

IV. ENVIRONMENTAL ANALYSES

A. LAND USE AND ZONING

1. Existing Conditions

Land Use

a. Existing Land Uses Of The Cross County Shopping Center And Within One-Quarter Mile Of The Site Boundaries and Generally Within One-Half Mile of the Site Boundaries.

The existing Cross County Shopping Center consists primarily of retail uses, with some office, restaurant, banking, entertainment (movie theater), and auto service station uses. These uses are identified by building in Table IV.A-1 and IV.A-2, below and Figure I.A-4 illustrates the location of the existing buildings.

Table IV.A-1
Existing Buildings Table

Building No.	Building Description	Footprint (S.F.) Measured at Ground Level	Gross Floor Area Excluding Basement (S.F.)	Basement Area (S.F.)	Gross Floor Area Including Basement (S.F.)
1	One Story Retail	34,443±	34,443±	34,443±	68,886±
2	One Story Retail	35,242±	35,242±	35,242±	70,484±
3	One Story Retail	18,082±	18,082±	18,082±	36,164±
4	One Story Retail (Old Navy)	19,805±	19,805±	19,805±	39,610±
5	One Story Retail	29,230±	29,230±	29,230±	58,460±
5A	One Story Retail (Verizon)	18,296±	18,296±	18,296±	36,592±
6	One Story Retail & Multi-Story Office	42,707±	105,247±	0	105,247±
7	One Story (Chase Bank) with Walkout Basement	2,885±	2,885±	315±	3,200±
8	One and Two Story Retail	43,762±	81,367±	43,762±	125,129±

Table IV.A-1 (Continued)
Existing Buildings Table

Building No.	Building Description	Footprint (S.F.) Measured at Ground Level	Gross Floor Area Excluding Basement (S.F.)	Basement Area (S.F.)	Gross Floor Area Including Basement (S.F.)
9	Three Story Retail (Macy's)	67,659±	250,197±	47,220±	297,417±
10	One Story Retail	23,275±	23,275±	23,275±	46,550±
11	One and Three Story Retail (Sears)	91,660±	273,206	0	273,206±
12	One Story Movie Theater	45,028±	45,028±/2,500 Seats	0	45,028±
13	1 Sty Restaurant (Sizzler) w/Walkout Basement	10,552±	10,552±	5,023±	15,575±
14	One Sty Car Wash & Car Service Center	8,456±	8,456±	0	8,456±
15	One and Two Story Grocery Retail (Stop & Shop)	63,752±	75,519±	0	75,519±
16	One Story Retail with Walkout Basement	1,025±	1,025±	0	1,025±
17	One Story Retail	170±	170±	0	170±
18	Two Story Elevator Building	95±	190±	0	190±
19	One Story Retail	335±	335±	0	335±
20	One Story Retail	507±	507±	0	507±
21	One Story Restaurant	371±	371±	0	371±
22	One Story Guard Shack	32±	32±	0	32±
23	One Story Retail	150±	150±	0	150±
24	One Story Restaurant	1,516±	1,516±	0	1,516±
25	One Story Trailer Cab Stand	244±	244±	0	244±
26	One Story Office	244±	244±	0	244±
27	One Story Office	259±	259±	0	259±
28	One Story Maintenance Building	2,995±	2,995±	0	2,995±
TOTAL		562,777±	1,038,868±	274,693±	1,313,561±

Table IV.A-2
Existing In-Line Uses

Aeropostale	Final Touch Jewelry	Pizza Mania
Aldo	Fleet Bank	Radio Shack (2 locations)
Applebees	Florsheim Stratford Shoes	Right On Casuals
Baker's Shoes	Foot Action	Sam Goody
Bath & Body Works	Footlocker	Shapiro Optical
Blimpie's	Gatsby	Shoe Palace
Blockbuster	H&R Block (Tax)	Sneaker Mania (2 locations)
Boston Market	Haagen Daz	Software Etc.
Burger King	Infinity Jewelers	Sports Stop
CC Realty	Kay Bee Toy	Sterling Optical
Cebon Cosmetics	Kid-O-Robics	Steven's Art
Charade Clothes	Lane Byrant	Structure
Children Place	Lechers Housewares	Suncoast Motion Picture
Children's Store		Suzette Hosiery and Lingerie
China City	Liberty Travel	Tano Photo Studios
Claire's	Life Uniform	The Gap
Classic Ride Taxi Service	Limited Too	The Phone Store
Confit Shoes	Modern Edge	Victoria's Secret
Corbo Jewelers	Mrs. Fields	Wachovia Bank
Cross County Tuxedos	MVP Fashions	Waldenbooks
CVS	Nails & More	WCC-SUNY Westchester
DCAP Auto Insurance	Nails City Plus	Weight Watchers
Disney	New Woman	Wet Seal
Easy Spirit	New York + Co.	Wild Pair
Electro Service	Nine West	Wilson Leather
Epic Design	Pay/Half Stores	Zaros
Express	Photo Express	Zaros Bake Shop

The existing center is anchored by a three story Macy's (Building 9) consisting of ±297,417 square feet on the northwesterly portion of the site, and a Sears ±273,206 square foot (Building 11) situated on the northeasterly portion of the site. At the southeasterly portion of the site is a new Stop & Shop supermarket (Building 15), and further to the south is a Showcase Cinemas. As depicted on Figure I.A-4, there is a number of retail infill buildings, as well as an existing Fleet Bank, Chase Bank and an eight story office building. An existing Sizzler restaurant pad building is situated adjacent to Driveway "C" at the northeasterly portion of the property.

As indicated on Figure I.A-3 and Figure IV.A-1, a variety of land uses exist within

a quarter mile of the site. To the northeast across Kimball Avenue are high density apartment houses as well as two-family homes further south along Kimball Avenue.

To the southeast of the property are single family detached homes, and adjacent to the southwest of the property is the existing Mall at Cross County. Behind the Mall at Cross County are two –family dwellings.

