

### **3.4 Land Use and Zoning**

#### **3.4.1 Existing Conditions**

##### Existing Land Use on Site

Situated north of U.S. Route 202 and west of Palisades Interstate Parkway, the Minisceongo Park project site consists of approximately 53.3 acres of primarily vacant land straddling the Town boundary between Haverstraw and Ramapo (Figure 3.4-1). The southern border of the site along NYS Route 202 has approximately 1,800 feet of frontage. The eastern border of the site abuts the access road to Palisades Interstate Parkway and a small portion of Quaker Road.

The subject property consists of the following tax lots:

- Town of Haverstraw: Section 25.18, Block 2, Lots 3 and 4
- Town of Ramapo: Section 33.06, Block 1, Lots 1 and 2

Approximately one acre in the Town of Ramapo (Tax lot 33.06-1-2) is presently the site of an automotive repair garage. The "upland" portion of the project site has been extensively excavated. Minisceongo Creek runs north-south through the western portion of the site. Undisturbed wetlands are also present in this portion of the site and extend off-site onto abutting land to the north and west.

##### Zoning

The Haverstraw portion of the site is zoned Commercial ("C"). In Ramapo, the site is zoned Mixed Use Highway ("MU-2"). To the north in the Town of Haverstraw, the adjoining Barr Labs is zoned Planned Industrial Office, or "PIO". The residential neighborhood located along Quaker Road, and outside the Village of Pomona, is zoned Medium Low Density Residence, or "R-25". On the east side of the PIP and surrounding the interchange area, properties are zoned a combination of Mobile Home Park Residence ("RMH"), "C", and General Residence, "RG" districts.

In the Town of Ramapo, on the south side of Route 202, properties are zoned "Community Shopping", or "CS". Farther west, approaching Camp Hill Road, properties on the south side of Route 202 are zoned Professional Office, "PO". West of the site, lands that are primarily constrained by NYSDEC wetlands are zoned Planned Industry, "PI". Beyond and west of this zone, land abutting the Village of Pomona in the Town of Ramapo, and on the north side of Route 202, properties are zoned Residential, "R-40" (40,000 square feet per lot). In summary, existing zoning surrounding the PIP interchange with Route 202 consists of a mix of commercial, low-to-high density residential, office, mixed use and planned industry zones. Figure 3.4-3 illustrates existing zoning.

*Town of Ramapo Use Requirements*

Under provisions of Article III of the Town of Ramapo Zoning Law, permitted uses allowed within the MU-2 zoning district include the following:

- *Garden apartments, townhouses and multiple family dwellings*
- *Local convenience commercial uses*
- *Local office-business uses*
- *Libraries, museums and art galleries*
- *Parking lots and parking garages*
- *Other retail stores and service establishments not permitted in the NS district and not elsewhere identified which uses include department and variety stores, frozen food lockers and the like.*
- *Restaurants and taverns*
- *Medical and dental offices and clinics*
- *Theaters and cinemas*
- *Warehousing associated with retail sales from the same premises*
- *Residential uses subject to §376-66 A of the Zoning law*
- *Office buildings for business and professional use*
- *Banks*
- *Daycare Centers*

Accessory uses allowed in the MU-2 zoning district include:

- *Accessory parking*
- *Accessory loading berths*
- *Temporary structures for the storage of equipment and supplies used in connection with the construction of structures for permitted uses*
- *Accessory storage of retail goods delivered or sold to customers on the premises within fully enclosed buildings*
- *For any structure for sale or rent, temporary non-illuminated "for sale" or "for rent" signs*
- *Business identification, directory signs and shopping center identification signs*
- *Accessory to garden apartments, townhouses and multifamily dwellings: clubhouses, tennis courts, swimming pools and other similar structures.*

The MU-2 district does not permit any special uses by Planning Board, Town Board of Zoning Board of Appeals approval.

The bulk requirements applicable to the MU-2 zoning district are shown in Table 3.4-1. The bulk requirements coincide with Use Group "n".

<b>Table 3.4-1 "MU-2" Zoning District Bulk Requirements Town of Ramapo</b>	
<b>Bulk Requirements</b>	<b>Required</b>
Minimum lot area (square feet)	10 acres
Minimum lot width (feet)	600
Minimum front setback (feet)	100
Minimum front yard (feet)	20
Minimum side setback (feet)	80
Total minimum side setback (feet)	100
Minimum side yard (feet)	20
Minimum rear setback (feet)	50
Minimum rear yard (feet)	10
Minimum street frontage (feet)	600
Maximum building height (feet)	45 feet/4 stories
Maximum development coverage (percent)	65%
Maximum floor area ratio (FAR)	0.65
Source: Town of Ramapo Zoning Law, 2008.	

