

## **7.0 INTRODUCTION**

A community's character is a function of its residential neighborhoods, its open spaces, and its commercial districts. Commercial uses also play another role in a community: they provide opportunities for people to shop and work. A well-balanced community will ensure that residential, open space areas, and commercial districts are integrated into an overall plan.

## **7.1 BACKGROUND**

Figure 7-1 identifies the major nodes of commercial development in the Town. Commercial shopping uses are concentrated along the major arterial roads traversing the Town: Route 22 and Route 6. The Route 22 corridor, especially, has become the "town center" for commercial activity. Respondents to a survey question asking where the Town's center is identified both Main Street in the Village of Brewster and the Route 22 corridor. The businesses in the Village generally serve consumer convenience-goods needs, including florists, delis, and small grocery-type stores. However, the majority of consumer convenience-goods establishments are located in the shopping centers on Route 22 and Route 6 west of the Village of Brewster. This distribution of commercial opportunities is likely to continue, with the Village taking on a more specialized role in providing general shopping goods that may be considered non-essential, such as furniture (antiques) and miscellaneous goods. Even if the Village were to have more convenience-goods businesses, the pattern of using Route 22 as the primary source for convenience goods is likely to continue. Residents of Southeast will also continue to use shopping areas outside the Town in Carmel or Danbury, Connecticut to satisfy other needs such as clothing and speciality products.

As the Town's primary gateway from the north (and for people continuing on Route 22 from I-684 to the south), Route 22 plays an important role in Southeast's community character and overall image. If additional highway commercial development in this corridor is proposed, some guidelines should be established to ensure consistency of character with other uses and to properly control new traffic. The New York State Department of Transportation is currently preparing design analyses on widening of Route 22 from I-684 to Doansburg Road. This widening has the potential for significantly affecting existing businesses and shopping centers, but would improve traffic flow through the area. As the Route 22 corridor evolves and new businesses are proposed, the Town should consider enacting planning and design guidelines for businesses along the corridor so that physical and aesthetic improvements to existing or new properties along the corridor can be done in a coordinated fashion.

From a water quality standpoint, the Route 22 corridor is a primary contributor of stormwater runoff to both the Bog Brook and East Branch Reservoirs and to the Great Swamp. New development along Route 22 must comply with the new Watershed Regulations with respect to stormwater management. Constraints on development along Route 22 have been identified and it is currently uncertain how new commercial uses on Route 22 can be developed within the constraints of the Watershed Regulations.

Additional opportunities for commercial expansion may exist on Route 6 both west and east of the Village of Brewster. New commercial businesses along the western portion toward Carmel could serve convenience-good demand for residents located in Brewster Heights and Turk Hill; but are limited due to the proximity of the Middle Branch Reservoir. Similarly, along Route 6 east of the Village, topography on both the north and south sides of the road and the proximity of the East Branch Reservoir to the road make additional development difficult. Small light industrial or warehousing uses have been considered along this portion of Route 6. It is important that specific design guidelines be developed for this area to ensure that these uses would be visually consistent with the existing businesses and would not serve to detract from the overall visual appearance of this gateway into the community. New commercial development along Route 6 would be constrained by the Watershed Regulations with respect to wastewater and stormwater. None of these areas are currently provided with sewers.

Larger development sites at the interchange of I-684 and Route 6 have been proposed and have met with considerable public concern. Large-scale commercial development at this location could have an immediate impact on community character for people entering the Town from I-684 and from the historic district along Starr Ridge Road depending on how the development is configured and designed. A large-scale use, if well designed, could have a beneficial impact on community character.

Southeast has also experienced an increase in office commercial and light industrial/warehouse development. Office parks such as the Mt. Ebo Corporate Park on Route 22 and Terravest Corporate Park on Route 312 have captured some of the early interest in Southeast as a commercial office and manufacturing center. Interest in similar development was slack in the 1990s following the economic decline, but recent improvements in economic conditions have resulted in a resurgence of demand for new commercial office and light industrial uses. As a result, plans for new commercial office or light industrial uses are being developed and are focused in several distinct areas of Southeast: Fields Lane, and the interchange of I-84 and Route 312.

Land near the interchange of I-84 and Route 312 has generated a considerable amount of development interest in recent times. A number of large undeveloped parcels are available for development of office parks and residential subdivisions. Should all of this land be developed “as-of-right,” or in accordance with the zoning, almost nine million square feet of commercial space and approximately 250 housing units could be developed. These estimates do not take into account environmental constraints such as wetlands, steep slopes, and the Watershed Regulations.

