

III. EXISTING ENVIRONMENTAL SETTING, PROJECT PROPOSALS/IMPACTS AND MITIGATION MEASURES

A. LAND USE, NEIGHBORHOOD AND PUBLIC POLICY

a. Land Use Study Area

b. Land Uses

1. Primary Land Use Study Area

The Primary Land Use Study Area is shown on Figure III/A-1. It includes the area generally within one-quarter mile of the proposed Westchester University. The Primary Land Use Study Area extends to the north to include the abutting Legion of Christ Conference and Training Center, the Westlake High and Middle Schools, Zeiss office building, and the Westwood Swim and Tennis facility. To the east it extends into the single-family residential area between West Lake Drive and Kensico Reservoir. To the south and off Lozza Drive, the primary area includes the Town community center, pool and library as well as several office buildings. South of Stevens Avenue it includes the single-family residential area between Stevens Avenue and Kensico Reservoir, Town Hall, the Pepsi Cola offices, and the Kensico School. To the west the primary area includes the Summit and Sutton Park office developments as well as the single family residential areas south of Stevens Avenue and north of Sutton Park.

A series of photographs showing some of the major existing developments in the Primary Land Use Study Area are found on Plates III/A-1 through III/A-9. They show the character of the Columbus Avenue development corridor which includes major commercial and public uses as well as the site of the proposed Westchester University. A second series of photographs (Plates III/A-10 through III/A-18) show the attractive single-family residential areas immediately to the east and south of the site.

As summarized in Table III/A-1, the Primary Land Use Study Area totals approximately 771 acres.

- Single-family residences, at approximately 227 acres (29.4%), represent the single largest land use category. There are approximately 342 separate single-family homes in this category.
- Undeveloped land, at approximately 224 acres (27.2%), is the second largest land use category. Some 221 of these 224 acres are mapped in the OB-1 Zoning District, including the 164.7 acre site of the proposed Westchester University.
- “Office, research” and “training center” are the third and fourth largest categories. There are approximately 135 acres in the “office, research” category and approximately 97 acres in the “training center” category which is entirely comprised of the Legion of Christ Incorporated Education Training and Conference Center.

Thus, 455 acres of non-residential land accounts for 59% of the 771 acre Primary Land Use Study Area, as follows:

Office, Research	135 acres
Training Center	97 acres
Commercial	2 acres
Undeveloped and OB-1 Zoned	<u>221</u> acres
Total	455 acres

Table III/A-1

**Land Uses in Primary Land Use Study Area
(See Figure III/A-1)**

<u>Use</u>	<u>Area</u>	
	<u>Acres</u>	<u>Percent</u>
Single Family Residential	227	29.4
Office, Research	135	17.5
Training Center	97	12.6
Commercial	2	0.3
Public, Quasi-Public	53	6.9
Transportation, Utility	4	0.5
Open Space, Reservoir	39	5.1
Undeveloped	<u>214</u>	<u>27.7</u>
Total	771	100.0

2. Secondary Land Use Study Area

The Secondary Land Use Study Area is shown in Figure III/A-2. It shows the relationship of the site to surrounding communities (Thornwood and Valhalla) and to the regional highway and railroad network (Bronx River, Sprain Brook and Saw Mill River Parkways and the Metro North Harlem Division rail commuter line). As noted above in the discussion of the primary area, the site is clearly a part of the Columbus Avenue commercial and public/quasi public development corridor. The Columbus Avenue development corridor is surrounded by single-family residential areas. Several large cemeteries are located in the southeast portion of the secondary area, while the western portion is dominated by the extensive Kensico Reservoir.

As summarized in Table III/A-2, the Secondary Land Use Study Area (which includes the Primary Land Use Study Area) contains approximately 5,921 acres.

- Single-family residences comprise the largest land use category, accounting for nearly one-third of this area and including approximately 3,474 single-family homes.