*Parking Requirements*

Parking requirements applicable to uses allowed in the MU-2 zoning district in the Town of Ramapo are shown in Table 3.4-2 below.

<b>Table 3.4-2 Minimum Off Street Parking Spaces for Ramapo, MU-2 District</b>	
<b>At least one parking space for each unit of measurement as noted below:</b>	
Local convenience commercial	150 square feet of floor area
Local business office	200 square feet of floor area
Gasoline service station	1/bay, plus 1 per 1/4 service bay, plus 2 additional, but not less than 5
Shopping centers and auction establishments	200 square feet of floor area
Automotive sales	2 per salesman position
Commercial recreation	determined by Planning Board
Warehousing	150 square feet of office area, plus 1 for each 2 employees
Banks	200 square feet of floor area
Offices	200 square feet of floor area
Daycare center	as determined by planning board at time of site plan and special permit approval
Garden apartments, townhouses and multifamily dwellings	2 spaces per dwelling unit, visitor parking as determined by the Planning Board.
Source : Town of Ramapo Zoning Law, 2008.	

*Town of Haverstraw Use Requirements*

The Haverstraw portion of the site is zoned "C". Permitted uses in this district include:

- *commercial recreational establishments;*
- *convention and catering facilities;*
- *various retail and neighborhood commercial uses such as drug, food, hardware, stationery and tobacco stores, liquor stores, barbers and beauty parlors, tailoring and shoe repair establishments, pet shops, florists, banks, jewelry stores, clothing and department stores,*
- *bus stops;*
- *public buildings, such as fire stations, police stations and post offices;*
- *libraries, museums and art galleries; and*
- *offices for professional, governmental and business use.*

Uses allowed by special permit approval of the Zoning Board of Appeals include:

- *dry cleaning establishments, launderette, laundromat and coin-operated laundry establishments;*
- *trailers for business and/or commercial purposes on a temporary nonrenewable basis;*
- *wholesale sale;*
- *antique shops; and*
- *amusement centers.*

Uses allowed by special permit approval of the Town Board include:

- *public utility substations or pumping stations;*
- *auction establishments;*
- *schools of general and special instruction;*
- *car wash;*
- *telephone exchanges;*
- *gasoline service stations and/or one stop gas stations;*
- *restaurants with live entertainment ;*
- *clubhouses;*
- *community centers;*
- *automobile or trailer sales areas; and*
- *oil change/lubrication facilities shall be allowed at car wash facilities.*

Accessory uses allowed in the "C" zoning district include: production and servicing of goods; storage; loading; signs; and storage of retail goods to be sold or delivered to customers on the premises.

The bulk requirements that apply to uses in the "C" zoning district are provided in Table 3.4-3 below.

<b>Table 3.4-3 "C" Zoning District Bulk Requirements Town of Haverstraw</b>	
<b>Features</b>	<b>Required</b>
Minimum Lot Area (square feet)	10,000
Minimum Lot Width (feet)	100
Minimum Lot Frontage (feet)	100
Required Front Yard Depth (feet)	25
Required Side Yard Width (feet)	10
Required Side Total Yard Width (feet)	10*
Required Rear Yard Depth (feet)	25**
Maximum Building Height (feet)	2.5 stories or 35 feet
Maximum Density (per acre)	N/A
<p>•When adjacent to a non-residential district or use 10 feet shall be required.  ** When adjacent to a non-residential district or use 25 feet shall be required.  Source: Town of Haverstraw, Zoning Code, updated 01-15-2008.</p>	

*Parking Requirements*

The parking requirements for uses in the "C" zoning district are provided in Table 3.4-4 below.

