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### **III. PROPOSED MITIGATION PLAN**

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#### **A. RESIDENTIAL ONLY ON PENINSULA**

##### **1. Site Plan**

Although not described in the DEIS, another alternative has been provided here and shown on the Mitigation Plan. This alternative analyzes the development of the ten (10) residential units on the Peninsula, and no development on the Strip. It may be used as open space for residents. The Peninsula portion of the Property is proposed to be developed with ten (10) residential dwelling units. Seven (7) dwelling units are approximately two thousand three hundred twenty (2,320) s.f. gross of floor area while three (3) dwelling units are approximately two thousand one hundred (2,100) s.f. gross of floor area. Each of the ten (10) dwelling units will have a two (2) car attached garage, two (2) parking spaces in the driveway. Five (5) additional spaces will be provided.

The character of the neighborhood surrounding the Property is school, residential, retail and office buildings. Such developments exist to the east, north and west of the Property. The Applicant's mitigation alternative proposal will result in the residential development that is similar to the development which currently exists around the Property.

Sections 250-31 and 250-32 of the Ordinance set forth the bulk area and dimensional requirements of the CI Zoning District. These requirements and the applicant's satisfaction of same are listed below:

**TABLE 10**  
**BULK AREA AND DIMENSIONAL REQUIREMENTS**  
**(CI District)**

<b>Parameter</b>	<b>Required</b>	<b>Proposed Mitigation Plan</b>
Minimum Lot Size	13,000 sq. ft.	175,945 sq.ft.
Maximum Floor Area Ratio	1.0 (Max Permitted)	0.13
Minimum Circle Diameter	90 feet	>90 feet
Minimum Frontage	225 feet	±309 feet
Minimum Front Yard	30 feet	35 feet
Minimum Side Yard *	0 feet	15 feet
Minimum Rear Yard	30 feet	120 feet
Units #1-10 Height	2 story	3 stories (35 feet)**

\* No side yard required but if provided, shall be at least four (4') feet except where the lot adjoins any R District line, when a side yard of six (6') feet shall be required.

\*\*Thirty (30') feet, except for fireproof or semi-fireproof construction where three (3) stories or forty (40') feet shall be permitted as permitted in the Building Code of the Village of Rye Brook.

**Table 11**  
**PARKING REQUIREMENTS**  
**10 Units**

<b>Use</b>	<b>Required</b>	<b>Proposed</b>
Occupant Stalls (2 spaces/unit)	20	40
Visitor Stalls (1 space /unit)	10	5
<b>TOTAL</b>	<b>30 Spaces</b>	<b>45 Spaces***</b>

\*\*\* Parking consists of two (2) garage spaces, two (2) driveway spaces, and five (5) additional spaces.

Access to the Property is to be provided via one (1) driveway off of Bowman Avenue, a County road. The proposed access driveway will provide a single ingress and a single egress lane each. The traffic from the Property at the intersection of the access driveway with Bowman Avenue will be controlled with a stop sign. There is no access to the

Property through the residential neighborhood. The Property is suitable for residential development based on the following considerations:

- a. The size of the lot area is 1.09 acres which is substantial enough to provide for the development of ten (10) residential dwelling units and associated site improvements;
- b. Municipal sanitary sewer and water are both adequate and available, as well as gas and electric service;
- c. The Property has approximately 300 feet of frontage on Bowman Avenue. Bowman Avenue is a County road which can adequately accommodate traffic from the proposed development. Intersection sight distance to the west of the proposed site driveway is approximately 580 feet. Intersection sight distance to the east of the propose site driveway is in excess of 600 feet;
- d. The Bee-line bus system provides Route 13 bus service at the intersection of Westchester Avenue and South Ridge Street which is approximately a block away from our site and provides service between Ossining and the Port Chester Train Station. Public transportation is also available at the Port Chester train station located at 2 Broad Street between 186 Westchester Avenue and Irving Avenue;
- e. A shopping center and other retail establishments are approximate to the Property;
- f. Office buildings are located directly adjacent to and across from the property;

## **2. Land Use Mitigation**

None are required. The Property is currently zoned for the proposed use. The development is compatible with all surrounding land uses and complies with all bulk area and dimensional requirements of the C1 District.

## **3. Planning and Zoning Issues**

The property is located entirely within a C1 District (Neighborhood Retail District). The present zoning for the surrounding area (within ¼ mile) is as follows:

R2-F (Two-Family Residential District)

OB-2 (Office Building District)

C1-P (Planned Neighborhood Retail District)

OB-S (Office Building and Business District)

R-10 (One-Family Residential District)

The following zoning classifications and uses are adjacent to the property boundaries:

The properties located across Bowman Avenue to the immediate northeast of the Property are zoned OB-2 and are presently developed with a seventy thousand (70,000) square foot office building and parking lots with approximately four thousand one hundred sixty ( $\pm 4,160$ ) square foot office building and parking lot;

The property located to the immediate east of the Property consists of approximately twelve (12) acres is zoned C1-P, and is developed with a  $\pm$  seventy thousand ( $\pm 70,000$ ) square foot office building and a parking lot and with the Rye Ridge Shopping Center and parking lots;

The property located to the immediate south of the Property is zoned residential. The land is located under water and comprises the remainder of the Lower Blind Brook Pond.

Immediately south of and adjacent to Blind Brook is Interstate 287;

The property located to the immediate west of the Property is zoned OB-2 and has not been developed. This parcel is not accessible by vehicles due to its location on a curve and a thirty (30') foot wide brook which divides the parcel. This property is owned by the City of Rye, is used as open space and no public access is permitted. The City property consists of approximately 25.1 acres and is located partially in the Village of Rye Brook (13.8 acres) and partially in the Town of Harrison (11.3 acres).

The property located across Bowman Avenue to the immediate northwest of the Property consists of eighteen (18) acres, is zoned OB-2 and is developed with two (2) office buildings and structured parking lots totaling over 1,000,000 square feet;

The property located across Bowman Avenue to the immediate north of the Property is zoned OB-2 and is presently utilized by the Village of Port Chester Board of Education for a middle school. A lighted baseball field, soccer fields and school bus depot are situated directly across the street from the Property. A review of the zoning classification for the Port Chester Middle School property and other "institutional" properties in the Village of Rye Brook clearly demonstrates that the residential zones as employed in these instances; are merely a holding classification. Such properties are zoned residential under these circumstance simply because the use of such property does not fit specific zone classifications and in order to allow for the broadest classification with the intention of future rezoning in relation to any specific use which may be desired. All schools in the Blind Brook school district and all houses of worship are located in residential zones.

The closest residential dwelling on the Mitigation Plan is located approximately 837 feet from the southeast corner of the Property.

A residential subdivision located in Harrison, New York is located within 1/4 mile of the Property, but is located on the other side of the Cross Westchester Expressway (Interstate 287).

On May 10, 1994, the Village of Rye Brook Board of Trustees approved a rezoning of the Property from R-10 to C1 (Neighborhood Retail District). The Mitigation Plan proposes ten (10) residential units on the peninsula and no development on the strip which may be used as open space for residents.

#### **4. Planning and Zoning Mitigation**

No mitigation measures are required for the Property to be used for this alternative mitigation development. The Property is in the C1 Neighborhood Retail District and the proposed use is "As-of-Right".

The alternative mitigation development is anticipated to be consistent with the application in regard to geology and soils, surface and groundwater resources, wetlands, vegetation, wildlife, visual resources, hazardous material issues, and construction impacts.