

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

A. Land Use and Zoning

1. Land Use

a. Existing Conditions

On-site Land Uses

The ±30.0 acre site contains five separate tax lots (Section 98.11, Block 2, lots 37, 38, 39, 42, and part of 40) and presently supports a single-family estate home with accessory buildings. A paved walking path extends throughout the property which has been extensively landscaped and irrigated. The Project Site is located west of and adjacent to the Taconic State Parkway and north of Washburn Avenue.

Land Uses Within a ½ mile Radius

Surrounding land uses are illustrated on Exhibit III.A-1, Surrounding Land Use within One Half-Mile of Site. The majority of the land uses immediately surrounding the Project Site are residential uses, mainly medium-density single-family residences on approximately half-acre lots. South of the Project Site is Todd Elementary School (approximately 0.1 miles away), on Ingham Road, as well as single-family residences and some two-family and multifamily residences. North of the Project Site are several small cul-de-sac subdivisions which are made up of single-family homes. To the west of the site is a mix of land uses including single-family residential, multifamily residential, retail, automotive-related uses, professional offices and other uses associated with Pleasantville Road (approximately 0.67 miles). These uses are located along Pleasantville Road as well as surrounding Old Route 100 and Woodside Avenue. Adjacent to these uses is Route 9A, a major transportation corridor. For a more detailed breakdown of the land uses, see Table III.A-1, Land Uses within ½ Mile of Site, below.

Table III.A-1
Land Uses within 1/2 Mile of Site

Land Use	Acres	Percent
Single-Family Residential	291	27.6%
Two-Family Residential	3.8	0.4%
Multi-Family Residential	39.2	3.7%
Commercial	9	0.9%
Office	9.1	0.9%
Mixed Use	3.1	0.3%
Automotive	5.2	0.5%
Storage/Warehouse	2.8	0.3%
Industrial	1.9	0.2%
Community Facilities	47.7	4.5%
Public/Quasi-Public	16.6	1.6%

Open Space	83.6	7.9%
Vacant/Undeveloped	318.6	30.2%
Utilities	66.2	6.3%
Roads/Transportation	152.7	14.5%
Unknown	3.6	0.3%
Total	1054	100.0%

b. Anticipated Impacts

On Site Land Uses

The proposed development is to be a modified cluster subdivision with 16 new lots, 8 of which will be townhouses and 8 will be single-family homes. The cluster subdivision allows for the same density as a conventional subdivision while preserving a certain portion of the development for open space. With the cluster subdivision, approximately 8.6 acres of the existing parcel will remain as open space with walking trails available for the project residents.

The primary land use impact of the project is that the site will change from a previously disturbed wooded landscape site to a residential subdivision with 16 new lots. In respect to the construction of attached single-family homes and townhouses, it should be noted that there are two existing multi-family/attached single-family developments within the ½-mile radius. One development is located northwest of the site off Chappaqua Road, on Deer Tree Lane, and the other located southwest of the site on Colby Lane.

Primary access to the proposed community would be from Carleton Avenue north of the site. Secondary access to the community will be provided on Washburn Road, south of the site and is proposed to be accessed via a gateway accessed by an electric key card. It is the Applicant's understanding that this development is the only community that has an access-restricted emergency access within ½-mile of the site. Emergency service responders will be provided access to the gate system.

The Proposed Action contemplates the use of conservation subdivision for a significant portion of the site which will provide a significant amount of open space. There will be approximately 8.6 acres, or 28.6%, of the subdivision devoted to open space.

Other Plans and Studies

Town of Mt. Pleasant Development Plan

The Town of Mt. Pleasant Development Plan was adopted in 1970 and has limited relevancy as a nearly 40-year-old comprehensive planning document. However, a review of its contents provides useful historical context. Among other policy issues

discussed in the Comprehensive Plan are providing housing for the elderly and preserving open space.¹

The Development Plan encourages the use of cluster development for residential subdivision design, which encourages the pooling of some or all of the individuals open space areas to provide for common open space for all residents of the development without an increase in overall residential density.² The Development Plan further states that “a well designed development may offer an attractive alternative to the common single family subdivision by capitalizing on unique natural features of the site, by providing more usable open space per family, by creating an environment where the family’s sense of common orientation is enhanced by providing a break in what to some is becoming the monotonous pattern of residential design, both in type of dwelling and type of neighborhood.”³

Westchester County Plan, Patterns for Westchester (1995)

Prepared by the Westchester County Planning Board and adopted in 1995, *Patterns for Westchester* is a broad policy document about the County’s physical development. *Patterns* functions as the County Planning Board’s reference for the standards to be used in carrying out its three principal County Charter responsibilities: Long Range Planning; advising the County Executive and Legislature on capital spending for infrastructure, land acquisition and other public facilities; and bringing the County’s perspective to bear on planning and zoning referrals from municipal governments.