In response to stated concerns about over-development along the Route 312 corridor and the loss of significant “gateway” or open space parcels, the Town is considering zoning options to protect key remaining parcels. Several large agricultural or vacant parcels currently zoned for office park use are located along gateways to the Town on land notable for its scenic qualities and rural character, including: (1) land along either side of Route 312, between Route 6 and Pugsley Road; (2) land along either side of Route 312, between I-84 and the railroad tracks; (3) land to the west of I-684 along Guinea Road; and (4) land on either side of Route 22, between Brewster Hill Road and Virginia Woods Drive (see Figure 7-2). These parcels should be rezoned as part of a larger plan to encourage uses that would maintain and enhance the parcels’ scenic qualities and rural character. Currently, each parcel contributes favorably to the attractiveness of the Town’s gateways and, in turn, to the image of the Town as a whole. One possible rezoning entails the establishment of “Rural Commercial” districts in which tourist-related and recreational uses could be permitted. These could include farms, bed and breakfasts or inns, or

corporate retreat facilities. In addition to these use restrictions, bulk restrictions requiring larger lot sizes and landscaped buffers could be adopted to minimize any visual impact of new development. Commercial activity related to tourism would diversify the Town's economic base, capitalizing on its scenic qualities and rural character and, at the same time, preserving them. Furthermore, there would be fewer environmental effects from such commercial activity, as compared to a commercial office park. Tourism-related use would entail less development and therefore less impervious surfaces (e.g., parking lots). This would enable higher rates of groundwater recharge because a greater portion of stormwater would be permitted to drain directly into the soil.

When properly designed and located, new commercial uses can contribute to community character. Adequate stormwater management and wastewater treatment must be available for these land uses to comply with water quality objectives. At the Interchange of I-84 and Route 312 two of the "pilot phosphorus offset" wastewater treatment plants are either proposed or under construction to allow new commercial activity to occur. These pilot plants would remove three pounds of phosphorus for every pound discharged into the watershed. The *Croton Plan* identifies other means by which expanded or new wastewater treatment plants could be built in the watershed. The opportunities are limited and the Town's plans for commercial development must take into account the overall planning context of balancing new development with water quality protection.

The Town should examine its commercially zoned districts with respect to both community character, and economic/fiscal development. These districts should be evaluated to determine how well they serve the purpose of enhancing community character in the neighborhood business districts, the gateways to the communities, and along the highways. The list of allowable uses in each district should be evaluated for possible inclusion of "environmentally-friendly" uses that do not generate large amounts of wastewater or that require large impervious surfaces.

## 7.2 COMMERCIAL DEVELOPMENT IN THE WATERSHED

A primary need of most commercial development is infrastructure. Businesses looking to locate in a town need access to water, sewer, telephone, electric, and gas. Where any of these important resources is not available, businesses will not seek to locate.

Currently, new surface-discharging wastewater treatment plants (WWTPs) would be specifically permitted in only a few instances within the Town of Southeast:

- New surface-discharging plants in Septic Focus Areas to handle existing septic flows;
- New surface-discharging plants under the pilot phosphorus offset program\*; and
- New surface-discharging plants within the Bog Brook Reservoir basin.

Sub-surface discharging plants are permitted but are typically constrained by natural features such as steep slopes, limiting soils, or streams and wetlands. Unfortunately, many of these undeveloped areas where new development is desirable is constrained by natural features. While the Town of Southeast seeks to balance new commercial development with its rural character

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\* The Town of Southeast currently has two of the three possible WWTPs under the pilot phosphorus offset program. One is under construction, the second is undergoing the Town's approval process. It is possible that the third phosphorus offset program plant could be located in the Town of Southeast. However, the total capacity of the three plants is not to exceed 150,000 gallons per day (gpd). The two approved phosphorus offset plants have a combined capacity of 80,000 gpd, leaving 70,000 gpd for a third plant.

**Town of Southeast Comprehensive Plan**

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and water quality protection efforts, the Town would like to see new commercial development occur where new WWTPs are either prohibited or constrained by soil conditions.

The Town identified Growth Focus Areas in its portion of the *Croton Plan* in which new development would be consistent with the *Comprehensive Plan*. Table 7-1 identifies the “Growth Focus Areas” where the Town envisions growth to occur.