- Public park/open space uses represent the second largest category. At over some 1,800 acres, this use represents 31.3% of the study area.
- Cemeteries, at 762 acres, account for 22.9% of the area and represent the third largest category.
- Each of the other six categories of land use comprise less than 10% of the area, as follows:

Public, Quasi - Public	7.4%
Undeveloped	5.9%
Office	3.6%
Transportation, Utility	2.7%
Commercial, Manufacturing	2.2%
Training Center	1.6%

Table III/A-2

**Land Uses in Secondary Land Use Study Area
(See Figure III/A-2)**

<u>Use</u>	<u>Area</u>	
	<u>Acres</u>	<u>Percent</u>
Single Family Residential	1,919	32.4
Office	214	3.6
Training Center	97	1.6
Commercial, Manufacturing	132	2.2
Public Park, Open Space	1,854	31.3
Public, Quasi-Public	436	7.4
Transportation, Utility	158	2.7
Cemetery	762	12.9
Undeveloped	<u>349</u>	<u>5.9</u>
Total	5,921	100.0

c. Zoning

1. Zoning Districts Within Land Use Study Area

The existing zoning districts in the surrounding land use study area are mapped in Figure III/A-3.

The properties fronting on Columbus Avenue immediately to the north and south of the project site, and the project site itself, is zoned OB-1, General Office.

Beyond the Columbus Avenue frontage, the area immediately to the north of the project site is zoned OB-CE, Corporate Education.

To the immediate east of the project site, the area is for the most part zoned R-40 and a small portion is zoned R-20. Both are one-family residential districts.

To the immediate south of the project site, the westerly portion adjoins an area in an OB-1 district, General Office, and the easterly portion abuts an area in the R-20, One-Family Residence district.

Further to the south, the area south of Stevens Avenue and west of Columbus Avenue is zoned R-20, one-family residential.

There is a small area at the northwesterly corner of Stevens Avenue and Columbus Avenue which is within an OB-T-1 zone, Office Building Transitional.

2. Summary of Major Regulations for Study Area Zoning Districts

(a) Uses Permitted in the R-40 and R-20 Zoning Districts

The following principal, accessory and special uses are permitted in both the R-40 and R-20 Districts, unless otherwise noted:

(1) Principal Uses

Single family dwellings; places of worship; public elementary and high schools; railroad or public service passenger stations; playgrounds, parks, parkways, libraries, firehouses, police stations and other municipal uses, but not including incinerators, dumps, municipal garages or public works yards; recreation areas, playgrounds, parks, swimming pools, libraries and other buildings the use of which shall be limited solely to school district and/or municipal purposes; and, municipal, state or national historic sites or museums.

(2) Accessory Uses

Customary home occupations and offices and studios of physicians, dentists, architects, engineers and similar professional persons, when conducted in dwellings by the inhabitants thereof, with not more than 1 non-resident employee in any building; 2 non-transient roomers or boarders in any dwelling; private garden houses, tool houses, playhouses, fenced swimming pools, tennis courts, greenhouses or similar private accessory uses not for commercial or public purpose; private garages for 1 passenger car for each 4,000 square feet of lot area, except that a garage for more than three cars shall be prohibited; private garages for one commercial vehicle not exceeding $\frac{3}{4}$ ton capacity when used in connection with a permitted home occupation or professional office; parish houses, rectories and Sunday school rooms; child day-care centers owned and operated by a place of worship on the premises, provided the lot is at least one acre in area and is located on a State or county highway; signs up to two square feet in area identifying a professional office or home occupation; signs up to six square feet in area pertaining to a permitted use other than a professional office or home occupation, including sale, lease or rent of land or building on which displayed; off-street parking areas for private passenger cars; and, one apartment unit, without a kitchen or kitchen facilities, for the exclusive use of domestic employees of the

residents of the main home and located in a permitted accessory building, provided the lot is at least one acre in area.

(3) Special Uses

Parochial and private elementary and high schools and colleges; nursery schools, hospitals; religious, charitable and eleemosynary institutions, not including institutions for the insane or feeble-minded; public utility substations serving the local area only; watershed and water supply facilities; gatehouses, guest houses or caretakers' cottages or similar accessory uses to estate residence uses; non-profit membership clubs; public utility transmission lines, but not including gas booster stations or storage tanks; retail business accessory to a cemetery; limited office uses; convalescent or nursing homes; public utility facilities; and, in R-40 District, but not in R-20 District, camps and private non-profit riding clubs, stables and dog kennels; and, farms, farm uses, customary farm occupations, nurseries, greenhouses, cold storage plants, but not including the sale of produce.