The *Patterns for Westchester* Map is the land use map that provides “parameters for county and municipal planning decisions by providing a unified picture of density that surrounds existing centers.”

Patterns calls for Medium Density Suburban Development (MDS 2-4) on the Project Site. If the Site were to be developed for residential uses, the recommended Gross Residential Density would be 2 to 7 dwelling units per acre. The Proposed Action proposes an overall density of approximately 2 acres per dwelling unit. This density is much lower than the density called for in *Patterns*; however, the Applicant believes that the proposed density is a better fit given the surrounding area. Medium Density Suburban Areas blend physical development with the natural environment. The primary character of Medium Density Suburban Areas is residential, although office campuses and institutional uses are common. Central water supply and sewers are generally available or have potential for expansion.

Briarcliff Manor Comprehensive Plan

Prepared in 2007 to reaffirm and update the Village’s prior 1988 Plan, the Comprehensive Plan serves the purpose of adjusting the 1988 Plan and to respond to new issues and concerns regarding development that have arisen since the 1988 Plan.

¹ 1970 Comprehensive Master Plan, Town of Mount Pleasant, August 1970, p. 42

² Ibid p. 28

³ Ibid p. 28

The Project Site is not within the boundaries of the Village as laid out in the Comprehensive Plan. One of the main goals in regards to residential development, aside from high-quality single-family homes, is that the homes be developed in a semi-rural manner, as is the case with most of the current housing. The Proposed Action will follow this guideline by developing large lots and preserving open space surrounding the development, so as to promote a semi-rural aesthetic.

The Comprehensive Plan covers the issues dealing with open space and steep slopes, however, these views do not differ from the opinions of the Town of Mount Pleasant. The Plan addresses the existing conditions of the Fire Department (which serves the Project Site) and determines that any upgrading of the equipment may require upgrading of the facilities to accommodate the new equipment. This will not be affected by the proposed development, due to the small number of citizens entering the fire district, however, should the Fire Department find the need to update the equipment, the tax revenues from the Proposed Project may help offset some of those costs.

Overall, in the Applicant's opinion, the Proposed Development does not hinder the progress of the Village to achieve their goals, and in some cases may aid the objectives. The Proposed Project conforms to all the goals and objectives of the Village of Briarcliff Manor Comprehensive Plan.

Westchester 2025

Prepared by the Westchester County Planning Board in 2006, the Westchester 2025 plan reviews the County's planning policies in the context of the challenges facing the region today. The plan provides data and information on the municipalities in Westchester, the 42 different downtown centers, and 17 corridors within the county. Within these geographic areas, the plan focuses on looking at challenges facing such places as agricultural areas, hamlet centers, commercial areas, and rural residential areas.

The plan does not specifically identify the Subject Site, nor does it provide a focus on the challenges facing the immediate area.

A Region at Risk – The Third Regional Plan for the New York-New Jersey – Connecticut Metropolitan Area, (The Third Regional Plan) 1996, Regional Plan Association

The Third Regional Plan's fundamental goal was to focus three basic foundations – economy (Vibrant Sustainable Growth), environment (A Healthy Regional Ecosystem) and equity (Improving Prosperity for All), the components that make up quality of life in the metropolitan area. The Third Regional Plan identifies five initiatives as part of the plan-Greensward, Centers, Mobility, Workforce and Governance.⁴ Greensward initiative focuses on intact ecosystems, watersheds, rivers, estuaries, forests and farmlands of natural and regional significance. The Centers initiative is related to the regions, cities and other core areas and how to focus

⁴ The Third Regional Plan, 1996, RPA, p. 13

redevelopment towards existing areas. The Mobility initiative focuses on increasing the seamlessness of the various mass transit providers through the area as well as making better use of the region’s existing highway system. The Workforce initiative outlines a comprehensive strategy to address workforce preparedness lifelong learning and the ability to connect labor with jobs. The Governance initiative recognizes that more efficient and accountable government is necessary. The Proposed Project is compatible with the goals of the Third Regional Plan for New York-New Jersey-Connecticut Metropolitan Area.

Covenants, Easements and Restrictions

The ±30 acres that are the subject of the proposed subdivision action consist of six parcels that are owned by two different parties and are referred to by various tax lot and parcel designations in the legal instruments containing covenants, easements and restrictions benefitting and burdening the lots. The designations by which the properties are referred and the owners of the parcels are as follows:

Tax Identification No. Designation (Former Tax Lot Number)	Letter	Owner
Sect. 98.11, Blk.1, Lot 37 (4B)	A	Taconic Tract Development, LLC
Sect. 98.11, Blk.1, Lot 38 (5F)	B	Taconic Tract Development, LLC
Sect. 98.11, Blk.1, Lot 39 (5F.1)	C	Taconic Tract Development, LLC
Sect. 98.11, Blk.2, p/o Lot 40 (14)	E and part of F	Sharon Saunders
Sect. 98.11, Blk.1, Lot 42 (5)	None	Andrew and Sharon Saunders
Currently part of Lot 40 (Formerly Sect. 1, Blk.3, Lot 8)	D	Sharon Saunders

Copies of the current deeds for these properties, Filed Map 19584 on which Lots B and C are shown, current and former tax maps and other diagrams that depict the designations of the Lots are included in Appendix N.

