

## **D. LAND USE AND ZONING**

### **Comment D-1**

p. 32— para. 4—Explain more precisely at what point in the process that the application for variances required will be filed with the Zoning Board of Appeals and how this relates to site plan approval required from the Planning Board.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

### **Response D-1**

*Application for a preliminary information meeting with the ZBA has been made, with an initial meeting on 04/18/2006. This was followed by a meeting on 05/16/2006, at which the ZBA indicated that once SEQRA is completed the ZBA will be able to act positively on the application.*

### **Comment D-2**

p. 62. To better understand the variances required for the Macy's expansion, include and explain a small scale figure of the SP-13 large scale drawing with a text table of the Macy's reapportionment table included on that sheet in the FEIS.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

### **Response D-2**

*Figure D-2 has been prepared which illustrates the variances required for the Macy's expansion. The following is an explanation of the required variances:*

- 1. A variance will be sought for Maximum Building Coverage for Macy's where 40% is permitted and 83.4% is proposed.*

2. *A variance will be sought for Maximum Floor Area Ratio (FAR) for Macy's where 1.5 is permitted and 2.6 is proposed. It should be noted that the existing FAR is 3.51. Accordingly, the existing FAR non-conformity will be reduced.*
3. *A variance will be sought for side yard building setbacks for Macy's. All yards around the Macy's building have been considered side yards. The minimum permitted side yard setback is 25 feet. A portion of the existing Macy's building is 2.9 feet from the property line which is an existing non-conformity to remain. The proposed setbacks between the building and property line vary from 14.2 feet to 15 feet for which variances will be sought on all sides.*
4. *A variance will be sought for required street frontage where none is provided.*
5. *A variance will be sought to reduce the minimum distance required from parking to the Macy's building. Ten feet of separation is required and 0 feet is provided where the parking extends up to and beneath the proposed building.*
6. *A variance will be sought for a portion of the required parking for the proposed Macy's building located on an adjacent property.*
7. *A variance will be sought for the 91 parking spaces required for the Macy's stockroom addition (18,200 square feet).*
8. *A variance will be sought to allow parking within a minimum side yard setback. A 25 foot parking setback is required and 0 feet is provided.*

**Comment D-3**

p. 73 —para I - What is the range of density attributed to the High Density Urban category in Westchester County's Comprehensive Plan Patterns and what is the density of the proposed center? Does it fall within the Patterns range?

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-3**

*"Patterns" classifies the Cross County Shopping Center as an "Intermediate Center" within a High Density Urban 6-8 area, which has a Floor Area Ratio (FAR) of 0.8-3.2 and a Gross Residential Density (Dwelling Units per Acre) of 26-102. The proposed FAR for the Shopping Center following construction will be 0.78, which falls in the low end of the 0.8-3.2 FAR range identified in "Patterns."*

**Comment D-4**

p. 81 — The Yonkers Zoning Ordinance has been revised since original approval of the shopping center.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-4**

*Comment noted. The most recent Yonkers Zoning was adopted by the City Council on 09/19/2000, well after the original approval of the Cross County Shopping Center.*

**Comment D-5**

p.83 —3)—Identify specifically where these parking setback encroachments are. Do they impact adjacent residential uses? If so, additional landscape treatment should be shown to mitigate the pre-existing non-conforming impact on adjacent residential uses.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-5**

*Existing parking encroaches on a required 25 foot front yard setback along the south edge of the Cinema's parking area, adjacent to Vredenburg Avenue, where the parking is as close as 18 feet from the property line (a 7 foot encroachment). This parking is substantially screened by an existing retaining wall, existing plantings and supplemental plantings proposed in conjunction with the redevelopment of the shopping center.*

*Existing parking encroaches on a required 25 foot side yard setback on the north side of the existing car wash where the parking is within 16 feet of the property line (a 9 foot encroachment on the setback). This parking encroachment will not impact any residences as it occurs between the existing car wash and the mall at Cross County.*

*Existing parking is within a required 25 foot rear yard setback on the southeast side of the existing Sears building where the parking is within 16 feet of the existing property line (a 9 foot encroachment on the required setback). A substantial buffer exists between the parking area and the existing residences which includes a 8 foot tall, solid timber fence and existing plant materials including evergreen trees. It is the Applicant's opinion that the existing buffer adequately screens the parking area from the residences.*

*However, the Applicant is willing to extend the wood fence towards Kimball Avenue on the north side of the residences to screen the homes from the new northeasterly site driveway configuration.*

**Comment D-6**

p. 93 iii) - Detail which parking structures are to be constructed within the main walls of the principal building that are referenced here.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-6**

*Parking is proposed beneath proposed retail Building A, the proposed Macy's Expansion (Building B), proposed Retail Building E-1, proposed Retail Building E-2, proposed Retail Building E-3 and proposed Retail Building E-4 which could be considered within the main walls of the principal building, although the parking areas are open to daylight on one or more sides. These parking garages adhere to the setback and height restrictions requirements for principle buildings in accordance with zoning requirements.*