The site is bounded on the west by the New York State Thruway, across which is a BR-Restricted Business, Residences Excluded zoning district (Figure IV.A-5), containing a number of smaller retail uses along and behind Central Avenue. To the north of the site is the Cross County Parkway, across which are low-density apartment houses.

A generally similar pattern of land uses exist within one-half mile of the site boundaries, including low-density apartment houses, two-family dwellings, single family homes, and BR-Zoning Districts containing primarily small neighborhood retail uses.

b. Local And Regional Land Use Plans For The Project Area, And Consistency Of The Proposed Use

"Patterns for Westchester" by Westchester County, 1996, provides a broad framework for the County Planning Board to guide their decisions concerning the County's future physical development. The three major concerns detailed in "Patterns" are density of development, relationship to surrounding development and visual impact. "Patterns" states that the crucial strategy for conserving the environment and nurturing the County's economy is to strengthen existing centers and corridors of development.

The Patterns Map contained within the "Patterns" document is a graphic statement about the direction development should take in Westchester. It offers parameters

for County and Municipal planning decisions by providing a unified picture of the density that surrounds existing centers, the extent of developed corridors and transportation arteries, and the defined elements of open space. With reference to the subject site, the existing Cross County Shopping Center is depicted as a Major Center, within a HDU "High Density Urban" land category.

With regard to the City of Yonkers, the City has been taking a proactive stance in promoting new retail, commercial, and business development and redevelopment within the City of Yonkers.

In addition, "Connections: The Yonkers Comprehensive Plan," adopted by the City September 19, 2000, provides goals and implementation strategies for the City's future. The "Plan" focuses on "preservation, re-use and redevelopment opportunities" given the limited available land and new development opportunities currently existing in the City. As the title indicates, the overall theme of the Comprehensive Plan is creating strong "connections" that strengthen and enhance the City's assets, as well as providing guidelines and strategies for the City's future as the gateway into the Hudson Valley region.

The redevelopment of Cross County Shopping Center will incorporate several of the "Connections" proposed in Section 3 of the "Comprehensive Plan" and will enhance one of the City's identifiable assets. Cross County Shopping Center is a re-development of a currently developed site with access road and utilities presently serving the site, and conforms to the "Comprehensive Plan" Section 3 goal of a focus "on preservation, re-use and redevelopment opportunities". In addition, the proposed redevelopment conforms with the Plan's goal to "capitalize on the strength of Yonkers as the Hudson Valley's regional retail center and seek opportunities for growth", and to "strengthen and enhance local and regional shopping areas".

Economic Development – Yonkers has a strong retail sector and is one of the major retail anchors in both the Hudson Valley and the State. The "Plan" identifies

several goals to continue to strengthen the City's retail sector:

- 1) **Promote retail diversity and opportunities for retail growth.** The re-developed Cross County Shopping Center will provide a variety of enhanced shopping opportunities, including small stores mixed with restaurants, a cinema, and department stores. A pedestrian-oriented center with larger format retail forming the edges of the site will provide an opportunity for patrons to fulfill many retail needs at Cross County.
- 2) **Improve overall quality of shopping areas** - The re-vamped shopping center will provide upgrades and enhancements to position the existing Shopping Center for today's competitive retail marketplace.

c. **Other Major Projects Planned Within One-Quarter Mile Of The Project Site, Based On Existing Approved Or Active Applications To The City, As Well As The Yonkers Raceway Video Lotto And Ridge Hill Developments**

1) **Yonkers Raceway Video Lottery**

Pursuant to Legislative directive, the New York State Division of Lottery (the Division) has been directed by the State Legislature to install Video Lottery Terminals (VLT's) at various racetracks in the State, including Yonkers Raceway. Yonkers Raceway is approximately 1 mile to the southwest of the Cross County Shopping Center site. Yonkers Racing Corp. (YRC), as owner of Yonkers Raceway, is seeking to be licensed by the Division as an authorized agent for the VLTs at Yonkers Raceway. The New York State Office of General Services (OGS) is the applicant sponsor (agent) on behalf of the Division.

The project consists of the phased installation of up to 7,500 VLTs at Yonkers Raceway, in conjunction with the phased renovation of the existing clubhouse, construction of a building expansion to house a portion of the VLTs, and

several associated on-site infrastructure improvements. The initial phase of VLT installations (Phase I) is anticipated to be operational approximately 11 months after construction begins. In accordance with the authorizing VLT legislation, revenue from the VLTs will be used to provide aid for public education in the State.

Ongoing facility activities will consist of live harness racing and wagering, pari-mutuel wagering, racing simulcast viewing and video lottery gaming operations, all supported by various on-site dining establishments and related public amenities. The VLT's hours of operation will be from 10:00 a.m. to 2:00 a.m., seven days per week. Within these hours of operation, live harness racing will continue to be held a minimum of four days per week (Monday, Tuesday, Friday, and Saturday).

Average daily attendance for the Phase I activities is projected to be approximately 29,500 patrons throughout the course of a 16-hour day.

Average daily attendance for the Phase II activities is projected to be approximately 39,000 patrons throughout the course of a 16-hour day.

2) **Ridge Hill**

The proposed Ridge Hill development is located at 1 Ridge Hill Boulevard in the City of Yonkers, approximate 4.5 miles north of Cross County Shopping Center, along the NYS Thruway.

The 81.4-acre property is currently improved with a single office building of 240,000 square feet, approximately 15 smaller, unoccupied buildings aggregating 100,000 square feet, and 90 at-grade parking spaces. A proposed zoning amendment is to create a "PMD" (Planned Mixed-Use Development) district which includes a Comprehensive Development Plan ("CDP") to be adopted by the City Council together with the proposed zoning text. The CDP

would govern the configuration of streets, buildings and parking in the site plan approval process with the City of Yonkers Planning Board.