**Table 7-1  
Growth Focus Areas**

<b>Focus Area</b>	<b>Location</b>	<b>Type of Growth</b>
FA/HDR/S7	Route 22/Allview Avenue	Possible limited residential growth
FA/C/S1	Route 22: Patterson to Milltown Road	General Commercial Growth
FA/C/S2	Route 22: Heidi’s/Kisawana	Commercial/Campus Growth
FA/C/S3	Route 6: East of Village	Commercial/Warehouse Growth
FA/C/S4	Route 312/I-84, Brewster North	Commercial Office Park
FA/C/S5	Route 6: West of Village	Limited in-fill growth
FA/C/S7	Brewster Road at Route 6	Limited in-fill growth
FA/C/S8	Fields Lane	Commercial/Warehouse Growth
FA/C/S9	Lower Mine Road NB-1 District	Limited in-fill growth
FA/C/S10	Route 22/Croton Falls	Limited in-fill growth

Section 3 of the *Croton Plan* identifies various infrastructure improvements that can be implemented to allow additional growth to occur in these areas. If these infrastructure improvements were not made, the Town’s economic and community character would likely experience negative impacts. The water quality benefits from these infrastructure improvements are analyzed in Section 3 of the *Croton Plan* and summarized in Section 10 of the *Comprehensive Plan*.

New commercial development must provide adequate treatment of stormwater within the project site following Town, NYCDEP, and State regulations. Reservoirs within Southeast are already burdened by excessive phosphorus loading from stormwater runoff. New development cannot cause water quality to decline further.

**7.3 COMPREHENSIVE PLAN RECOMMENDATIONS**

**GOAL AND POLICY**

The Town of Southeast seeks a diversified base of business and industry to strengthen the Town’s tax base and to provide employment opportunities for area residents while preserving the Town’s rural residential character and protecting the Town’s portion of the regional drinking water supply. Future non-residential uses should be targeted to those areas where they will have minimal impact on water quality, traffic, and community character.

The Town envisions commercial growth continuing in the following areas:

- Route 22 north of Milltown Road—New commercial uses here would promote this area as the main shopping district within the Town. Design guidelines should be established to ensure the visual appeal of this gateway area.

- Route 6 east and west of the Village of Brewster—New development would be limited in scale due to watershed constraints. Design guidelines should be established to ensure the visual appeal of this gateway area.
- The I-84/Route 312 interchange—This area is envisioned as a node of commercial activity. Continued development within the Terravest Corporate Park, the new Highlands Center, and any potential development in the “Campus at Fields Corner” along Pugsley Road would be compatible with this vision. (Route 312 west of Pugsley Road contains parcels with significant visual appeal and an alternative zoning and development approach is envisioned here, see below.)
- Fields Lane—This area is an appropriate location for continued light-industrial/flex use or private recreation uses.
- Neighborhood Business Districts—Very limited new development within these districts to be compatible with adjoining residential neighborhoods. The list of allowed uses should be changed to encourage compatible development. Automobile-related uses and strip malls should be discouraged.

#### **IMPLEMENTATION ACTIONS**

To accomplish these goals, the Town of Southeast intends to:

- Adjust the distribution of allowed uses within existing zoning districts to more clearly define areas of commercial development that are consistent with community character.
- Change uses in NB-1 districts to encourage compatible development near residential zones. Encouraged uses could include “specialty retail” or bed-and-breakfast type uses. Special permit criteria should be developed to ensure that new commercial uses would not negatively affect residential uses. Strip malls and automobile related uses are not seen as encouraged uses.
- Evaluate the allowed uses and location of Office Park (OP) zoning districts. Specifically, consider rezoning the OP-2, R-60, and HC-1 zoning districts on Route 312 west of Pugsley Road and the OP-1 district on Guinea Road to a new “Rural Commercial” zoning district to allow lower-intensity, but still high-value, land uses such as, but not limited to, bed and breakfast or inn, conference center/retreat, horse farms (see Figure 7-2).
- Revise the allowed uses in the Fields Lane area to recognize the existing development pattern of warehouse facilities and outdoor storage. Encourage uses that do not require large wastewater flows.
- Update the zoning code to include design standards to ensure that larger retail facilities (“big box retail”) do not dominate the surrounding character of commercial or residential districts. Include site design and landscaping standards to lessen the visual impact of these types of uses.
- Clarify the allowed uses and lot dimension standards within the commercial zoning districts along Route 22 and Route 6 to define areas of appropriate commercial development.
- Clarify Special Permit criteria for commercial uses to ensure that the Town’s objectives with respect to design and buffering of neighboring uses are met. Clarify process by which Special Permit applications are reviewed.