**Comment D-7**

p. 93 iv) - It is not clear which buildings/parking will require a variance due to being closer than 10 feet to a proposed building as referenced here. Provide a map that clearly identifies all the locations, which will require a variance under this zoning requirement

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-7**

*City of Yonkers Zoning Code requires a 40 foot separation between buildings and a 10 foot separation between parking and a building. Variances will be sought for less than 40 feet of separation between buildings for the following structures:*

- *Kiosk A, B, C, D, E, F and H.*
- *Stair structures J and K and the proposed stair enclosures between Buildings 1 and 2 and Buildings 2 and 3.*
- *Proposed bus shelters on the west side of the existing Macy's building and on the west side of Xavier Drive between buildings E-2 and E-4.*
- *The guard booth and Santa's Workshop on the north side of proposed Retail Building G.*

*Figure D-7 depicts the dimensions for distances between buildings with less than 40 feet of separation.*

*A variance will be sought for parking closer than 10 feet to a proposed building on the north side of the Macy's expansion where parking will extend up to and beneath the Macy's building.*

**Comment D-8**

p. 96 Table IV.A-3 — Zoning Conformance Table. Provide details of the loading areas/spaces for each of the buildings identified in the table. Indicate the standard height of each level of a parking garage and compare it to the height proposed for each level of the 5 level-structured garage.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-8**

*The details of the loading areas/spaces for each of the buildings identified in Table IV.A-3 are identified on Drawing SP-6 "Preliminary Layout and Striping Plan (Upper Level)." Individual spaces are 40 feet long by 15 wide and adjacent spaces are 40 feet long by 12 feet wide in accordance with Zoning Requirements.*

*The standard floor to floor height of a typical parking structure varies, however, most are 10'-6". For the main parking structure (P-1) the Applicant is proposing a 16'-0" floor to floor height for level one and a 12'-0" floor to floor height for levels two through four.*

**Comment D-9**

p. 110 Table IV.A-4 — Zoning Conformance Table (Macy's Reapportionment) — Footnote 4- Explain why all yards are considered side yards? Has this interpretation been approved by the City of Yonkers Building Commissioner? If not, it should be and described as such or reinterpreted.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-9**

*All yards around the Macys building have been considered side yards since the Macys parcel has no frontage on a street. The definition for front lot line is "the lot line separating the front of a lot from a street right-of-way" and the definition of rear lot line is "the lot line opposite and most distant from the front lot line". Neither of these definitions fit the situation. The definition for a side lot line is "any lot line other than the front or rear lot line", which seems most applicable. We have discussed this interpretation with Mr. John P. Meyer, City of Yonkers Building Commissioner, who did not disagree with this determination. In any case, the required setback for the front, side and rear yards are all equivalent at 25 feet.*

**Comment D-10**

p. 102 Table IV. A-5 — Parking Summary Table - There does not appear to be correct footnote references for this table. Please correct or explain.

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-10**

*Table D-10 following, (formerly Table IV. A-5 of the DEIS) has been revised to correct the footnote references.*

**Table D-10**  
**Parking Summary Table<sup>(1)</sup>**

DESCRIPTION	EXISTING	PROPOSED	BR ZONING DISTRICT REQUIREMENTS
<i>Existing Parking Summary:</i>			
Existing Parking for Existing Shopping Center	4,439 <sup>(2)</sup>	4,439 <sup>(2)</sup>	4,439 <sup>(2)</sup>
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
<b>Sub-Total Net Existing</b>	<b>4,439</b>	<b>3,697</b>	<b>3,697</b>
<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
<b>Sub-Total Proposed</b>	<b>N/A</b>	<b>1,934</b>	<b>1,934</b>
Building Square Footage	1,313,561	1,558,936	
<b>GRAND TOTAL</b>	<b>4,439</b>	<b>5,631</b>	<b>5,631</b>

**Notes:**

- (1) 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.
- (2) 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.

**Comment D-11**

p. 123-Does the City of Yonkers have any tree removal ordinance with which the project must comply?

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-11**

*The City of Yonkers has no tree removal ordinance.*

**Comment D-12**

p. 310 – What are the City of Yonkers requirements regarding the screening and siting of construction dumpsters referred to?

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

**Response D-12**

*The noted DEIS reference refers to the screening and siting of dumpsters associated with the new buildings following construction. The relevant zoning requirements are as follows:*

- (a) 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.*
- (b) 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.*

*(c) For commercial uses which have more than one (1) principal use on the lot, more than one (1) building on a lot or more than one (1) tenant within a building or lot, such as the subject application, the approving agency may require the applicant to designate a centralized storage area for recyclable materials.*

*(d) 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.*

#### **Comment D-13**

#### **Page 2**

Executive Summary — Deferred parking approval means request for approval of a deferral of parking and not deferral of the approval.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

#### **Response D-13**

*Comment noted.*

**Comment D-14**

**Page 3**

Make it clear that Façade architectural guidelines are private and are not the City of Yonkers regulations. These should be provided to the Planning Board as a part of site plan review materials.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-14**

*Comment noted.*

**Comment D-15**

**Page 26**

New Kiosks are proposed. Will these new buildings require any additional area variances from the City? Potential for distance between buildings and added parking for the Kiosks needs to be documented.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-15**