The proposed "Ridge Hill Village" anticipates the development of a mixed-use "enhanced lifestyle center", an outdoor retail, entertainment, dining and residential environment with a wide range of uses oriented around and along a "lively, pedestrian-friendly" streetscape. The proposed development will permit commercial, multi-family residential and hotel/conference center uses along with accessory parking broken down as follows:

- 1.3 million square feet of retail, restaurant, cinema and entertainment uses;
- 800 rental apartments, of which 10% will be income-regulated in accordance with the City of Yonkers Affordable Housing Ordinance;
- 150,000 square feet of office and research facilities in the existing office building;
- 350-room hotel and 40,000 square foot conference center; and
- 7,000 parking spaces in parking structures, at-grade parking lots and on-street parking.

The City has indicated that there are no significant existing approved or active applications within one-half mile of the project site.

Zoning

a. Existing Mapped Zone; Applicable Regulations Of The Current Zoning Ordinance And Reason For Their Application; Describe Zoning of Adjacent Properties

- 1) The site lies within the City of Yonkers, New York and is subject to the requirements defined in the Code of the City of Yonkers, New York, Chapter 43, Zoning Ordinance. This ordinance is also known as the "Zoning Ordinance of the City of Yonkers, New York of 2000". The site is situated within the BR

"Restricted Business, Residences Excluded" District (Figure IV.A-2).

The zoning to the northeast of the site is District A "Apartment Houses, High Density," while to the southeast and south are properties zoned T "Two Family Dwellings on 50-Foot Lots," and on the southeasterly corner by properties zoned S-50 "Detached Single-Family Dwellings on 50-Foot Lots" (Figure IV.A-2).

To the north, (across Cross County Parkway), is land zoned MG "Apartment Houses, Low Density", and to the west across the NYS Thruway is land zoned CM "Commercial Storage" and "Light Manufacturing, Residences Excluded". To the northwest, (encompassing the interchange of the NYS Thruway and the Cross County Parkway), is land zoned OL "Office Buildings and Research Laboratories, Residences Excluded".

2) **Permitted Uses**

Within the BR District principal uses are sub-categorized in three ways. The first, "Permitted Uses" are permitted as-of-right; the second sub-category is "Permitted Uses with Supplemental Requirements"; while the third sub-category is "Uses Permitted Subject to Special Use Requirements."

All permitted uses and permitted uses with supplemental requirements may also require approval by the City Planning Board.

Uses permitted subject to special use requirements require a Special Permit and are initially approved by the City Planning Board. However, Special Permits are not valid nor do they take effect until the Yonkers City Council approves the issuance of such a permit by an affirmative resolution. Thus such Special Permit uses require approval of both the City Planning Board and City Council.

a) Permitted Uses (As of Right) in the BR Zone

- i) Municipal uses (City of Yonkers).
- ii) Banks and financial uses.
- iii) Commercial schools.
- iv) Eating and drinking establishments.
- v) Fast food restaurants.
- vi) Food and beverage stores.
- vii) Health clubs and gymnasiums.
- viii) Indoor markets.
- ix) Medical and dental offices.
- x) Offices.
- xi) Personal service establishments.
- xii) Restaurants.
- xiii) Retail establishments.
- xiv) Theatres and movie theatres.

b) Permitted Uses with Supplemental Requirements

- i) Offices of philanthropic institutions.
- ii) Banquet and catering facilities.
- iii) Building supply stores.
- iv) Cabarets and night clubs.
- v) Day care centers.
- vi) Drive-through banks.
- vii) Drive-through restaurants.
- viii) Dry cleaning establishments.
- ix) Garden centers.
- x) Hotels.
- xi) Planned shopping centers.
- xii) Automobile rental establishments.
- xiii) Automobile sales establishments.
- xiv) Automobile service stations.

According to the City of Yonkers Zoning Code, the approving agency (the Planning Board) may (when reasonable), waive compliance with, or modify the supplemental requirements in connection with an approval, an approval with modification or disapproval of a development application. However, any waiver or modification of a dimensional requirement is subject to the grant of an **area variance** by the Zoning Board of Appeals. The waiver or modification of non-dimensional supplemental requirements by the approving agency may be granted only upon a showing by the applicant that:

- i) compliance with these requirements would result in an unnecessary hardship, or that the benefits to the neighborhood or City of Yonkers of granting such a waiver, outweighs the detriments thereof; and
- ii) when these requirements are found not to be requisite in the interest of the public health, safety and general welfare, or are found to be inappropriate to the particular use for which approval is being sought.

c) Uses Permitted Subject to Special Use Requirements (Require a Special Permit)

- i) Government Uses (non-City of Yonkers).
- ii) Philanthropic institutions providing social services.
- iii) Utilities substations.
- iv) Planned urban redevelopments.
- v) Supermarkets.

- vi) Veterinary offices or hospitals.
- vii) Wholesale price clubs and big-box retail stores.
- viii) Convenience stores in conjunction with automobile service stations.

3) Accessory Uses

a) Permitted Accessory Uses

No Accessory Uses are permitted as-of-right within this sub-category.

b) Permitted Accessory Uses (With Supplemental Requirements)

The following accessory uses are permitted with supplemental requirements as noted in the Zoning Code and discussed below.

- i) Amusement Games and Devices.
- ii) Automatic Teller Machines.
- iii) Awnings.
- iv) Bars or Lounge Areas serving liquor and Brew Pubs.
- v) Christmas Tree Sales.
- vi) Fences and Walls.
- vii) Greenhouses.
- viii) Live Entertainment.