The proposal is to combine Lots 37, 38, 39 and 42 and resubdivide them into sixteen building lots. (The Applicant has explained that Lot 42 and Lots 37, 38 and 39 already constitute at least two legal building lots.) The access road to service the subdivision is proposed to cross portions of Lots 8 and 40, which the Applicant explains is the limited purpose for including these Lots in this application.

The covenants, easements, restrictions and agreements that appear in the chains of title for the Lots are described more fully below.

50-Wide Access Easement – Referred to in Deed for Lots A, B and C

The chain of title for Lots A(37), B(38) and C (39) includes a 50-foot wide easement for ingress and egress in common with others for ingress to and egress from

Washburn Road. The 50-foot right of way was created in 1978 when Filed Map 19584 was filed in the Westchester County Clerk's Office. Since fee title to Lots A, B and C is owned by one and the same party, to the extent there lies an easement over any of them for the benefit of the other, the Applicant believes that easement merged into the title to those lots and is extinguished.

Perpetual Right of Ingress and Egress Over a Right of Way to Washburn Road – Referred to in the Deed for Lot E and Part of F

An examination of the chain of title for Lots E and part of F(40) refers to a perpetual right of ingress and egress over the right of way on the property to the south to Washburn Road. The "property to the south" is not defined but based upon a review of the Town Tax Map, it does not appear that the easement is over any of the other lots involved in the proposed subdivision. Further, the right of ingress and egress is not proposed to be used for access to the subdivided lots. Therefore, the right of ingress and egress is not affected by the application.

Right of Way Over Entire Macadam Driveway on Abutting Property to the West (Owned by Manuele) – Referred to in Deed to Lot E and Part of F

The chain of title for Lots E (40) and part of F(40) refers to an easement over the abutting property to the west (Manuele) and south. The Tax Map for the area, annexed in Appendix N, identifies an "Access Easement" over part of Lot F, over the Manuele property to the West (i.e. Lot 46 on the Tax Map) and over Lots 45 (Marchica) and 56 to the south. The Access Easement is not proposed for use by the Subdivision and will not be modified as a consequence of the proposed action. Therefore, it is not affected by the application.

Reserved Utility Easements – Referred to in Deed to Lot D

The deed for Lot D(8) from Briarcliff Contemporaries, Inc. ("Briarcliff") to Richard Rosenthal ("Rosenthal") (the "Briarcliff to Rosenthal Deed") (see Appendix N) reserves to Briarcliff several rights, covenants and restrictions. Of note is (i) the right to convey and dedicate to the Town of Mount Pleasant a permanent, general utility easement for the installation, maintenance, repair, replacement and use of sewer, water, drainage lines and appurtenances within an area defined by metes and bounds; and (ii) the right to enter onto Lot D(8) to replace and alter the lines within the general utility easement. The proposed road connection to Carleton Avenue over Lot D(8) does not cross or require the modification of the utility easement. Therefore, the reserved easement is not affected by the application.

Covenants, Restrictions and Easements in a Declaration of Covenants, Conditions, Restrictions and Easements Recorded in Liber 7771, Page 559 – Referred to in the Deed to Lot D

A Declaration recorded in Liber 7771, page 559 is referred to in the chain of title to Lot D(8). It relates to a development to the north of the subject site, known as the "Countryside Subdivision" ("Countryside"), which was subdivided by an entity known as "Syraclyff, Inc." over the period 1981 to 1987. Three separate maps were filed for the Countryside Subdivision, which are designated Sheets No. 1, No. 2 and No. 3 and which were filed in the Westchester County Clerk's Office as Filed Map 20566 (Sheet No. 1, filed May 1, 1981), 21511 (Sheet 3, filed April 3, 1984) and 22691 (Sheet No. 2, filed March 13, 1987). Parcel D(8) is shown on Sheet 3 or Filed Map 21511 only. Copies of Filed Maps 20566 and 21511 are included in Appendix N.