<b>Table 3.4-4 Minimum Off Street Parking Spaces for C District</b>	
1. Commercial and retail uses not listed elsewhere	1 space per 150 square feet of gross floor area
2. Wholesale sales	1 space per every 600 square feet of gross floor area
3. Dry cleaning, rug cleaning, wholesale sales or storage establishments	1 space per every 300 square feet of gross floor area
4. Funeral Homes	1 space per every 5 seats
5. Bus stops	Subject to site plan approval by the Planning Board
6. Schools of general or special instruction	1 space per every 5 seats or students
7. Offices and public buildings	1 space per every 150 square feet of gross floor area
8. Libraries, museums, art galleries	1 space per every 200 square feet of gross floor area, but not less than 1 space for every 5 seats
9. Temporary trailers, launderette, laundromat and coin-operated laundry establishments	1 space per every 150 square feet of gross floor area
10. Restaurants, tearooms, and outdoor cafes	1 space per every 3 seats
11. Telephone exchanges	1 space per every 2 employees or 500 square feet of gross floor area, whichever is less
12. Tennis clubs	4 spaces per court
13. Public utility substations	1 space per every 2 employees or 500 square feet of gross floor area, whichever is less
14. Theaters	1 space per every 3 seats
15. Bowling alleys	4 spaces per alley
16. Gasoline service stations, and/or one-stop gas stations	1 space per every 300 square feet of gross floor area
17. Auction establishments	1 space per every 75 square feet of gross floor area
18. Car wash	1 space per employee
<b>Source:</b> Town of Haverstraw Zoning Code	

In Haverstraw, the architectural drawings would require approval of the Architectural Review Board, which would consider the site's natural features and the appearance of the proposed building design with regard to the appropriateness to the character of the neighborhood and the use of land.

*Surrounding Land Use Patterns*

Figure 3.4-2 illustrates land use in the surrounding area. A field check of existing land use patterns documented in the DEIS was conducted for this SEIS - the land use pattern has not changed. The Palisades Interstate Parkway is located to the east of the project site. Barr Laboratories is located north of the site. To the northwest and west, the project site adjoins vacant land, which includes NYSDEC-regulated wetlands. South of the site and on the south side of Route 202 are commercial uses and shopping centers including Pacesetter Park, with a Super Stop & Shop and various retail and commercial uses. Ramapo Plaza, a retail strip shopping center, is also on the south side of Route 202. A diner is located near the intersection of Route 202 and the off-ramp to the Palisades Interstate Parkway southbound. Approaching Camp Hill Road along Route 202, commercial uses include offices, professional offices, horse stables, mini storage, and automotive garages. The Pomona post office is also located along Route 202.

Traveling north along Camp Hill Road and then traveling onto Quaker Road, the land uses are predominantly single-family residential and vacant land. Just north of Barr Labs, and along Quaker Road, is a mobile home park. A kennel is also located along Quaker Road near the road's intersection with the off-ramp for the Palisades Interstate Parkway.

The DEIS documents other land uses in the project vicinity.

**3.4.2 Potential Impacts**

Consistency with Adjoining Land Uses

The Minisceongo Park development proposes the construction of a mixed use residential and commercial development. Specifically, within the Town of Haverstraw, the applicant would construct 254,000 of retail space. In the Town of Ramapo, the concept for development of the site would include up to 219 multifamily units and four (4) commercial pads totaling up to 16,850 square feet of commercial space, replacing undeveloped vacant land and one automotive repair use along the site's frontage. A stormwater basin would be constructed. All land to the west of the limits of the NYSDEC regulated 100-foot buffer would be preserved as undisturbed open space.

The applicant believes that the overall project is compatible with the pattern of land use and development that exists in the vicinity of the Exit 13 interchange of the PIP with Route 202. In this area, commercial uses and retail uses serve and are interspersed with the higher residential density neighborhoods that have been constructed in proximity to the PIP, a major regional transportation corridor linking commuters to regional workplaces. In particular, the east side of the PIP demonstrates this mix of uses. A mix of commercial and residential use is envisioned for the west side of the interchange.

The developed portion of Minisceongo Park would be over 1/3-mile from the nearest residence fronting on Quaker Road. To the south, the project adjoins Route 202 and commercial uses are located on the south side of the road. To the east, the site adjoins the access ramp to the southbound PIP. The applicant contends that there are no uses in this vicinity that would conflict with the proposed mixed use for the site.

To the north, the project site shares approximately 3,300 feet of its northern boundary with Barr Laboratories. Of this total, approximately 1,500 feet of the project site’s boundary adjoins buildings and parking areas, and the remaining 1,800 feet of the site’s perimeter adjoins wetland areas located on the Barr property. The proposed plan would locate the 254,000 square foot shopping center near this northern boundary, with most of the parking on the south side of the buildings.