- ix) Loading Berths or Spaces.
- x) Newspaper Vending Machines.
- xi) Outdoor Dining Areas.
- xii) Outdoor Storage.
- xiii) Refuse Collection, Storage and Recycling.
- xiv) Retail Uses including and in conjunction with offices.
- xv) Signs.
- xvi) Soda or Candy Vending Machines.
- xvii) Private Garage.
- xviii) Private Open Air Parking.
- xix) Semi-Public Open Air Parking.
- xx) Semi-Public Parking Structure.

b. Describe Compliance of Existing Project with Zoning and Identify Any Existing Variances

As indicated on Table IV.A-3, the existing Cross County Shopping Center contains existing non-conformities with respect to, the current City of Yonkers Zoning Ordinance as follows:

- 1) Existing Building 6 has a height of 98 feet where 48 feet is currently permitted.
- 2) The existing car wash/service center at the southwest end of the property encroaches on the 25 foot side and front yard setbacks by 24 feet and 20 feet, respectively.
- 3) Existing parking setbacks encroach on the 25 foot front and side yard setbacks by 7 feet and 16 feet, respectively.
- 4) A minimum 10 foot separation between buildings exists and 40 feet is currently required.

With respect to the existing Macy's parcel (Figure II.C-2 and Table IV.A-4), the following existing non-conformities are present:

- 1) The existing floor area ratio of 3.51 exceeds the 1.50 currently required.
- 2) The existing side yard encroaches 22.1 feet into the 25 foot side yard required.

2. Potential Impacts

Land Use

a. Impact on Adjacent Land Uses

The Cross County Shopping Center has been in existence approximately 50 years, and therefore has had an impact on adjacent land uses throughout this period. The proposed renovation is to bring the shopping center up to 21st century standards, and enable the shopping center to remain vibrant and competitive within today's retail environment. An approximately 19% increase in proposed retail and restaurant square footage is also proposed to enhance the vitality and competitiveness of the shopping center.

With regard to impact on adjacent land uses, traffic and visual impacts (additional traffic volumes and additional building massing plus a proposed 5-level parking structure) will have the most affect on surrounding uses although these impacts are being mitigated. As discussed within Section IV.F of this DEIS, numerous improvements to the existing roadway system, both internally and externally to the shopping center, are proposed to help mitigate traffic impacts. Significant off-site highway capacity and safety improvements are proposed as part of the project. These improvements will help accommodate traffic anticipated from the project as well as other proposed uses in the area. The off-site traffic improvements, as further discussed within Section IV.F of this DEIS, include improvements to: a) the Midland Avenue exit from the Cross County Parkway; b) Midland and Kimball Avenues; c) the exit ramp from the eastbound Cross County Parkway directly onto the Cross County Shopping Center property; d) northbound and southbound Central Avenue; e) the I-87 northbound ramp at Mile Square Road. In addition, five site driveways will be improved. These proposed improvements will help mitigate the impact of traffic on adjacent land uses.

With regard to visual impacts, as discussed within Section IV.I of this DEIS, the existing open air pedestrian mall will be completely renovated; existing building facades will be replaced, including new signage and graphics, and the existing on-site kiosks will be replaced with new, modern kiosks; the existing streetscape will be renovated with replacement of sidewalks, trash receptacles, and street lamps, with the addition of new benches and attractive landscaping; Redesigned exteriors will give a whole new look to the center. New architectural guidelines (such as new and renovated building facades will make use of depth of materials for shadow lines and details; quality and contrast in building materials provide a texture to the architecture that emphasizes a more human scale and proportion; building facades and storefronts will have rich colors in its building materials with a diverse range in architectural details and tenant storefronts; and provide for a varied roof line of new and existing building architecture, distinct building corners and parapet projections) have been developed that will apply to all of the in-line

stores. The guidelines will allow retailers to express their identity to the public while meeting a much higher standard of design.

The overall design intent for the lighting and signage work at Cross County Shopping Center is to upgrade the existing lighting and signage with modern materials and equipment. The project lighting (specifically the parking lot lighting) will be redone to use new modern and efficient light fixtures that simulate a more natural light and not the orange/yellow light that is found in so many parking lots of today's shopping centers. The direction of the light focus and the times of operation will also be adjusted to be mindful of the adjoining properties. The individual tenant signage will be discussed later in this submission. In regards to the pylon signs, it is the applicant's intent to maintain the existing pylon signs at the project's three primary entries. The location, size and structure will remain as is, however, the colors, materials and illumination will be redesigned to be more mindful of the adjoining residential neighborhoods.

Later in this submission are examples and further explanations of lighting and signage.

These proposed improvements to the existing shopping center will help upgrade the appearance of the center, again as detailed and discussed within Section IV.F of this DEIS. A five-level parking garage is proposed, however, its location interior to the site will help to shield it visually from the surrounding land uses (Figure I.A-6A).

b. **Cumulative Impact Of This Project And Other Planned Projects In The Vicinity Of The Site And Land Use Based Upon Existing Applications To And Building Permits From The City**

It is not anticipated that the renovation and expansion of this center will negatively impact the character of the surrounding neighborhood. The land use remains the same as it is today although the center's physical condition will be vastly improved over existing. Access into the center remains the same as it is today although traffic conditions at intersections in the vicinity of the center will be significantly improved. Existing landscaped buffers between residences and the shopping center will remain and be enhanced with additional evergreen tree plantings. Buffer plantings are proposed along Vredenburg Avenue to supplement the transitional plantings between the shopping center and the residences that were put in by Stop & Stop as part of their new construction, and along the Kimball Avenue site frontage south of driveway C, across from the residences on the east side of Kimball Avenue. More sensitive lighting at the perimeter of the site is being designed to protect the residential character of the surrounding streets.

Specifically, lighting within the project area is being designed to minimize its impact on the adjacent neighborhoods. The existing pylon signs at the entrances to the center are being renovated but not increased in size. Lighting of the pylon signs will be designed to go dark during nighttime hours at a time that is deemed appropriate for both the center and the neighbors.

Thus, while additional retail square footage will have cumulative commercial land use impacts, it is not anticipated that this will significantly adversely impact neighborhood character.