At the time Sheet 1 of the Countryside Subdivision was filed, the developer recorded against the subdivision a "Declaration of Covenants, Conditions, Restrictions and Easements," which is recorded at Liber 7771, 559 (the "Countryside Declaration #1"). Sheet 1 did not include Lot D(8). However, Countryside Declaration #1 was subsequently amended twice in conjunction with the filing of Sheets 3 and 2 of the Countryside Subdivision to extend the terms of Countryside Declaration #1 to the subsequently subdivided parcels. The amendments were recorded in the Westchester County Clerk's Office at Liber 7914, page 573 ("Countryside Declaration First Amendment") and Liber 9586, page 23 ("Countryside Declaration Second Amendment").

The Briarcliff to Rosenthal Deed (see Appendix N) includes a provision that purports to subject title to Lot D(8) to the restrictions, maintenance, assessments and conditions set forth in Countryside Declaration #1 "and any amendments thereto." The Planning Board received written and verbal comments from an abutting property owner/member of the Countryside Residents Association (Mr. Josh Tane) asserting that the terms of the Countryside Declaration apply to and bind Lot D(8). The Applicant disagrees.

The only Countryside Subdivision Sheet of relevance is Sheet 3/Filed Map 21511, on which Lot D(8) is designated "Rosenthal Open Space." (Lot D(8) does not appear on Sheets 1 and 2). Sheet No. 3 depicts other parcels designated as "Association Open Space." By the time Sheet No. 3 was filed (April 3, 1984) and the Countryside Declaration First Amendment was recorded in the Westchester County Clerk's Office (April 17, 1984), Lot D(8) was owned by Mr. Richard Rosenthal. The deed into Mr. Rosenthal was recorded in the Westchester County Clerk's Office on January 4, 1984, several months prior to the recording of Countryside Declaration First Amendment. Mr. Rosenthal signed Sheet No. 3 as an owner of property shown on Sheet 3.

Countryside Declaration #1 does not define "open space" (regardless of its ownership status) and, therefore, the Declaration and its amendments do not define the purported "open space" limitations on Lot D(8).

Countryside Declaration #1 contains restrictions on the use, maintenance and assessment of "Common Area" property, which is held for the benefit of members of

the Countryside Residents Association, Inc. (the "Association"). "Common Area" is defined as "all real property owned by the Association [referring to the Countryside Association]" for the common use and enjoyment of the members of the Association. (Per Liber 7771, page 560) Lot D(8) does not meet this definition. Lot D(8) is not owned by the Association. It is not insured by the Association and Association members do not have any right of access to or use of it. Therefore, even though Lot D(8) is denominated "Rosenthal Open Space" on Sheet No. 3, it is not subject to the restrictions on Common Areas set forth in Countryside Declaration #1 as amended by Countryside Declaration First Amendment.

Open Space Restriction in Deed Covering Lot D(8)

At the time Briarcliff conveyed Lot D(8) to Mr. Rosenthal, the deed contained the following provision:

THE PREMISES HEREIN CONVEYED shall be maintained by the party of the second part [referring to Rosenthal], his heirs, distributees, administrators, executors, grantees, successors and assigns in perpetuity as open space preserving same in its present natural condition and not permitting or causing thereon any construction, improvements or alterations of the existing natural state of the premises. This restriction shall run with the land in perpetuity.

Mr. Rosenthal subsequently conveyed Lot D(8) to Lawrence Waterhouse from whom Sharon Saunders acquired the parcel. The quoted provision is not contained in the deed from Waterhouse to Saunders. Nevertheless, even if it were to apply, the Applicant maintains that all relevant evidence demonstrates that the provision was not meant to and cannot be interpreted to prohibit the construction of the proposed road connection to Carleton Avenue. Subsequent to the conveyance of Lot D(8) to Rosenthal, the filing of Sheet No. 3 on which Lot D(8) was designated "Rosenthal Open Space" and the recording of Countryside Declaration Second Amendment, a section of Lot D(8) was cleared for the construction of a driveway to provide access from other Rosenthal-owned land (now owned by Manuele) to Carleton Avenue. The construction of the driveway required grading and land disturbance. In addition, a fence was erected over a portion of Lot D(8) and utilities were installed in the Rosenthal "Open Space" parcel.

To the Applicant's knowledge, there was never any objection to the improvements by any third parties.

The utility easement reserved over Lot D(8) in the Briarcliff to Rosenthal Deed expressly provides that after the Town performs any work on Lot D(8), it must "restore the surface and grade of the General Utility Easement Area and any pavement, curbs, shrubbery, landscaping and any other improvements, except trees." If the Open Space provision in that deed were intended to prohibit surface improvements, there would have been no purpose to referring to the restoration of pavement, curbing, shrubbery and landscaping in connection with the restoration of

the Utility Easement Area. Clearly, such types of improvements were anticipated on Lot D(8) and are not inconsistent with the open space restriction in the Briarcliff to Rosenthal Deed.