Compliance with Zoning

*Town of Ramapo*

The Ramapo portion of the project site is located in the MU-2, Mixed Use Highway, zoning district. The proposed uses -- multiple family residences and commercial pads for banking, retail, and restaurant -- are permitted by right in the MU-2 district. A use variance would be required for the Building E - restaurant with a drive up window. As demonstrated in Table 3.4-5, the development proposed in the Town of Ramapo complies with the bulk requirements with the exception of the minimum front yard and front yard setback requirements, which would require a variance.

<b>Table 3.4-5 Project Compliance with “MU-2” (Use Group n) District Bulk Requirements Town of Ramapo</b>		
<b>Features</b>	<b>Required</b>	<b>Provided</b>
Minimum lot area	10 acres	26.1775 acres
Minimum lot width	600 feet	700.0 feet
Minimum front setback	100 feet	45 feet - Bldg E variance required
Minimum front yard	20 feet	10 feet - curb line variance required
Minimum side setback	80 feet	350 feet - Bldg F
Total minimum side setback (feet)	100 feet	1000+ feet
Minimum side yard (feet)	20 feet	80 feet - curb line
Minimum rear setback (feet)	50 feet	185 feet Bldg 5
Minimum rear yard (feet)	10 feet	60 feet Curblin at Recycle center
Minimum street frontage (feet)	600 feet	1700 + feet
Maximum building height (feet)	45 feet or 4 stories	40 feet or 3 stories
Maximum development coverage (percent)	65%	64%
Maximum floor area ratio (FAR)	0.65	.45
<i>Source: Town of Ramapo Zoning Law, updated 2008; Atzl, Scatassa, Zigler, P.C.</i>		

Table 3.4-6 summarizes the proposed gross floor area, number of units, and floor area ratios by building for the Town of Ramapo.

Table 3.4-6 Town of Ramapo Areas, Floor Area Ratios*, and Units			
BUILDING	Gross Floor area square feet)	Floor Area Ratio	Units
Commercial Building C	1,500	0.001	
Commercial Building D	4,000	0.004	
Commercial Building E	3,350	0.004	
Commercial Building F	8,000	0.008	
Residential Building 1	66,510	0.072	54
Residential Building 2	66,510	0.072	54
Residential Building 3	40,500	0.044	26
Residential Building 4	40,500	0.044	28
Residential Building 5	66,510	0.072	55
<i>Source: Atzl, Scatassa, Zigler, P.C. 2009</i>			

The proposed project is subject to the requirements of Section 376-66.B of the Ramapo zoning law. would comply with the regulations for the MU-2 zoning district as follows (the Town's zoning requirements are italicized):

- *MU-2 Development : A development that must consist of at least 50 percent residential uses and must contain commercial and /or office uses of at least 5 percent but not to exceed 50 percent.*

The zoning law is unclear as to how these percentages are measured. If measured in gross floor area, the proposed residential use exceeds the minimum required 50 percent of the proposed development for the property in the Town of Ramapo. The commercial uses, comprising 16,850 square feet, would exceed five percent (5%) of the total development.

- *(1) The maximum density for residential uses shall be twelve residential units per acre less the area designated for commercial and/or office use.*

The net acreage of land in the Town of Ramapo is approximately 21.1 acres after deducting for environmental constraints. Of this total, approximately 3.9 acres is devoted to commercial and office space. The remaining 17.2 acre portion is designated residential use, within which 219 dwelling units are proposed. The maximum number of dwellings permitted would be 206 dwelling units; 219 are proposed. This would require an area variance.

- *(2) The permissible type of residential uses can include garden apartments, townhouses and multi-family dwellings or a combination thereof.*



Multi family dwellings are proposed.

- *(3) The maximum number of stories shall be four.*

Three story buildings are proposed.

- *(4) Separate refuse collection areas must be provided for the residential and commercial and/or office uses.*

The refuse collection for the residential and commercial portions of the development would be located in separate areas.

- *(5) The residential portion of the development shall comply with the standards contained in Section 376-163 (F), (G), (H), (I), (J), (K), and (L).*
- *F. The minimum distance between detached buildings shall be thirty feet.*

The multifamily buildings would be separated by more than thirty feet.