As discussed above within this Section of the DEIS, a Yonkers raceway video lottery is proposed at the site of the existing Yonkers Raceway approximately one mile to the southeast of the Cross County Shopping Center site. This proposed use

is anticipated to have a cumulative impact on traffic within the area, and the Traffic Study contained within Appendix III.A and discussed within Section IV.F of this DEIS takes into account the traffic from this project. Likewise, traffic mitigation proposed as part of the Cross County Shopping Center project accommodates the traffic from the proposed video lottery terminal use.

c. Consistency With Existing Comprehensive Plan

The redevelopment of Cross County Shopping Center will incorporate several of the "Connections" proposed in Section 3 of the City of Yonkers "Comprehensive Plan" and will enhance one of the City's identifiable assets. Cross County Shopping Center is a re-development of a currently developed site with access road and utilities presently serving the site, and conforms to the "Comprehensive Plan" Section 3 goal of a focus "on preservation, re-use and redevelopment opportunities". In addition, the proposed redevelopment conforms with the Plan's goal to "capitalize on the strength of Yonkers as the Hudson Valley's regional retail center and seek opportunities for growth", and to "strengthen and enhance local and regional shopping areas".

Economic Development – Yonkers has a strong retail sector and is one of the major retail anchors in both the Hudson Valley and the State. The "Plan" identifies several goals to continue to strengthen the City's retail sector:

- 1) Promote retail diversity and opportunities for retail growth.** The re-developed Cross County Shopping Center will provide a variety of enhanced shopping opportunities, including small stores mixed with restaurants, a cinema, and department stores. A pedestrian-oriented center with larger format retail forming the edges of the site will provide an opportunity for patrons to fulfill many retail needs at Cross County.
- 2) Improve overall quality of shopping areas** - The re-vamped shopping center will provide upgrades and enhancements to position the existing Shopping

Center for today's competitive retail marketplace.

In summary, the proposed redevelopment conforms with the "Plan" focus on "preservation, re-use and redevelopment opportunities" given the limited available land and new development opportunities currently existing in the City.

Zoning

a. Description Of Applicable Zoning Regulations And Explanation Of Why They Are Applicable; Zoning Conformance Table

1) Relevant Definitions

For purposes of this analysis, the following definitions are applicable to the proposed project.

a) Planned Shopping Centers

A group of retail establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for the delivery of goods separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

This definition would appear to apply to the subject Cross County Shopping Center.

b) Semi-Public Parking Structure

A structure, or portion thereof, other than private parking garage, used primarily for the parking of vehicles and available to tenants, employees, customers and/or visitors to the principal use to which it is accessory, and which also may be open for use by the general public.

It would appear that the proposed parking structures on the site would fall within this classification.

c) Semi-Public Open Air Parking

An unenclosed, unroofed open area used primarily for the parking of vehicles, and open to tenants, employees, customers and/or visitors to the principal use to which it is accessory, and which may also be open for use by the general public.

The proposed renovation of the existing on-grade parking at the site would appear to fall within this classification.

d) Basement

A space having more than half its floor-to-ceiling height above the average level of the adjoining ground. A basement is counted as a story if the distance between the grade elevation to the floor immediately above equals or exceeds seven (7) feet.

2) **Supplemental Requirements for Permitted Uses**

Below is a discussion of the supplemental requirements for various permitted uses that are considered for the redeveloped shopping center. These uses require approval by the Planning Board.

a) **Planned Shopping Centers**

- i) Any single building or a group of buildings comprising four stories and/or 4,000 square feet of gross floor area must adhere to the requirements of this subsection, and are to be considered as a planned shopping center.

It would appear that the subject Cross County Shopping Center renovation falls under this designation.

- ii) The planned shopping center is to be designed as a single complex with a comprehensive and uniform plan for internal site circulation, landscaping, building design, façade treatments, and signage.

This is the proposal for the Cross County Shopping Center.

- iii) Uses within the planned shopping center are to be limited to those which are permitted in the District in which they are located (which in this case is the BR District as discussed above). The proposed retail and restaurant uses are permitted as-of-right in the BR District.
- iv) To the extent possible, the number of curb cuts is to be limited to one entrance and exit per street frontage, except where the street frontage exceeds a distance of 400 feet.

In the case of the subject Shopping Center, all adjacent street frontages exceed the distance of 400 feet, and no new curb cuts are proposed.

- v) Off-street loading and delivery areas are to be located to the rear of the planned shopping center.

The loading will continue to be situated in the underground service tunnel (Figure I.A-6B) and generally away from pedestrian areas and the surrounding residential neighborhoods.

- vi) Off-street parking areas are to provide landscaping for shade, buffering, separation between buildings, driveways and parking areas, and for defining circulation routes and storage of snow.

The Preliminary Landscaping Plan (Figure IV.C-1) depicts proposed landscaping for decorative and circulation definition purposes.

- vii) A comprehensive signage plan is to be provided which covers overall project identification, individual building/tenant identification, traffic and directional signage, and street and parking identification and instructions.

A comprehensive signage plan for the redeveloped Shopping Center will be provided and is discussed within Section IV.I of this DEIS.

b) Refuse Collection, Storage and Recycling

- i) An enclosed area is to be provided for the temporary outdoor storage of trash or recycling materials and other refuse. Trash receptacles must be covered. The enclosed area is to be on a durable, paved surface, and located, designed and screened by landscaping or an

attractive, solid architectural fence, so that the trash and refuse will not be seen by the general public or from adjoining properties.

- ii) For each application for commercial development utilizing 1,000 or more square feet of land, such as the subject application, the applicant is to provide the approving agency (Planning Board) with estimates of the amount of recyclable materials to be generated each week. A storage area of sufficient size to accommodate up to one week of accumulation of designated recyclable materials is to be provided.
- iii) Any commercial use generating wastes that are attractive to rodents or insects, or which may be borne by wind or rain, is to provide completely sealable containers for waste storage and collection.