Notwithstanding the Applicant's assertion that the road connection over Lot D(8) to Carleton Avenue is not prohibited by the open space restriction, the Applicant maintains that members in the Countryside Association have no standing to object to the road connection. The Briarcliff to Rosenthal Deed does not name any third party beneficiary with the right to enforce the provisions of that deed, including the open space provision. The Applicant believes that the Association lacks standing to object to the construction of the internal road over a portion of Lot D(8) to Carleton Avenue.

Provisions in the Deeds to Abutting Property That Require "Full and Complete" Cooperation in the Subdivision – Benefits Lots A, B, C, E and F; Burdens Manuele and Marchica Lots

The lots that comprise the project site were, at one time, part of a larger group of holdings owned by Lois and/or Richard Rosenthal. Other Rosenthal holdings included property to the west and south of Lots E and part of Lot F, which is now owned by "Manuele" and "Marchica." The Manuele and Marchica Deeds each contain the following provision making title subject to the new owners' "full and complete cooperation" with this single-family subdivision:

"SUBJECT to the full and complete cooperation of the party of the second part [referring to Manuele and Marchica in their respective deeds], its successors and assigns, to consent to the application, apportionment and sub-division for single one-family residential homes made by the party of the first part [referring to Rosenthal], its successors and assigns, of the property as shown on Tax Lot 15, 14, 5F-1, 5F and 4B on the Tax Map of the Town of Mount Pleasant, all of which shall be at the sole cost and expense of the party of the first part, its successors and assigns."

Copies of the Manuele and Marchica Deeds are annexed in Appendix N.

The parcels that comprise the project site are the lots referred to in the "full cooperation" covenant. Lot 15 is part of Lot F; Lot 14 is Parcel E; Lot 5F-1 is Lot C; Lot 5F is Lot B; and Lot 4B is Lot A. Further, the Applicant is a successor to Rosenthal. Therefore, the Applicant believes that the owners of the Manuele and Marchica properties are subject to the "full cooperation" covenant.

c. Proposed Mitigation

The proposed residential subdivision is in the Applicant's opinion, consistent with area land uses and with the policies of Town, county and state planning principles and policies, including the development of townhomes/attached single-family homes, with similar developments previously constructed within ½-mile of the Proposed Action. The Proposed Action includes buffer area and landscaping to mitigate the

initial impact of new development. The layout and configuration of the cluster development will serve as mitigation by preserving significant portions of the site as open space. No further mitigation is required. There will be no street lighting proposed in this development, and therefore no mitigation related to lighting impacts are proposed.

2. Zoning

a. Existing Conditions

The ± 30-acre Project Site is located entirely within the R-40 One Family Residential district, with a minimum lot size of 40,000 square feet. (see Exhibit III.A-2, Existing Zoning within One Half-Mile of Site). This district also encompasses the adjacent lots surrounding the Project Site to the north, east, and west. To the south are the R20B Single-Family Residence district and the R10B Single-Family Residence district that are within the Village of Briarcliff Manor. To the south east of the Project Site, within the Town of Mount Pleasant, is the OB-1 General Office Building district. To the west of the Project Site, is a mixture of zoning districts that include R30 One-Family Residence, RT4B Single-Family Residence, R12B Single-Family Residence, R20B Single-Family Residence, R30M Multifamily Residence, EC Eldercare Community Residence, B1 Retail Business, B2 General Business including Li, and M-2 Light Industry. Table III.A-1 shows the zoning districts within ½-mile of the Project Site.

Table III.A-2
Zoning Districts within a ½-Mile Radius of the Project Site

Zone	Zone Name	Zone Type	Maximum Stories	Maximum Building Coverage	Municipality	Zone Description	Zone Class	Minimum Lot Size	Maximum Height	Acres
R20B	Single-Family Residence	Residential	2.5	29%	Briarcliff Manor	Over 2 to 8.9 DU's	Res	20,000	30	165.7
R30M	Multifamily Residence	Residential	2.5	33%	Briarcliff Manor	Over 2 to 8.9 DU's	Res	5,000	35	18.9
R12B	Single-Family Residence	Residential	2.5	33%	Briarcliff Manor	Over 2 to 8.9 DU's	Res	12,000	26	37.1
B1	Retail Business	Commercial	2	25%	Briarcliff Manor	Business, Office, Commercial	Non-Res	4,000	30	27.9
R10B	Single-Family Residence	Residential	2.5	33%	Briarcliff Manor	Over 2 to 8.9 DU's	Res	10,000	26	29.6
RT4B	Single-Family Residence	Residential	2.5	20%	Briarcliff Manor	Over 2 to 8.9 DU's	Res	10,890	35	26.8
B2	General Business, including LI	Commercial	2	25%	Briarcliff Manor	Man., Ind., Warehouse, Stor., Pub.	Non-Res	4,000	30	25.6
EC	Eldercare Community Residence	Residential	N/A	60%	Briarcliff Manor	17 to 49.9 DU's	Res	217,800	N/A	6.5
OB-1	General Office Building	Commercial	3	20%	Mount Pleasant	Campus Office, Research, Ind. Park	Non-Res	1,089,000	65	34.3
M-2	Light Industry	Commercial	2	50%	Mount Pleasant	Man., Ind., Warehouse, Stor., Pub.	Non-Res	N/A	40	5.6
R-40	One-Family Residential	Residential	3	10%	Mount Pleasant	1 to 2 DU's	Res	40,000	35	463.9
R-30	One-Family Residence	Residential	2.5	20%	Ossining	1 to 2 DU's	Res	30,000	35	10.1