- *G. Suitably equipped and adequately maintained recreation and open space shall be provided. Group sitting areas shall be well defined by walls, fence, hedges or other plantings designed to impart a sense of containment or security and to provide group privacy.*

An 8,000 square foot recreational area will be provided to the west of Building 5. Passive trails along the wetland buffer edge will be incorporated into the design of the project.

- *H. There shall be provided a safe and convenient system of drives, service access roads, and walks with due consideration given in planning such facilities to such items as handrails and ramps. Such facilities shall be adequately lighted and said lighting shall not be directed on adjacent streets.*

A sidewalk would be provided at the entrance court east of Building C, and would connect to the sidewalks proposed to be constructed along the main entry drive. Additional sidewalks would be provided within the development to provide access to the parking areas. Lighting will be designed to meet this standard, and lighting details will be incorporated into the detailed site plan. Proposed locations for lighting are shown on the plan.

- *I. Central refuse collection areas shall be located for the convenience of all units. They shall be supplied with an adequate number and type of covered receptacles in an enclosed gated structure and shall be provided with proper screening and maintenance.*

Enclosed, gated refuse collection areas would be located next to the driveways that serve the garage locations under each building. As the site plan is detailed, the refuse collection areas will be shown. These areas will be screened from view of the major driveways and boulevards serving the site. A recycle center would be provided as shown on the Conceptual Site Plan.

- *J. All parking areas, driveways, recreation areas, and refuse collection areas shall be no closer than ten feet to any building or lot line, and any swimming pool shall be no closer than thirty feet to any building and fifty feet of any lot line. The requirement which prohibits parking in required yards (§376-71A) may be waived by the Planning Board.*

The parking areas in front of the buildings are not set back the minimum distance of 5 feet to the building - this will necessitate an area variance. The development does not propose a swimming pool. The parking is not situated within any required yard.

- *K. The required side and/or rear yard may be decreased to ten feet where abutting another residential specialized housing development.*

This requirement does not apply to the development.

- *L. A buffer of not less than twenty feet shall be provided.*

The proposed development meets this requirement along its westerly side yard. The properties easterly side yard abuts the commercial uses, so this would not apply to the residential portion of the development. The property rear yard is within the Town of Haverstraw, so the buffer requirement for the rear yard does not apply.

Parking would be provided for the commercial pads and dwellings in the Town of Ramapo as follows:

Table 3.4-7 Compliance with Parking Requirements for MU-2 District Ramapo		
	Required	Provided
Building C - Specialty Food Restaurant	1.5 seats' capacity - Restaurant has 10 seats = 7	23
Building D - Bank	200 square feet of floor area = 20	29 -requires a variance
Building E - Specialty Food Restaurant	1.5 seats' capacity - Restaurant has 80 seats = 53	70 - requires a variance
Building F - Family Restaurant	1.5 seats' capacity - Restaurant has 225 seats =150	
Multifamily dwellings	2 spaces per dwelling unit, visitor parking as determined by the planning board. = 438 + visitor spaces to be determined by the Planning Board.	389 - requires a variance
<b>Source :</b> Town of Ramapo Zoning Law; Atzl, Scatassa, Zigler, P.C.		

The Town of Ramapo Code § 376-70 B. provides for a reduction of up to 25% in the number of parking spaces required, based "upon demonstration by the applicant that that number exceeds the design hour requirement and a demonstration that such reduction would not induce parking on public ways or result in hazardous conditions for vehicles and pedestrians within or proximate to the site." A 25% reduction in the total 230 spaces required for the

commercial pads would result in 172 required spaces. The proposed plan provides 121 spaces. The variance requested would be for 51 parking spaces.

Accessory parking, garages, storage, and signage, which are uses permitted as of right subject to provisions in §376-31 E, would be provided for the development in the Town of Ramapo. The proposed residences would include 85 garage spaces. Storage for commercial uses would be within fully enclosed buildings. No off street loading berths are proposed for the commercial pads.

In addition, the proposed Building 1 would be 15 feet from the Loop Road, which is less than the 25 foot minimum distance from the pavement edge required by Ramapo zoning.

Additional use requirements described in §376-31 E for the MU-2 District have been addressed in the proposed design.

*Town of Haverstraw*

The proposed development in the Town of Haverstraw, retail use, is permitted in the "C" district. The proposed uses maintain 700 feet of frontage on Quaker Road, with a front yard depth of 330 feet to Building B. The minimum rear yard setback proposed would be 80 feet (for Building B). The maximum building height of 34 feet is proposed and would be less than the 35 feet maximum permitted by the zoning law. Table 3.4-7 below demonstrates the project's compliance with the Town of Haverstraw "C" zoning district bulk requirements.