The proposed refuse collection, storage and recycling for the renovated Shopping Center will conform to these requirements.

c) **Semi-Public Parking Structures and Semi-Public Open Air Parking Areas**

- i) Semi-public parking structures and semi-public open air parking areas are to be provided in conjunction with those uses which are required to provide parking spaces for customers, employees, visitors and other members of the public for non-residential uses. The subject redevelopment provides such parking, including a proposed 5-level parking garage and a 1-level parking garage, parking beneath proposed buildings, and open air parking (Figures I.A-6A and I.A-6B).
- ii) Except where shared parking has been specifically authorized by the approving authority (Planning Board), semi-public parking structures

and semi-public open air parking are to be provided on the same lot as the principal use or building or on a separate lot under the same ownership as the principal building, provided the parking spaces are no more than three hundred (300) feet from the principal use or building which the parking serves, by the shortest publicly-available route for pedestrian travel.

The proposed parking for the Macy's expansion, although the lot is not under the same ownership, is within 300 feet of the proposed Macy's building expansion.

- iii) Where a semi-public parking structure is constructed within the main walls of the principal building to which it is accessory, and on the same lot and wholly below the level of the first non-parking floor of the principal building, the floor area of the semi-public garage is to be excluded from the computation of gross floor area of the principal building, its floor area ratio and its lot coverage, but is to adhere to the setback and height restriction for principal buildings on the lot. This type of parking structure is proposed for the redeveloped Cross County Shopping Center.
- iv) All semi-public open air parking areas in non-residential districts may not be located within the minimum front and side yard setback, and not closer than ten (10) feet to the principal building on the lot, except where the parking area is at average level at least ten (10) feet below the level of the lowest non-parking floor, the boundaries of the parking area may be at a minimum distance of five (5) feet from the building.

As indicated in Table IV.A-3, all proposed parking areas are situated outside of the required front, side, and rear building setbacks. A variance will be requested regarding parking provided closer than 10

feet to a proposed building, where parking will extend beneath proposed buildings.

- v) All semi-public parking structures which are not constructed wholly within or below the principal building are to be set back from a property line at a minimum of one (1) foot for every one (1) foot in height above average finished grade measured at the midpoint of the parking structure facing that property line. However, in no event is the setback to be less than fifteen (15) feet. No semi-public parking structure is to exceed a height of five (5) levels, including the roof level, or fifty percent (50%) of the permitted height of the principal building within the district, whichever is the lesser.

Therefore, with a maximum permitted building height of 48 feet within the BR district, the parking structure may not exceed a height of 24 feet. Mr. John P. Meyer, P.E., Building Inspector of the City of Yonkers, confirmed that a semi-public parking structure may contain a maximum of five (5) levels, even if levels are constructed below grade.

As indicated on Table IV.A-3, a variance for the 41 foot height of the proposed 5-story parking structure will be requested. Five levels are proposed in conformance with Zoning, however a variance is required because a greater floor to ceiling height is proposed to allow a more open, less confining and more patron-friendly experience, and to allow additional height on the lower level to allow greater access to the structure for emergency vehicles.

- vi) No semi-public parking structure that is provided below the principal building to which it is accessory is to contain more than five (5) parking levels above lowest grade.

No such structures are proposed.

- vii) When a semi-public parking structure is located adjacent to a residential zone boundary or residential use, an all-season evergreen buffer of a minimum width of ten (10) feet, and a height of at least six (6) feet when planted and at least fifteen (15) feet when fully grown is to be provided adjacent to the property line for whatever length the semi-public garage is exposed to the residential district boundary or use.

All proposed parking structures are situated interior to the site, not adjacent to any residential uses or residential zone boundaries.

3) **Bulk Requirements**

Table IV.A-3, below, outlines the bulk requirements of the BR "Restricted Business Residences Excluded" District, and conformance of the existing center and proposed redevelopment with same.

**Table IV.A-3
Zoning Conformance Table**

DESCRIPTION	EXISTING	PROPOSED	BR ZONING DISTRICT REQUIREMENTS
Min. Lot Area (S.F./Acres)	3,103,845/71.25	3,103,845/71.25	10,000/0.23
Max. Building Coverage (%)	18.1	35.5	40
Max. Building Height (FT.) ⁽¹⁾⁽⁴⁾	98 (Bldg 6) ⁽²⁾	See Below	48
<i>Proposed Building Height Summary:</i>			
Building A Retail (80,000 S.F.)	N/A	35.4	48
Building B Retail (50,000 S.F.)	N/A	15.4	48
Building E-1 Retail (46,000 S.F.)	N/A	13.4	48
Building E-2 Retail (46,000 S.F.)	N/A	13.4	48
Building E-3 Retail (12,800 S.F.)	N/A	11.4	48
Building E-4 Retail (9,700 S.F.)	N/A	11.4	48
Building F Restaurant (8,500 S.F.)	N/A	12.4	48
Building G Retail (25,000 S.F.)	N/A	13.4	48
Building H Retail (11,400 S.F.)	N/A	9.4	48
Building 2 Retail (70,484 S.F.)	N/A	11.9	48
Building 13 Retail (20,000 S.F.)	N/A	44.0	48
<i>Proposed Parking Garage:</i>			
Minimum Setback (FT.) ⁽⁷⁾	N/A	87	41
Max. Building Height (Levels/FT.) ⁽⁸⁾	N/A	5/41 ⁽³⁾	5/24 ⁽³⁾⁽⁸⁾
<i>Proposed Parking Deck</i>			
Minimum Setback (FT.) ⁽⁷⁾	N/A	74	15
Max. Building Height (Levels/FT.) ⁽⁸⁾	N/A	1/-3	5/24 ⁽⁸⁾
<i>Deferred Parking Garage</i>			
Minimum Setback (FT.) ⁽⁷⁾	N/A	61	18.4
Max. Building Height (Levels/FT.) ⁽⁸⁾	N/A	3/18.4	5/24 ⁽⁸⁾
Landscape Trees (Quantity/Ratio)	288/1 per 15.4 Spaces	546/1 per 10.3 Spaces	470/1 per 12 Spaces
Parking Lot Landscaping (%)	8.4	8.6	6% of Total Parking Lot Area
Min. Lot Width (FT.)	±1,300	±1,300	100
Max. Floor Area Ratio (%)	0.41	0.88	1.50
<i>Building Setbacks</i>			
Min. Front Yard (FT.)	1 ⁽⁹⁾	65	25
Min. Side Yard (FT.)	5 ⁽⁹⁾	71	25
Min. Rear Yard (FT.)	55	270	25
<i>Loading Summary</i>			
Building A Retail (80,000 S.F.)	N/A	5 ⁽¹²⁾	5
Building B Retail (50,000 S.F.)	N/A	0 ⁽¹¹⁾	4
Building E-1 Retail (46,000 S.F.)	N/A	4	4
Building E-2 Retail (46,000 S.F.)	N/A	4	4
Building E-3 Retail (12,800 S.F.)	N/A	1 ⁽¹²⁾	1
Building E-4 Retail (9,700 S.F.)	N/A	1 ⁽¹²⁾	1