*Figure D-7 identifies the variances to be sought from the Zoning Board of Appeals for the kiosks which are separated from other buildings on the site by less than 40 feet, which is the minimum required by the City of Yonkers Zoning Ordinance. There are a number of existing kiosks on the site which will be removed, for which a parking credit has not been taken. Parking for the proposed replacement kiosks will be provided by*

*the existing parking spaces at the site for the existing kiosks to be removed. The replacement kiosks will not exceed the aggregate square footage of those to be removed.*

**Comment D-16**

It is unclear what loading space is being provided to serve:

Building G - 25,000 sq. ft. retail building

Building F - 8,500 sq. ft. restoration

Building 13-Sizzler Replacement building

Please clarify what loading spaces are being provided.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-16**

*The loading spaces for each of the proposed buildings are depicted on Drawing SP-6 "Preliminary Layout & Striping Plan (Upper Level)" and SP-7 "Preliminary Layout & Striping Plan (Lower Level)". Mr. John P. Meyer, City of Yonkers Commissioner of the Department of Housing & Buildings, has advised that the overall number of loading spaces on the site for proposed buildings must meet the zoning requirement, rather than providing a certain number of loading spaces for each individual building. With that said, loading is provided for the buildings in question as follows:*

- *Three loading spaces are provided along Xavier Drive, on the east side of Building G.*
- *One loading space is provided near Restaurant Building F, on the west side of the Proposed Sears Expansion.*
- *Two loading spaces are provided near Building 13 along the driveway on the east side of the building.*

**Comment D-17**

New on site parking improvements.

Will all parking spaces be at the 2000 Zoning Ordinance standard of 8 1/2 x 18 feet?

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-17**

*All parking spaces will be a minimum of 8 ½ feet wide by 18 feet long. In addition, many of the parking spaces are proposed to be 9 feet wide by 18 feet long to enhance access and provide a more "customer friendly experience".*

**Comment D-18**

The 2000 City of Yonkers Zoning Ordinance requires that a minimum of 6% of the parking area landscaped. Provide a calculation of the percent landscaped.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-18**

*As indicated in the Table Land Use on the Site Plan Cover Sheet submitted as part of the DEIS, the percentage of parking lot landscaping is required to be a minimum of 6% of the parking area and 8.4% exists under current conditions. The parking lot landscaping will be increased to 8.6% is following redevelopment of the Shopping Center which exceeds the minimum requirement of the Zoning Ordinance.*

**Comment D-19**

Current landscaping is scarce at the south end of the center and around the perimeter of the Cross County Square Mall. Additional landscaping is needed in these areas.

(Memorandum from City of Yonkers Planning Board Bureau, dated 11/18/2005)

**Response D-19**

*As discussed in the DEIS, the south end of the shopping center (i.e. the existing Cross County Cinemas and Stop and Shop) are not part of the project redevelopment area. These two portions of the site are the most recently developed areas within the Shopping Center and the existing landscaping was installed in accordance with site development plans approved by the City of Yonkers. As indicated in the DEIS, approximately 354 new trees will be provided throughout the portion of the Shopping Center to be redeveloped which, combined with the 192 trees to remain, will yield a total of approximately 546 trees on the site. In addition, approximately 10 additional trees will be added along Vredenburg Avenue along the frontage of the existing Cross County Cinemas as further described in Response D-21 below.*

**Comment D-20**

Retaining Walls

The driveway "B" retaining wall to approximately 12 feet will require a variance to the extent it is within the required yard set back and exceeds the 6 ft maximum.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-20**

***Comment noted. This variance is to be included in the variances requested by the applicant from the Yonkers Zoning Board of Appeals.***

**Comment D-21**

Site landscaping - additional landscaping is needed along Vredenburgh Avenue between Drives E and F, and on CPA North of the changed entrance. Landscaping in these areas can be charitably described as "tired". At the least it is not in keeping with proposed internal changes. Level and quality of outward landscape treatment does not reflect the level done inside for shoppers.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-21**

***Ten additional trees have been added to the buffer along Vredenburgh Avenue between Drives E and F to further screen the site from the residences along Vredenburgh Avenue. The additional trees are depicted in Figures D-21.1 and D-21.2.***

**Comment D-22**

Clarify that "Permitted" and "Permitted with Supplemental Requirements" may require site plan approval from the Planning Board only if changes are made to the site. Interior alterations -that do not require additional parking will not require such approvals.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-22**

*Comment noted.*

**Comment D-23**

Number of Parking Spaces Required. A more thorough explanation of how the parking number as arrived at it required. Explain why 1,558,936 sq. ft. divided by 200 is not yielding 8000 parking spaces.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

**Response D-23**

*As indicated in Note 6 on the Site Plan Cover Sheet, 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 (one space per 200 square feet of retail and one 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. Therefore, parking for the entire shopping center equates to less than one space per 200 square feet since the existing uses at the site will continue to be served by the same number of spaces that currently exist, which is less than the current Zoning Ordinance requires. We have discussed this requirement with Mr. John P. Meyer, City of Yonkers Commissioner of Housing and Buildings, who is in agreement.*