<b>Table 3.4-8 Project Compliance with "C" District Bulk Requirements Town of Haverstraw</b>		
<b>Features</b>	<b>Required</b>	<b>Provided</b>
Minimum Lot Area (square feet)	10,000	26.3084 acres
Minimum Lot Width (feet)	100	Corner lot
Minimum Lot Frontage (feet)	100	700' along Quaker
Required Front Yard Depth (feet)	25	330' to Bldg. B
Required Side Yard Width (feet)	10-25 *	260' to Bldg A
Required Side Total Yard Width (feet)	25-35**	Corner lot
Required Rear Yard Depth (feet)	25	80' to Bldg B
Maximum Building Height (feet)	2.5 stories or 35 feet	34'
Maximum Density (per acre)	N/A	

*Source: Town of Haverstraw, Zoning Code, updated 01-15-2008.*

\* When adjacent to a non-residential district or use 10 feet shall be required.

\*\* When adjacent to a non-residential district or use 25 feet shall be required.

Refer to Table 3.4-10 for other area variance requests.

Table 3.4-9 summarizes the proposed gross floor area, number of units, and floor area ratios by building for the Town of Haverstraw.

<b>Table 3.4-9 Town of Haverstraw Areas and Floor Area Ratios*</b>		
<b>BUILDING</b>	<b>Gross Floor area</b>	<b>Floor Area Ratio</b>
Commercial Building A	30,000	0.026
Commercial Building B	224,000	0.195
<b>TOTAL</b>		<b>0.222</b>
<i>Source: Atzl, Scatassa, Zigler, P.C. 2009</i>		
<i>*Floor Area Ratio to TOTAL area</i>		

The project proposes no uses that would require a special permit in the C District. Accessory parking, loading, signs, are proposed, and these accessory uses are permitted as of right in the C District. Accessory storage is proposed to be provided for the shopping center and would comply with the Additional Use Regulations requiring storage to be completely enclosed.

The proposed plan provides vehicular access within 50 feet of a property line (for emergency access). An area variance would be required.

Within the Town of Haverstraw, area variances would be required for the number of parking spaces, parking space dimensions, and parking aisle widths. The Applicant proposes that in order that commercial buildings A and B comprise adequate leasable space for a viable project, the applicant proposes a smaller parking area than is required by the Town Code due to these reductions in the dimensions of the individual stalls and aisles, and the number of stalls proposed.

The reduced area of paving for parking would require parking stalls 9' x 18' in size rather than 10' x 20' as required by the Code. The aisles proposed would be 24 feet wide instead of the required 25 feet. Table 3.4-8 shows the project's compliance with parking and loading requirements in the Town of Haverstraw.

Table 3.4-10 Compliance with Parking and Loading Requirements for Haverstraw, C District		
	Required	Provided
Parking spaces : 1. Commercial and retail uses not listed elsewhere	1 space per 150 square feet of gross floor area = 1,693 spaces	967 - requires area variance
Parking space dimensions	10' x 20'	9' x 18' - requires area variance
Parking aisle width	25'	24' - requires area variance
Loading berths	For retail sales and service establishments, 1 berth for 8,000 to 25,000 square feet of floor area, and 1 for each additional 25,000 square feet of floor area or major fraction thereof = 10.16 berths	10 berths
<i>Source: Town of Haverstraw, Zoning Code, updated 01-15-2008.</i>		

The Town of Haverstraw zoning law that regulates parking stall dimensions and space demand was adopted in 1990. Since adoption of the zoning law, the trend has been for municipalities to reduce parking dimensions and requirements. For example, the trend toward compact cars has been considered in calculating the appropriate size of parking stalls. According to *U Conn Extension Technical Paper 5 "Parking Lots," 1999*:

Over the last decade the average size of cars sold in the United States has declined. In recognition of the popularity of smaller cars, many communities are downsizing required parking space size. Los Angeles for example, permits 8' by 18' parking stalls. In a 1982 survey of 900 local governments, the American Planning Association found 33% of the respondents had downsized the minimum parking space size required by zoning. According to the APA survey, small car stall widths ranged from 7' to 8' with lengths ranging from 14' to 19.' The most commonly used small car dimension was 7' 6" in width by 15' in length.<sup>1</sup>

According to the Urban Land Institute, the recommended minimum width for parking stalls where there is moderate to high turnover visitor parking is 8'9" to 9'0"; the minimum recommended projection for 90 degree parking is 18'0" and the minimum recommended aisle is 24'0".<sup>2</sup>

According to the Concept Plan, 967 parking spaces would be provided for the 254,000 square feet of retail space within the Town of Haverstraw. As shown on the plan, three aisles extend over the Town boundary line, so that 23 of the 967 spaces would be in the Town of Ramapo.