Table IV.A-3 (Continued)
Zoning Conformance Table

DESCRIPTION	EXISTING	PROPOSED	BR ZONING DISTRICT REQUIREMENTS
Building F Restaurant (8,500 S.F.)	N/A	1 ⁽¹²⁾	1
Building G Retail (25,000 S.F.)	N/A	3 ⁽¹²⁾	3
Building H Retail (11,400 S.F.)	N/A	2 ⁽¹²⁾	2
Building 13 Retail (20,000 S.F.)	N/A	2 ⁽¹²⁾	2
<i>Parking Setbacks</i>			
Min. Front Yard (FT.)	18 ⁽¹³⁾	25	25
Min. Side Yard (FT.)	9 ⁽¹³⁾	27	25
Min. Rear Yard (FT.)	16	275	5
Min. Distance from Parking to any Building (FT.) ⁽⁵⁾	10	0 ⁽¹⁴⁾	10
Minimum Space Between Buildings on the Same Lot (FT.)	10	0 ⁽¹⁰⁾	40

Notes:

- (1) Height is defined as the vertical distance from the average level of street center-line grades (169.6 feet) of the abutting streets to:
 - (A) The level of the highest point of the roof beams (in the case of flat roofs) or roofs including slopes not more than one inch to the foot.
 - (B) The mean of the levels of the top of the main plate and the highest ridge (if the roof is of any other type).
 - (C) The highest point of the building, including structures wholly or partly above the roof, where such exists.
- (2) The existing 9 story office building is the tallest building on the site at a height of 98 feet which is an existing non-conforming condition to remain. All other buildings on the property are less high than this building and conform to the zoning requirement.
- (3) The proposed parking structure is taller than permitted by the Zoning Code and a variance will be sought for parking structure height.
- (4) Parapet walls or cornices must not exceed the maximum height requirement by more than five (5) feet.
- (5) Where the open air parking area is at an average level of at least ten (10) feet below the lowest of the lowest non-parking floor, the boundaries of the parking area may be at a minimum distance of five (5) feet from the building.
- (6) The required parking spaces are based on maintaining the existing number of spaces for the existing uses to remain and providing additional spaces for the proposed uses based on the City of Yonkers Zoning requirements (1 space per 200 square feet of retail and 1 space per 100 square feet of

restaurant). A credit has been taken for the demolition of buildings 2, 10 and 13. 354 of the required spaces are provided in a deferred parking structure at the northeast corner of the site adjoining Sears.

- (7) All semi-public parking structures which are not constructed wholly within or below the principal building shall be set back from a property line at a minimum of one (1) foot for every one (1) foot in height above average finished grade measured at the midpoint of the parking structure facing that property line. However, in no event is the setback to be less than fifteen (15) feet.
- (8) No semi-public parking structure is to exceed a height of five (5) levels, including the roof level, or fifty (50%) of the permitted height of the principal building within the district, whichever is the lesser. Therefore, with a maximum permitted height of 48 feet within the BR District, the parking structure may not exceed a height of 24 feet. City officials have confirmed that a semi-public parking structure may contain a maximum of five (5) levels, even if levels are constructed below grade.
- (9) The existing Car Wash/Service Center at the southwest end of the property encroaches on the side and front yard setbacks. This existing non-conformity is to remain. All other existing and proposed buildings conform with required setbacks.
- (10) A variance will be sought for buildings with less than 40 feet of separation (kiosks).
- (11) A variance will be sought for the number of proposed loading spaces for the Macy's expansion (see Table IV.A-4).
- (12) A variance will be sought for access to loading spaces in tandem and parallel.
- (13) Existing parking setbacks that encroach on required setbacks are existing non-conformities to remain.
- (14) A variance will be sought to reduce the minimum distance required from parking to any building in locations where parking will extend beneath proposed buildings.
- (15) See Table IV.A-4 for additional variances associated with the proposed Macy's reapportionment.
- (16) Stop & Shop approval permits 50 residents of the Midland Owner's Corp. to park on-site between 7:00 PM and 8:00 AM Daily.

- 4) With regard to the proposed Macy's reapportionment to permit a 50,000 square foot expansion to the existing department store, the existing 1.94 acre Macy's lot (tax lot block 5170, lot 77) owned by Macy's, will be reapportioned with the adjacent lot owned by Cross County Shopping Center to yield a proposed lot area of 3.23 acres (Figure II.C-2).

Table IV.A - 4, below, outlines the requirements of the BR District and conformance of the existing and proposed Macy's reapportionment with same. The notes below the Table indicate variances that will be sought from the Zoning Board of Appeals.