- Consider a Route 22 overlay district to control new commercial development. Create access management guidelines to manage traffic flow in and out of commercial properties. Create design guidelines for future commercial development along Route 22 to emphasize the function of this area as the Town’s main commercial center. Discourage out-parcel development on parcels fronting on Route 22. Building design and landscaping standards should be created to modify this area’s suburban-strip appearance to a more focused town-center aesthetic.
- Create design guidelines for future commercial development along Route 6 to enhance this corridor’s function as a gateway into the community.
- Develop more descriptive, or graphic, design guidelines within the existing sign ordinance to encourage a more coordinated and attractive community.
- Attract “clean” businesses and industries that are appropriate for location in a drinking water supply watershed. Clean businesses would have minimum impervious surface area coverage, and use or generate minimum quantities of waste- or process-water and require little or no use, storage, or transport of hazardous materials.
- Encourage businesses that market the scenic qualities of the Town such as tourism and lodging provided that strong design and siting criteria are established to prevent unwanted impacts on residential neighborhoods.
- Work with communication providers to provide technological advancements (such as fiber optic and high-speed internet access) within the constraints of the local law on wireless towers to attract high-value home- and/or technology-based industries.

## **7.4 ENVIRONMENTAL ANALYSIS**

The strength of a community’s business and industrial base is a vital component in maintaining stable tax revenues and an employment anchor for residents in the area. To support the delivery of public services, the Town must continue to ensure a strong foundation of business presence to generate a solid source of revenues. Favorable conditions must exist to encourage new businesses to settle in the community without jeopardizing the natural resources, water quality, and rural character of the Town. The *Comprehensive Plan* recommends implementation measures to achieve this, by introducing zoning changes, modifications to existing commercial uses, and creation of design guidelines.

### **COMMUNITY CHARACTER**

The Town of Southeast is interested in balancing new commercial development with its rural residential character. New commercial activity is seen as a vital source of tax revenues to allow the community to provide services to its residents without excessive tax rates. As a way of minimizing the overall land disturbance within the Town, residential densities are proposed to be reduced. New commercial activity at specified locations would help to offset the lost tax revenues that could have been collected from the new residential development, thereby contributing to protection of community character.

### *MODIFICATION OF COMMERCIAL USES*

Commercial areas within the town do not need to be expanded to include vast tracts of new, undeveloped properties. The Town would like to see continued commercial activity in the existing commercial areas (the “Growth Focus Areas” identified above and in the *Croton Plan*).

The *Comprehensive Plan* encourages a re-examination of uses in most designated commercial areas to promote diversification of use types and inclusion of lower-intensity “environmentally-friendly” uses. Compatible commercial development near residential areas would ensure that building types and lot coverages are similar to surrounding residences in size, scale, and design.

*ZONING*

Changes to existing zoning would allow appropriate and desired commercial uses in areas where certain types of commercial development already exist and would discourage strip malls, automobile related uses, and large-scale expansive commercial developments. Permitted uses and lot dimensions for commercial zones would be reviewed to ensure that appropriate development would be encouraged in designated areas and discouraged near areas of high natural resource value.

*DESIGN GUIDELINES*

Design guidelines are important to the protection and preservation of both the natural environment as well as community character. For various areas throughout the Town, design guidelines are proposed to create a desirable character notably in commercial areas.

**WATER QUALITY**

Commercial and industrial development are two land-intensive uses that have the potential to generate the largest areas of impervious surfaces due to building mass and parking requirements. To accommodate runoff, adequate infrastructure is required to ensure that surface water is sufficiently removed from the sites, and densities can be maintained.

The *Comprehensive Plan* envisions continued commercial development in areas where it is possible to provide adequate stormwater and wastewater treatment or where this infrastructure could exist in the future with potential improvements envisioned in the *Croton Plan*.

New commercial development would have to comply with all Town, NYCDEP, and State regulations pertaining to stormwater management to ensure that additional phosphorus loadings from surface runoff do not affect water quality in the reservoirs. ❖