According to the Urban Land Institute's report "Parking Requirements for Shopping Centers," four (4) parking spaces per 1,000 square feet of gross leasable area (GLA) is the ratio recommended for shopping centers under 400,000 square feet. The Town of Haverstraw

<sup>1</sup> Jim Gibbons. "Non point Education of Municipal Officials: Technical Paper Number 5." University of Connecticut, 1999.

<sup>2</sup> The Dimensions of Parking, Fourth Edition. Urban Land Institute, 2005.

Code requirement of one space per 150 square feet of gross floor area equates to a ratio of 6.7 spaces per 1,000 square feet. The ULI Report states:

This recommended provision of parking spaces will provide the typical shopping center with sufficient parking to serve the parking needs of customers and employees at the 20th busiest hour of the year. Moreover, these recommended ratios provide for a surplus of parking spaces during all but 19 hours of the more than 3,000 hours per year during which a shopping center is open. During 19 hours of each year, which are typically distributed over four peak shopping days, some patrons will not be able to find vacant spaces when they first enter the center. The recommended parking ratios are applicable for centers in which retail shops occupy at least 80 percent of the GLA.<sup>3</sup>

The proposed 967 parking spaces for the shopping center in the Town of Haverstraw, with total building area of 254,000 square feet of gross floor area reflects a ratio of 3.8 spaces per 1,000 square feet. The proposed number of parking spaces for the shopping center in both towns, with 270,850 square feet of gross floor area would equate to a total of 1,092 spaces if one relies on the ULI requirement of four spaces per 1,000 square feet of leasable area. The plan illustrates a parking space supply that exceeds slightly the 1,083 spaces that would be required as per the ULI standard. (Note - the retail center's gross floor area is equal to the leasable area).

Based on the foregoing and considering that the proposed development is also accessible by public transportation, the applicant proposes to provide 3.8 spaces per 1,000 square feet of GLA within the Haverstraw portion of the project, slightly less than recommended by the ULI.

#### Compliance with Site Plan Approval Standards

##### *Town of Ramapo*

The project is subject to site development plan review set forth in Article IX of the Ramapo zoning law. Section 376-91 of the law sets forth the objectives to be met in the review and approval of a site plan. The Planning Board must take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular. (Town regulations are italicized):

- *Traffic Access. All proposed traffic access shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and other similar safety considerations.*

The project would have one main access drive serving the residential and commercial portions of the development and one minor access for right turn only entrance to the commercial portion of the property. The main boulevard style entrance, with two inbound and three outbound lanes would separate the two use areas, and end at a t-intersection where a directory pylon would be located. The access drive for the residences would be located approximately 400 feet north of this intersection, well separated from the traffic associated with the commercial pads along Route 202.

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<sup>3</sup> Parking Requirements for Shopping Centers. Urban Land Institute, 2003.

- *Circulation and parking. Adequate off-street parking and loading will be provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.*

For the commercial uses, 121 parking spaces are proposed, and these can be easily accessed from either of the two proposed entrances. Handicapped parking would be provided as shown on the site plan.

- *Landscaping and screening. All recreation areas, parking and service areas shall be screened from view of adjacent residential lots and streets at all seasons of the year.*

Given the mixed residential and commercial nature of the design, parking and service areas would not be entirely screened from residential lots. However, in the proposed layout the residences would be set back from the internal road and Route 202 beyond a landscaped buffer that would provide partial screening between the residential and commercial uses.

- *Compatibility. Signs and lights will be compatible and in scale with building elements and will not predominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent a massive or monolithic appearance, particularly areas of asphaltic paving or parking.*

The commercial pads would be designed for several types of small business uses which would provide inherent variety and would be small in scale. Associated elements such as lighting and paving would provide continuity within the commercial complex.