Table IV.A-4
Zoning Conformance Table
(Macy's Reapportionment)

DESCRIPTION	EXISTING	PROPOSED	BR ZONING DISTRICT REQUIREMENTS
Min. Lot Area (S.F.)/Acres	84,671/1.94	140,866/3.23	10,000/0.23
Max. Building Coverage (%)	79.9	83.4 ⁽¹⁾	40
Max. Building Height (FT.)	N/A	15.4	48
Min. Lot Width (FT.)	+275	+275	100
Max. Floor Area Ratio (%)	3.51	2.47 ⁽²⁾	1.50
<i>Building Setbacks:</i>			
Min. Front Yard (FT.)	N/A	N/A	25
Min. Side Yard (FT.)	2.9	2.9 ⁽³⁾	25
Min. Rear Yard (FT.)	N/A	N/A	25
<i>Parking Setbacks:</i>			
Minimum Front Yard (FT.)	N/A	N/A	25
Minimum Side Yard (FT.)	N/A	0 ⁽⁴⁾	25
Minimum Rear Yard (FT.)	N/A	N/A	25
Minimum Distance from Parking to Any Building (FT.)	17.4	0 ⁽⁵⁾	10
<i>Parking Summary:</i>			
Building B Retail (Macy's Expansion/50,000 S.F.)	N/A	143 ⁽⁶⁾	250
<i>Loading Summary:</i>			
Building B Retail (Macy's Expansion/50,000 S.F.)	N/A	0 ⁽⁷⁾	4

Notes:

- (1) A variance will be sought for maximum building coverage for Macy's.
- (2) A variance will be sought for maximum floor area ratio (FAR) for Macy's. The existing FAR non-conformity will be reduced.
- (3) A variance will be sought for side yard building setback for Macy's. All yards around Macy's building have been considered side yards.
- (4) A variance will be sought for side yard parking setback for Macy's. All yards around the Macy's building have been considered side yards.
- (5) A variance will be sought to reduce the minimum distance required from parking to any building where proposed parking will extend up to and beneath the proposed Macy's expansion.
- (6) Parking for the existing Macy's building (297,417 S.F.) and the balance of the parking required for the proposed Macy's expansion (50,000 S.F.) will be provided on the adjacent Shopping Center parcel.
- (7) A variance will be sought for the number of loading spaces required for the Macy's expansion.

5) Number of Parking Spaces Required

- a) For **Planned Shopping Centers**, a minimum of **1 space per 200 square feet of gross floor area** is required. Planned Shopping Centers are defined as being comprised of retail establishments only.

- b) **Restaurants** require **1 space per 3 seats** or **1 space per 100 square feet** of gross floor area, whichever is greater.

Discussions with City officials indicate that parking for all proposed uses are to be provided at the above noted ratios. Table IV.A-5, below outlines the existing and proposed parking for the site, and the BR Zoning District requirements.

Section 43-136 of the Yonkers Zoning Ordinance states that where the agency approving a site plan determines, in connection with its review of a site plan, that less than the required number of parking or loading spaces may be required to satisfy the intent of the Zoning Ordinance, the agency may defer the paving and improvement of a portion of the lot, but for not more than 1/3 of the total number of parking spaces required.

The applicant is seeking permission from the Planning Board pursuant to Section 43-136 of the Zoning Ordinance to defer the construction of 354 required parking spaces. The parking spaces would not be constructed unless and until the spaces are needed to satisfy a demonstrated demand. As required by Section 43-136, the site plans for the project demonstrate that there is sufficient on-site area to provide the deferred parking spaces, and a proposed parking structure for the deferred parking spaces (in addition to the five level and the one-level proposed parking structure) has been shown on the site plan drawings.

Table IV.A-5
Parking Summary Table⁽¹⁾

DESCRIPTION	EXISTING	PROPOSED	BR ZONING DISTRICT REQUIREMENTS
<i>Existing Parking Summary:</i>			
Existing Parking for Existing Shopping Center	4,439 ⁽²⁾	4,439 ⁽²⁾	4,439 ⁽²⁾
Parking Credit for Existing Retail (Building 10) to be Removed (46,550 S.F. @ 1 Space/200 S.F.)	N/A	-233	-233
Parking Credit for Existing Retail (Building 2) to be Removed (70,484 S.F. @ 1 space/200 S.F.)	N/A	-353	-353
Parking Credit for Existing Restaurant (Building 13) to be Removed (15,575 S.F. @ 1 space/100 S.F.)	N/A	-156	-156
Sub-Total Net Existing	4,439	3,697	3,697
<i>Proposed Parking Summary:</i>			
Building A Retail (80,000 S.F.)	N/A	400	400
Building B Retail (Macy's Expansion/50,000 S.F.)	N/A	250	250
Building E-1 Retail (44,500 S.F.)	N/A	223	223
Building E-2 Retail (45,400 S.F.)	N/A	227	227
Building E-3 Retail (13,000 S.F.)	N/A	65	65
Building E-4 Retail (9,700 S.F.)	N/A	49	49
Building F Restaurant (8,500 S.F.)	N/A	85	85
Building G Retail (25,000 S.F.)	N/A	125	125
Building H Retail (Sears Expansion/11,400 S.F.)	N/A	57	57
Building 13 Retail (20,000 S.F.)	N/A	100	100
Building 2 Retail (70,484 S.F.)	N/A	353	353
Sub-Total Proposed	N/A	1,934	1,934
Building Square Footage	1,360,111	1,558,936	
GRAND TOTAL	4,439	5,631	5,631

Notes:

- (5) The required parking spaces are based on maintaining the existing number of spaces for the existing uses to remain and providing additional spaces for the proposed uses based on the City of Yonkers Zoning requirements (1 space per 200 square feet of retail and 1 space per 100 square feet of restaurant). A credit has been taken for the demolition of Buildings 2, 10 and 13. 354 of the required spaces are provided in a deferred parking structure at the northeast corner of the site adjoining Sears.
- (6) Stop & Shop approval permits 50 residents of the Midland Owner's Corp. to park on-site between 7:00 PM and 8:00 AM daily.

3. **Proposed Mitigation Measures**

No additional mitigation measures are proposed.