 shows that the 80 incremental units resulting from the proposed density increase would result in approximately six public school age children. This represents the difference between the 125 units allowable under the current density and the potential 205 units under the proposed density. The number of public school age children generated by the 125 units would be approximately 9 while the potential 205 units would generate 15 public school age children. The difference would be six units attributable to the 80 incremental units.

Table 3: Potential Public School Age Children (PSAC) in Potential Incremental Units Yielded by Proposed Density Increase

Unit Type	Total Unit Yield	Efficiency	1 Bedroom	2 Bedroom
Potential # of Units	80	20	40	20
PSAC Multiplier		0	x 0.07	x 0.16
Total PSAC	6	0	3	3

Note: Multipliers based on New York Table 3-2, all 5+ units for rent by type of unit (bedroom size) with a monthly rent of \$1,000 +⁵.

⁴ Superintendent James Montesano. *Nyack Union Free School District, Presentation on Proposed Budget: 2014 – 2015*. March 18, 2014.

⁵ Rutgers University for Urban Policy Research. *Residential Demographic Multipliers: New York Table 3-2 All Public School Children: School Age Children in Public School (PSAC)*, June 2006.

Trip Generation

Table 4 shows the trip generation for the 80 incremental units potentially resulting from the proposed increase in residential density in the DMU. This is based on the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition) methodology.⁶ The potential incremental residential units would generate higher volumes during the PM peak hour than the AM peak hour. Therefore, our analysis examined the PM peak hour only.

Table 4: Trip Generation Calculations

Project	Incremental # of Units	Weekday PM Peak Hour Traffic	Weekday PM Peak Hour In	Weekday PM Peak Hour Out
<i>Athene Office Bldg.</i>	15	9	6	3
<i>150 Burd Street</i>	3	2	1	1
<i>Burd Street/Jackson Avenue</i>	16	10	6	4
<i>12 South Franklin Avenue</i>	3	2	1	1
<i>48 South Franklin Avenue</i>	1	1	1	0
<i>Main Street/North Midland Avenue</i>	16	10	6	4
<i>Fabric Store/263 Main Street</i>	10	6	4	2
<i>Gateway Center @ Main Street</i>	11	7	4	3
<i>Main Street/Rte. 9W</i>	5	3	2	1
<i>Total</i>	80	50	31	19

⁶ Institute of Traffic Engineering. *Trip Generation Handbook (9th Edition)*. 2012.

As shown, the incremental residential development of the identified soft sites in the DMU would generate approximately 50 additional PM peak hour trips. For the 125 units allowed by the current density, total PM peak hour traffic would result in 77 PM peak hour vehicle trips. The potential 205 units provided in the proposed density increase would generate 127 PM peak hour trips, a difference of 50 additional PM peak hour trips. These projected increases are not considered significant. It should also be noted that the Athene Office Building is currently generating significantly higher trip generation than the replacement residential development.

NYS DOT traffic count information is provided below for locations in and around the DMU zone. These counts are 2011 AADT volumes:

- Main Street @Franklin Street – 11,736
- Route 59 @Polimenous Street – 21,884
- Route 9W @Sickles Avenue – 9,274
- Route 9W @Upper Depew Avenue – 5,940
- North Broadway, north of Main Street – 4,147
- South Broadway, south of Cedar Hill Road

Parking

The soft sites identified in the analysis have the ability to provide their required parking on-site. For smaller, infill developments, there are a variety of existing provisions in the Village Code that provide alternatives to required on-site parking. The Village Code's provisions recognize that the character of the DMU (especially in the downtown commercial core) allows for lower parking requirements in some cases. These include allowing required accessory parking spaces to be located within 1,200 feet of the principal lot in the DMU District or 300 feet in all other districts.

The ongoing availability of such spaces shall be guaranteed by deed restriction or legal contract to the satisfaction of the Planning Board (360-4.5 (E)).

Many smaller infill developments with residential units have taken advantage of providing parking either through the Village or private lots. Additionally, the Village, similar to many communities, has a payment fee in lieu of parking (360-4.5 (L)).

The Village of Nyack has four public parking lots in which monthly permits are provided. In the DMU, these include the main Village Lot (Artopee) with 200 + spaces (46 spaces are currently permitted with the remainder metered) and the Catherine Street Lot, accessible from Main Street with 55 spaces including 43 permitted spaces. Additionally, there are over ½ dozen private parking lots with approximately 100 spaces, available for long term rental. The Village's smaller infill residential developments have taken advantage of providing parking either through the Village or privately. As a recent example, a bar in the Village requested the elimination of 2 residential units on the second floor to be replaced by event space, an extension of the bar and outdoor rooftop dining. The Planning Board indicated that this was not in conformity with the *Comprehensive Master Plan* as well as having public safety issues. The bar owner reversed course and has now received permission to rehab and modernize the second floor apartments and add a partial third floor with two additional modern units. The parking for these units approved by the ZBA is being provided in a private parking lot around the corner.

Minimum Dwelling Unit Size

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.

The proposed changes in the Village's minimum dwelling unit size maintained 600 square feet for one bedroom units while using 450 square feet as the minimum for

efficiency or studio units. Projects in the Nyack DMU within the last three years reflect only 25 percent of total units as efficiencies. There is a greater market demand for one bedroom units with more 2 bedrooms on larger projects in the Upper Main Street area.

This recommendation was based on a review of the goals in the Village's Comprehensive Master Plan, a comparative review of minimum dwelling unit sizes in similar communities, demographic and marketplace trends and specific projects proposed within the last three years in Nyack.

The Village's *Comprehensive Master Plan* encourages residential development in Nyack's downtown, promotes infill development downtown and provides a range of housing choices. Housing trends in the region have been toward smaller apartment sizes in downtown locations. These trends reflect a declining birth rate, smaller household sizes and the attraction of downtown locations for singles and young professionals. Smaller unit sizes are also useful for providing less expensive units and typically generate less need for parking.

We reviewed what other suburban communities were doing in regard to minimum dwelling unit sizes. These were suburban communities with similar downtown Floor Area Ratios to Nyack (2.0). Several of the communities on Long Island, such as Great Neck Village, Freeport, and Patchogue have revised their zoning to encourage mixed use development. In the process, they have lowered their minimum apartment sizes below 600 square feet. Almost all of the municipalities in Westchester County with minimum apartment unit sizes use 450 square feet for an efficiency or studio (i.e. Villages of Mamaroneck, Bronxville, Tuckahoe, Scarsdale, etc.). Generally, the 600 square foot minimum size is used for one bedroom units. The minimum size of 450 square feet is derived from HUD's guidelines for studio or efficiency units. Similarly,

Westchester County's *Model Ordinances for Fair and Affordable Housing* uses the 450 square foot minimum size. This model ordinance was developed as part of the County's housing settlement with HUD three years ago.

New Sustainability Chapter

The new sustainability chapter is based on the Village of Nyack's Green Village and Clean Hudson Green Infrastructure Report completed and presented to the Board of Trustees in June, 2013. The recommendations in this report represent a 10 month educational and consensus-building process developed around a series of roundtables. The process involved local stakeholders including citizens, land use board members, the Village Planning and Building Departments and elected officials. The Board of Trustees formally adopted this report and its recommendations as guidelines for the development of public policies for the Village's continued sustainability efforts.

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.