- *Environment. The design, layout and operational characteristics of the proposed use will not represent a significant impact on the environment or result in a waste of land and other natural resources of the Town. The greatest extent, the development will be in harmony with the natural environment and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project.*

The proposed development would preserve open space within the wetland area and utilize the portion of the site along the property frontage on Route 202 for an appropriate mixed use, with residences located adjacent to the preserved land.

- *Development. The site development plan elements, including buildings, parking, drainage, circulation, signs and lighting will not adversely affect adjacent properties or the property under review from its highest and best use.*

The design of the project as proposed would not include aspects that would adversely impact adjacent properties and would be developed to utilize the location and resources of the property to its highest and best use.

#### *Town of Haverstraw*

Chapter A.173 of the Town of Haverstraw Code regulates the review and approval of site development plans. The Minisceongo Park development would require site development plan review and approval by the Haverstraw Planning Board.

Similar to the Town of Ramapo's site development plan regulations, the Planning Board is guided in its decision-making by objectives set forth in Section A173-3. The Planning Board must take into consideration the public health, safety, and welfare, the comfort and

convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular. Specific objectives include:

- *Traffic access. All proposed traffic access shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and in conformity with other similar safety considerations.*

Access to the shopping center in the Haverstraw portion would be from the two proposed entry drives on Route 202 described above, and the internal roadway would consist of a loop road around the shopping center. One emergency access would be provided on Quaker Road.

- *Circulation and Parking. Adequate off-street parking and loading will be provided to prevent the parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.*

A total of 967 parking spaces would be provided for Buildings A and B, located on the north, east, and south sides of the shopping center. Area variances will be required as described above

- *Landscaping and screening.*
  1. *Landscaping shall be provided as part of the overall development design and integrated into building arrangements, topography, parking and screening requirements. Landscaping shall include trees, shrubs, groundcover, perennial and annual flowers, other plants, sculpture, art and the use of building and paving materials in an imaginative manner. Landscaping shall be maintained and the owner shall be responsible for replacement of dead plant materials or other damaged landscaping items. All developments, except one- or two-family residential construction, shall have landscaping designed and executed by a New York State licensed landscape architect.*
  2. *Screening shall be located to minimize glare from headlights, noise, light from structures, the movement of people and vehicles and to shield activities from adjacent properties when necessary. Screening may consist of fencing, berms, evergreens, shrubs, deciduous trees, physical barriers or combinations thereof to achieve the state objectives.*

A landscaped buffer would be provided between the residential and commercial uses. A concept Landscape Plan, provided in Section 3.10, includes shade trees throughout the commercial development and has been designed by a New York State licensed landscape architect. Further details of the landscape design will be developed during the site plan approval process.

- *Compatibility. Signs and lights will be compatible and in scale with building elements and will not predominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent a massive and monolithic appearance, particularly areas of asphaltic paving for parking.*

The applicant contends that the retail center will adhere to these requirements. The development will be subject to ARB review. The specific design cannot be pursued until the specific tenants have been determined. This would be addressed at the site plan review and approval stage. Signs and lights for the project and the building



details will be developed in a manner that will create overall coherence and compatibility of the project's design. The parking area will include planted islands.

- *Environmental Considerations. The design, layout and operational characteristics of the proposed use will not have a significant impact on the environment or result in a waste of land and other natural resources in the Town. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life shall be reviewed and the design will minimize any adverse impact on these elements.*

As described above the site plan locates the various proposed uses appropriately in this location along Route 202, preserving wetlands, situating housing adjacent to the open space. Smaller commercial uses would be located on the Route 202 frontage, and the retailers would be located in the rear.

Development. The site development plan elements, including buildings, parking, drainage, circulation, signs and lighting, will not adversely affect the potential of adjacent properties or the property under review from its highest and best use.

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The applicant believes that the proposed use and architectural style proposed is consistent in character with the project vicinity, and the proposed design elements would address traffic circulation, parking, stormwater runoff, and other potential impacts to the site and neighboring properties.

### **3.4.3 Mitigation Measures**

No mitigation measures are proposed. The applicant analyzed an alternative layout that would conform to the Towns' regulations - this alternative is discussed in Section 5.0 of this SEIS. The applicant contends that the economic feasibility of the project is eliminated if the commercial square footage of a big-box tenant is reduced to an amount that would allow the project to conform to the Town's parking requirements. See Section 5.0 for a discussion of this alternative.