(b) Uses permitted in the OB-1 and OB-T-1 Zoning District

The following principal, accessory and special uses are permitted in both the OB-1 and OB-T-1 Districts, unless otherwise noted:

(1) Principal Use

Any principal use permitted in a residence district (includes multi-family dwellings in addition to the uses enumerated above for the R-40 and R-20 Districts); office buildings; research, design and experimentation laboratories; and child day-care centers in OB-T-1, but not OB-1, Districts.

(2) Accessory Uses

Any accessory use permitted in a residence district; office building accessory uses; warehousing and enclosed storage in conjunction with an office building use in the same site, provided that such facilities are constructed as part of an office building; and, child day-care centers.

(3) Special Uses in OB-1 District

Any special use permitted in a residence district.

(4) Special Uses in OB-T-1 District

Professional office building for doctors, lawyers or other professionals licensed by New York State.

(c) Uses Permitted in the OB-CE District

The following principal, accessory and special uses are permitted in the OB-CE District:

(1) Principal Uses

Conference and training facilities to include, but not be limited to, continuing education, classroom space and teaching equipment, and offices for staff; indoor and outdoor physical recreational facilities; and, housing and dining facilities, provided they are not operated as a public hotel or public restaurant.

(2) Accessory Uses

Any use considered by the Planning Board to be accessory in nature to a permitted principal or special use.

(3) Special Uses

Office building uses in accordance with the standards and provisions of the OB-1 District.

(d) Dimensional Requirements of the R-40, R-20, OB-1, OB-T-1 and OB-CE Districts

The dimensional requirements of these five zoning districts are summarized in Tables III/A-3 and III/A-4.

**Table III/A-3
Dimensional Requirements of the R-40 and R-20 Zoning Districts**

	R-40	R-20
Minimum Lot Size	40,000 SF	20,000 SF
Minimum Width at Front Yard Setback Line	100'	85'
Minimum Mean Width	150'	100'
Minimum Mean Depth	175'	150'
Minimum Front Yard	60'	50'
Minimum Side Yard - 1 Yard	25'	15'
Minimum Side Yard - 2 Yards	50'	40'
Minimum Rear Yard	50'	50'
Minimum Floor Area Per Dwelling Unit For 1 Floor	1,000 SF	1,000 SF
Minimum Floor Area Per Dwelling Unit For 2 Floors	1,200 SF	1,200 SF
Maximum Building Height (stories/feet)	2½/35	2½/35
Maximum Building Coverage	10%	15%
Minimum Usable Open Space Per Dwelling Unit	1,200 SF	1,200 SF

**Table III/A-4
Dimensional Requirements of the OB-1, OB-T-1 and OB-CE Zoning Districts**

	OB-1	OB-T-1	OB-CE
Minimum Lot Size	25 Acres	1 Acre	50 Acres
Minimum Width at Front Yard Setback Line	500'	200'	500'
Minimum Mean Width	500'	200'	500'
Minimum Mean Depth	500'	200'	500'
Minimum Front Yard	150'	50'	150'
Minimum Side Yard - 1 Yard	100'	50'	100'
Minimum Side Yard - 2 Yards	200'	100'	200'
Minimum Rear Yard	100'	50'	100'
Minimum Floor Area Per Dwelling Unit	1,000 SF	1,000 SF	300 SF**
Maximum Building Height (stories/feet)	3/65	2/40	4/45
Maximum Building Coverage	20%	15%	10%
Maximum Building and Paving Coverage	45%*	NA	25%
Maximum Building FAR	NA	NA	0.2
Minimum Usable Open Space Per Dwelling Unit	1,200 SF	12,000 SF	4,000 SF

*Building and parking combined.

**Exclusive of common areas.

3. Zoning Regulations Relating to University Use (Proposed Action)

The proposed use of the site for a university is a permitted use in the OB-1 district. The OB-1 district permits any use which is permitted in a residence district. A number of the residence districts permit a university subject to a special permit.