The zoning regulations to which the proposed subdivision development must comply include regulations that are specific to land zoned R-40 One-Family Residential.

Permitted Uses and Special Permit Uses

Uses within the R-40 district must first be determined to be permitted uses as identified in Section 218 Attachment 1.

There are three categories of uses – Permitted Principal Uses (P), Permitted Accessory Uses (A), and Special Permit Uses (SP) that outline the uses permitted within the Town’s zoning districts.

In the R-40 district, the following are the categories of uses, excluding those “not permitted”:

- Permitted (P) – single family residential; churches and other places of worship; public elementary and high schools; Railways/railroad or public service passenger stations; municipal uses; recreation areas limited to use by school district and/or municipal purposes; municipal, state or historic sites or museums open to the public.
- Permitted Accessory Uses (A) – Customary home occupations and offices or studios; keeping of not more than 2 transient roomers or boarders; private garden houses or tool sheds, etc.; private garages for 1 passenger car per 4,000 square feet of lot area or 1 commercial vehicle; parish houses, rectories, and Sunday school rooms, child-care centers owned and operated by a church or other place of worship; signs not exceeding 2 square feet; off-street parking areas for private passenger cars; and 1 apartment unit without a kitchen or kitchen facilities.
- Special Permit (SP) – Parochial and private elementary and high schools and colleges; nursery schools; hospitals; religious, charitable and eleemosynary institutions, not including institutions for the insane or feebleminded; public utility substations serving the local area only; watershed and water supply facilities; camps and private, nonprofit riding clubs, stables and dog kennels; farms, farm uses, customary farm occupations, nurseries, green houses, cold-storage plants; gatehouses, guesthouses or caretakers’ cottages or similar accessory uses to estate residence uses; nonprofit membership clubs; public utility transmission lines, but not including gas booster stations or storage tanks; retail businesses accessory to a cemetery; limited-office uses; convalescent or nursing homes; public utility facilities.

Bulk Regulations

The minimum lot size within the R-40 Residential zone is 40,000 square feet. The minimum front yard is 60 feet, minimum rear yard is 50 feet, and the side yards are a minimum of 25 feet (minimum total of both is 50 feet).

The maximum building height is 35 feet or 2 ½ stories. The maximum building coverage is 10% with the minimum usable open space on the lot for each dwelling unit being 1,200 square feet.

R-40 Zoning

Category	Required	Provided								
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8	Lot 17
Minimum Lot Area	40,000 sq. ft.	43,510	45,015	46,865	51,170	57,153	47,786	42,552	42,135	330,368
Minimum Lot Width	150 ft.	180	150	150	150	169	150	150	198	320
Minimum Lot Depth	175 ft.	195	305	310	327	328	316	315	230	700+
Minimum Building Height	2.5 stories or 35 ft.	35	35	35	35	35	35	35	35	2.5 stories
Minimum Front Yard	60 ft.	80	100	100	96	95	92	82	64	663
Minimum Side Yard	25 ft.	26	28	26	25	25	34	35	61	415
Minimum Rear Yard	50 ft.	61	135	150	185	187	143	150	53	417
Maximum Building Coverage	10%	9.2	8.9	8.5	7.8	7	8.4	9.2	9.5	1.7
Minimum Floor Area	1,200 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	3,311 sq. ft.

