

From: Dennehey, John (HRVG) [John.Dennehey@hudsongreenway.state.ny.us]
Sent: Friday, August 15, 2008 5:39 PM
To: Robin Brown
Cc: Steve Knowlton
Subject: RE: Nyack code
Robin:

Just a few thoughts based on what I've seen in other zoning (both in New York and in other states), and what I've seen at zoning and planning board meetings from the perspective of developers and land-owners (and how they interpret different elements of zoning). Overall I thought the zoning was very good so I've just included a few things that came to mind as I was reading...

Some general comments:

- Definition of terms should typically be located before zoning descriptions so everyone understands what the terms mean ahead of time.
- Permitted Uses, Accessory Uses, and Special Uses can be shown in a table (as you have done) but should also be included as a list at the end of each zone description. For example, at the end of the section on "Single Family Residential" you should list out
□ Permitted Uses: single family detached dwelling, waterfront facilities, governmental use, school; Special Uses: group home, bed and breakfast, cemetery, clubhouse, day care, utility structure; Accessory Uses: ... (etc etc)". That way a developer can turn right to the zone section and see right away what they can or cannot place in that zone.

Section Specific Comments:

- § 59-2.3. E3: you mention "detached garages are preferable to attached garages." I'm just curious as to why that is the case
- § 59-2.4. A3: I would recommend changing the end of that sentence to say "encourage pedestrian access and pedestrian traffic."
- Table 3.1 - you do not permit attached single family houses. Does this include row houses and townhouses?
- Table 3.1 - you make two references to "conversions of dwellings." I would recommend leaving that out since the conversion itself isn't the use (the use would be the single or two family dwelling). It may read to property owners and developers that you are prohibiting adaptive reuse of certain properties.
- Table 3.1 - Adult uses are identified as Special Permit Uses in Commercial Corridors. I would recommend prohibiting them in Commercial Corridors. Often these corridors are gateways to the community and an adult use may give a bad first-impression to a visitor. Furthermore, you identify viewsheds that overlap Commercial Corridors which would be negatively impacted by such uses. Since you already identify a location within the community for these uses (manufacturing zone) that should be sufficient to stand up to any challenge.
- Table 3.1 - you prohibit hospitals, clinics, and related health care facilities from the community. I'm wondering why these are not permitted uses (or at least special uses).
- Table 3.1 □ Telecommunication facilities (collocated) are identified as permitted uses along the waterfront district. I would recommend changing that to a special use so you can better regulate and monitor the installation/construction of such facilities along the Hudson River.
- Table 3.1 - parking is identified as accessory and special use in the waterfront zone. I would just caution that there may be considerations with respect to stormwater runoff from the paved surfaces into the Hudson River.
- § 59-3.2. B4: are the recreational facilities for public or private use?

- § 59-4.4. C: you may want to consider a tree-replacement provision based on the caliper of any trees that are to be removed on site. For example, requiring that for every X-sized tree that is removed, Y-number of trees of Z-size must be planted on site. This way it will help mitigate any adverse impacts.
- § 59-4.5: you may want to identify handicap parking somewhere in this section. This would include identification of the number of spaces for the types of uses (similar to regular parking) and the width required for these spaces (which is typically larger).
- § 59-4.12: somewhere in here you may want to encourage some type of conservation subdivision clustering. In other words, suggest that development on the site is clustered to allow for a portion of the site to be open space (which will benefit quality of life and make the properties more attractive to buyers since they will have recreational amenities right outside their door).
- § 59-5.12. B: You may want to clarify the process for designation. It is my understanding that the application for designation of properties in New York State must at least have the approval of the property owner. The way this section is worded right now, it appears that anyone at all can come in and submit an application without the consent (or even knowledge) of the property owner.

Hope this all makes sense but please feel free to give me a shout by email or by phone.
Thanks and have a great weekend!!

- John

John Dennehey

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Hudson River Valley Greenway

From: Dennehey, John (HRVG) [John.Dennehey@hudsongreenway.state.ny.us]
Sent: Wednesday, September 10, 2008 11:20 AM
To: Erin Tobin
Cc: Julian.Adams@oprhp.state.ny.us; trbrown@optonline.net
Subject: RE: Nyack Local Preservation Ordinance
Erin:

Yes I agree completely.

My understanding from the wording of their zoning was that they were referring to State / National designation rather than Local designation of properties.

If it is Local then I agree that it's quite a different situation and that should be clarified in the zoning code.

Thanks
- John

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From: Erin Tobin [mailto:ETobin@preservenys.org]
Sent: Wednesday, September 10, 2008 11:04 AM
To: Dennehey, John (HRVG)
Cc: Julian.Adams@oprhp.state.ny.us; trbrown@optonline.net
Subject: Nyack Local Preservation Ordinance

Hello John,

I hope this message finds you well.

I received a call from Robin Brown, the secretary of the Nyack zoning code revision committee this morning. She indicated having received an email or message from you stating that local governments need owner approval prior to designating a historic property. While this is true for State or National Register listing, it is actually quite the opposite for local designation. Communities who wish to pursue Certified Local Government status (opening up some sources of federal funding) must NOT require owner approval for local designation. In preservation, regulation occurs primarily at this local level.

I clarified this for her over the phone, but she indicated that it would be most helpful for her to receive something official in writing with this clarification. I thought it might be best coming from you, but will also reach out to Julian Adams, Certified Local Government Coordinator with OPRHP. Often these things are misunderstood by local committees!

Thank you and please do not hesitate to contact me with any questions. Robin told me the committee is meeting tonight, so any help you could provide today would be most appreciated. Her email address is trbrown@optonline.net and her phone number is 845-358-5229.

Thanks again,
Erin

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