The various dimensional restrictions relating to a university use are set forth in Section 218-45 of the Zoning Ordinance and certain other applicable provisions are in Section 218-70 and Section 218-109, Table of Zoning Regulations for the OB-1 Zoning District.

The following Table III/A-5 presents the major applicable dimensional regulations and compares them with the plan proposals.

As is shown in Table III/A-5, the plan for Westchester University fully complies with the requirements of the zoning regulations and in many instances far exceeds the requirements.

4. Background and History of Current Zoning for the Westchester University Site

The 1970 Comprehensive Plan for the Town of Mount Pleasant recommended "a large area on both sides of Columbus Avenue and north of Stevens Avenue for service commercial uses." This recommendation was the basis for the Town's decision in 1970 to create the OB-1 district and to designate this property, among others, within the OB-1 district.

Table III/A-5

Summary of Major Zoning Requirements/Plan Requirements/Plan Provisions

Regulation	Zoning Requirements	Plan Requirement	Plan Provisions
Minimum Site Area	25 acres, plus 5 acres for each 100 pupils in excess of 400 pupils in attendance at any one time, plus 1,000 SF for each dormitory bed, plus the minimum lot area (40,000 SF) for each single-family unit.	109 acres	164 acres
Minimum Public Street Frontage	500 feet	500 feet	2,190 feet (approx.)
Building Setback from Street Lines	100 feet	100 feet	450 feet approx. 225 feet approx. 300 feet approx.
Setback for Grandstands, Gymnasiums, Central Heating Plants	200 feet from property lines	200 feet	450 feet approx.
Lot Width at Front Yard Setback	500 feet	500 feet	2,200 feet approx.
Mean Width	500 feet	500 feet	1,200 feet approx.
Mean Depth	500 feet	500 feet	3,450 feet approx.
Minimum Front Yard Setback	150 feet	150 feet	450 feet approx.
Least Side Yard Minimum	100 feet	100 feet	100 feet
Total of Two Side Yards Minimum	200	200	325 feet +
Rear Setback Minimum	100	100	225
Maximum Height of Buildings	3 stories and 65 feet	3 stories and 65 feet	2½ stories and 35 feet
Maximum Building Coverage	20%	20%	4.4%
Off-street Parking	1 space for each college staff member plus 1 space for each 5 students, plus 1 space each 5 seats in grandstands or gymnasiums	750 spaces	755 spaces
Minimum Area of Playgrounds	Two acres for each 100 students	30 acres	30 acres

d. **Land Use Study Area Town and County Planning Studies**

As noted above, the proposed development is a permitted special use within the OB-1 General Office Zoning District in which the site is mapped. As shown in the Westchester University "Preliminary Concept Plan" (see Figure II/C-1 in Section II of this DEIS), no zoning variances or amendments are required; the proposed development meets all of the requirements of the OB-1 regulations, as they apply to the proposed development of Westchester University on this site.

The proposed development is in accord with both the Town's "1970 Comprehensive Master Plan" and the County's 1996 "Patterns for Westchester, Policies and Strategies to Guide Land Use."

- The County document designates the site as part of the "MDS 2-4" land use category, which permits development at a floor area ratio (FAR) range of 0.05 to 0.2. The development's FAR is equal to 0.09 and thus falls within the County's suggested range:

$$\frac{628,400}{163.7 \times 43,560} = 0.09$$

- The 1970 Town Master Plan recommends "service commercial" uses for a large area on both sides of Columbus Avenue north of Stevens Avenue. Though the Master Plan does not provide a specific definition of the term "service commercial", the section of the Master Plan titled "Goals and Objectives" (at page 2) states, "Service business uses which are not primarily dependent upon customer accessibility, or are not compatible with retail uses, should not be permitted in the retail centers. Suitable locations for such uses, however, should be provided in a service-commercial zone." At page 44 of the 1970 document, the area along Columbus Avenue between the A&P shopping center and Highclere Avenue is identified as appropriate for office development. The Town's current zoning for the site which was adopted in 1970 as a result of the 1970 Comprehensive Plan recommendation maps the site in the OB-1 General Office District, and the OB-1 regulations specifically identify parochial and

private colleges as a permitted special use, which is a use permitted by zoning and law.

e. **Other Major Developments in the Land Use Study Area**

Some of the more recent major developments and known future development in the study area are:

- The Summit and Sutton Park office parks.