R-10 Zoning

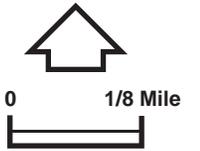
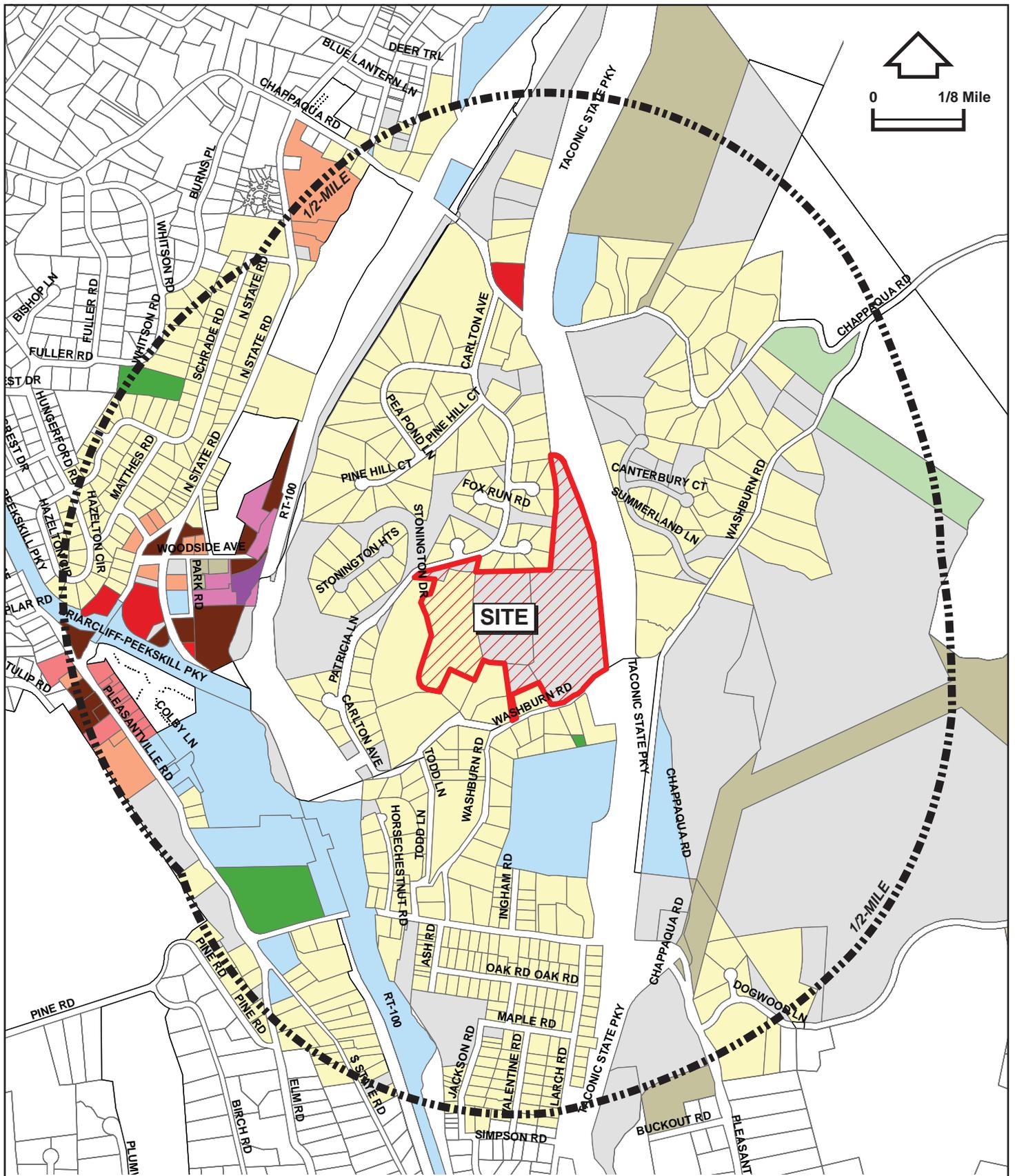
Category	Required	Provided							
		Lot 9	Lot 10	Lot 11	Lot 12	Lot 13	Lot 14	Lot 15	Lot 16
Minimum Lot Area	10,000 sq. ft.	15,384	17,792	15,173	14,695	10,411	11,607	11,487	11,560
Minimum Lot Width	75 ft.	113	98	93	92	93	87	85	100
Minimum Lot Depth	100 ft.	116	116	125	120	124	116	115	145
Minimum Building Height	2.5 stories or 35 ft.	35	35	35	35	35	35	35	35
Minimum Front Yard	30 ft	36	37	43	43	33	33	30	30
Minimum Side Yard	10 ft min/25 ft total 2 sides	15.8	16	0	0	0	0	0	0
Minimum Rear Yard	30 ft	49	53	40	60	40	41	74	74
Maximum Building Coverage	20%	9.8	8.4	9.9	10	14.4	12.9	13.1	13
Minimum Floor Area	1,200 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.

Source: WSP Sells and Town of Mt. Pleasant Zoning Code

b. Anticipated Impacts and Proposed Mitigation

The Applicant has proposed a residential subdivision that takes advantage of the conservation subdivision provisions in the Town Code. Eight of the proposed lots have been designed as a cluster design that allows for the overall creation of approximately 8.6 acres of open space. As indicated in Section IV.B of this DEIS, a conventional subdivision meeting all the requirements of the zoning code has been prepared and provides the basis for the proposed density of the conservation subdivision.