The Summit

Zoning District: OB-1
Total Floor Area: 660,000 SF
Lot Area: 60 acres
FAR: 0.253

Sutton Park

Zoning District: OB-1
Total Floor Area: 218,000 SF
Lot Area: 17.4 acres
FAR: 0.288

- The Town community center, pool and library.
- The office buildings east of Columbus Avenue on both sides of Stevens Avenue.

Diamond Corporate Park

Zoning District: OB-1
Total Floor Area: 146,000 SF
Lot Area: 9 acres
FAR: 0.372

Mount Pleasant Corporate Center

Zoning District: OB-1
Total Floor Area: 178,000 SF
Lot Area: 5.8 acres
FAR: 0.705

- The New York City Department of Environmental Protection is developing an Ultraviolet Plant in the Eastview area and the filling in of aerators in the Kensico Dam area.

f. **Future Land Use, Zoning and Neighborhood Character Without the Proposed Action**

The study areas are for the most part developed and their land uses are largely in accordance with the 1970 Comprehensive Plan and are in accordance with the current zoning designations. Neighborhood character is well established in each sub-area. It is not anticipated that, without the proposed action, there would be any differences in future conditions in land use, zoning, or neighborhood character.

g. **Project Proposals/Impacts of Proposed Action**

The proposed Westchester University would result in the development of a university for a maximum of 1,500 students in attendance at one time: 1,000 students living in on-site dormitories and an additional 500 full-time equivalent commuting from off-site. The campus would result in the development of a little more than 628,000 gross square feet of building floor area.

The maps of existing land use (Figures III/A-1 and III/A-2) and the photos of existing buildings along Columbus Avenue (Plates III/A-1 through III/A-9) clearly indicate the development of a number of major uses along the Columbus Avenue corridor. These include: several office parks (Diamond Corporate Park, Mount Pleasant Corporate Park, The Summit, Sutton Park, Pepsi Cola Corporate Park); Mount Pleasant Town Hall; Mount Pleasant Community Center, Pool and Branch Library; Westwood Swim and Tennis Association; Legion of Christ Conference and Training Center, and several public schools, including Columbus Elementary, Westlake High/Middle and Kensico School.

A discussion of security issues with the Mount Pleasant Police and School District regarding the proximity of the proposed Westchester University to the Westlake High/Middle School is described in Sections III.I.f and III.I.i. As noted in Section III.I.f, Chief Alagno, of the Mount Pleasant Police Department, indicated he could not predict any security issues that may arise as a result of the proximity of the University to Westlake High School. The School District has not provided any comment on the security issue. (See further discussion in Section III.I.i.2)

The proposed Westchester University is thus seen to be: compatible with surrounding existing development; in full compliance with existing zoning; and, consistent with applicable Town and County planning documents.

h. FAA Height Regulations

Concerns have been raised as to the proximity of the Proposed Action to the existing Westchester County Airport. Concerns centered on the potential for new construction of obstructions to the landing of aircraft at the airport.

According to United States Regulation, Title 14, Chapter 1, Part 77.13 requirement of notification of the FAA regarding new construction is based on the height of the new construction. Part 77.13 (2)(i) provides a formula for the calculation of the proposed height of a building requiring notification to the FAA for approval. The height is based on the length of the longest runway of the airport and the distance of the proposed site from the airport.

According to the maintenance department at Westchester County Airport, the length of Runway #1634 (the airport's longest) is 6,548'. The site for the Proposed Action is approximately 16,300' +/- from the airport site. Based on these dimensions, and the formula described in Part 77.13 (2)(i), the height of proposed construction requiring notification of the FAA would be 163'.

Proposed construction on the site of Westchester University is proposed to be a maximum of 35', and therefore does not require notification of the FAA.

i. Mitigation Measures

Mitigation of views and noise are planned along the perimeter of the site in the form of new and/or improved screen planting. No additional mitigation measures are required with respect to land use, neighborhood and public policy.