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- | | |
|--------------------|-------------------------------|
| Residential | Miscellaneous Recreation |
| Mixed Use | Private Open Space/Recreation |
| Retail | Public Recreation |
| Motel | Open Space |
| Restaurant | Warehouse/Storage |
| Bank/Office | Industrial |
| Automotive | Utilities |
| Community Services | Vacant |
| | Other |

Exhibit III.A-1

**EXISTING LAND USE WITHIN
ONE-HALF MILE OF SITE**

TACONIC TRACT
Town of Mount Pleasant, New York

DATE: October 2, 2009
SOURCE: Westchester County GIS

Saccardi & Schiff, Inc. - Planning and Development Consultants

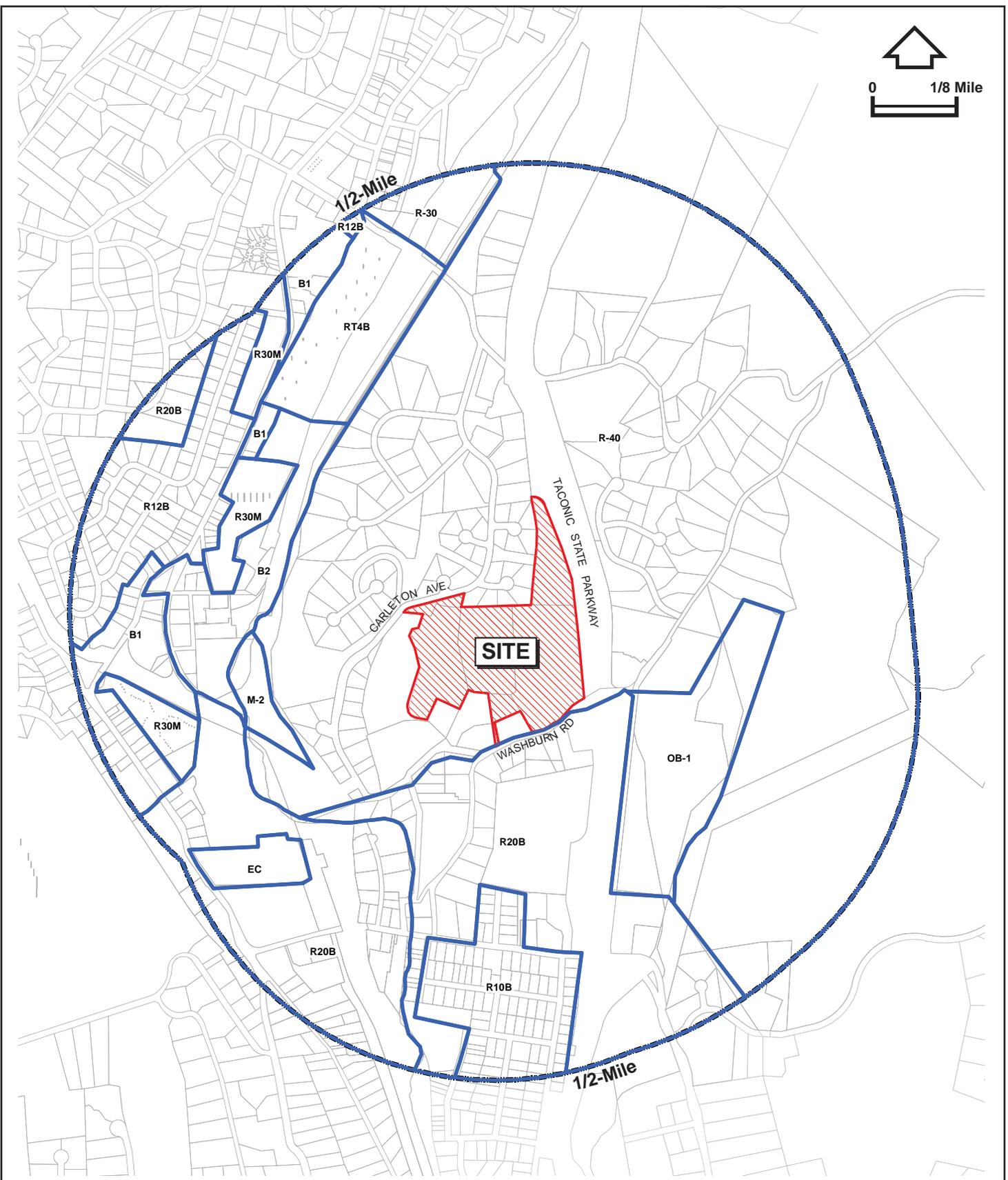
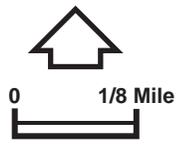


Exhibit III.A-2
**EXISTING ZONING WITHIN
ONE-HALF MILE OF SITE**

TACONIC TRACT
Town of Mount Pleasant, New York
