

Village of Pelham Manor Nomination for the WMPF Planning Achievement Award



March 15, 2012

VILLAGE OF PELHAM MANOR, NY
NOMINATION FOR THE WESTCHESTER MUNICIPAL PLANNING FEDERATION
PLANNING ACHIEVEMENT AWARD

Table of Contents

Nomination Form and Explanation of Consideration

Appendices

Appendix A: Village of Pelham Manor Business District Zoning History

Appendix B: Before and After Photographs

Appendix C: Articles

“A Scenic Village That Knew What It Wanted, and Got It,” New York Times, May 12, 2010.

“From Industrial to Retail, Pelham Manor Transforms Contaminated Commercial Area,” Westchester Business Journal, December 10, 2010.

Appendix D: Signage Design Package Example – “Tenant Signage Design Criteria, Post Road Plaza”

WESTCHESTER MUNICIPAL PLANNING FEDERATION
PLANNING ACHIEVEMENT AWARD NOMINATION FORM

Nominations for "Planning Achievement Award" must be submitted by
March 16, 2012 to:

Electronic submissions (preferred) <http://www.wmpf.org/award-submissions>
or

John Tegeder, WMPF Director-at-Large
Yorktown Planning Department
1974 Commerce Street, Yorktown Heights, NY 10598
(914) 962-6565 — (e-mail) jtegeder@wmpf.org

Project Name: Village of Pelham Manor Business District Revitalization
Municipality: Village of Pelham Manor, NY
Project location:
(Streets) Pelham Parkway and the Boston Post Road (see map)
Project
Description: See attached

On a separate sheet, in 250 words or less, please describe the special planning achievement(s) associated with this project.

Funding Sources: Village of Pelham Manor

Participating Groups: Village Board of Trustees
Village Planning Board
Submitted by: John Pierpont, Village Manager
Name and title:
Municipality: Village of Pelham Manor, NY
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Support materials: Please submit in 8 ½" x 11" format, photographs, drawings, reports, newspaper articles or other materials that will assist us in assessing the project. ***Please note that electronic submissions of all materials are preferred; otherwise, please submit 3 sets of your application package for WMPF review.***

VILLAGE OF PELHAM MANOR, NY
NOMINATION FOR THE WESTCHESTER MUNICIPAL PLANNING FEDERATION
PLANNING ACHIEVEMENT AWARD

PROJECT DESCRIPTION

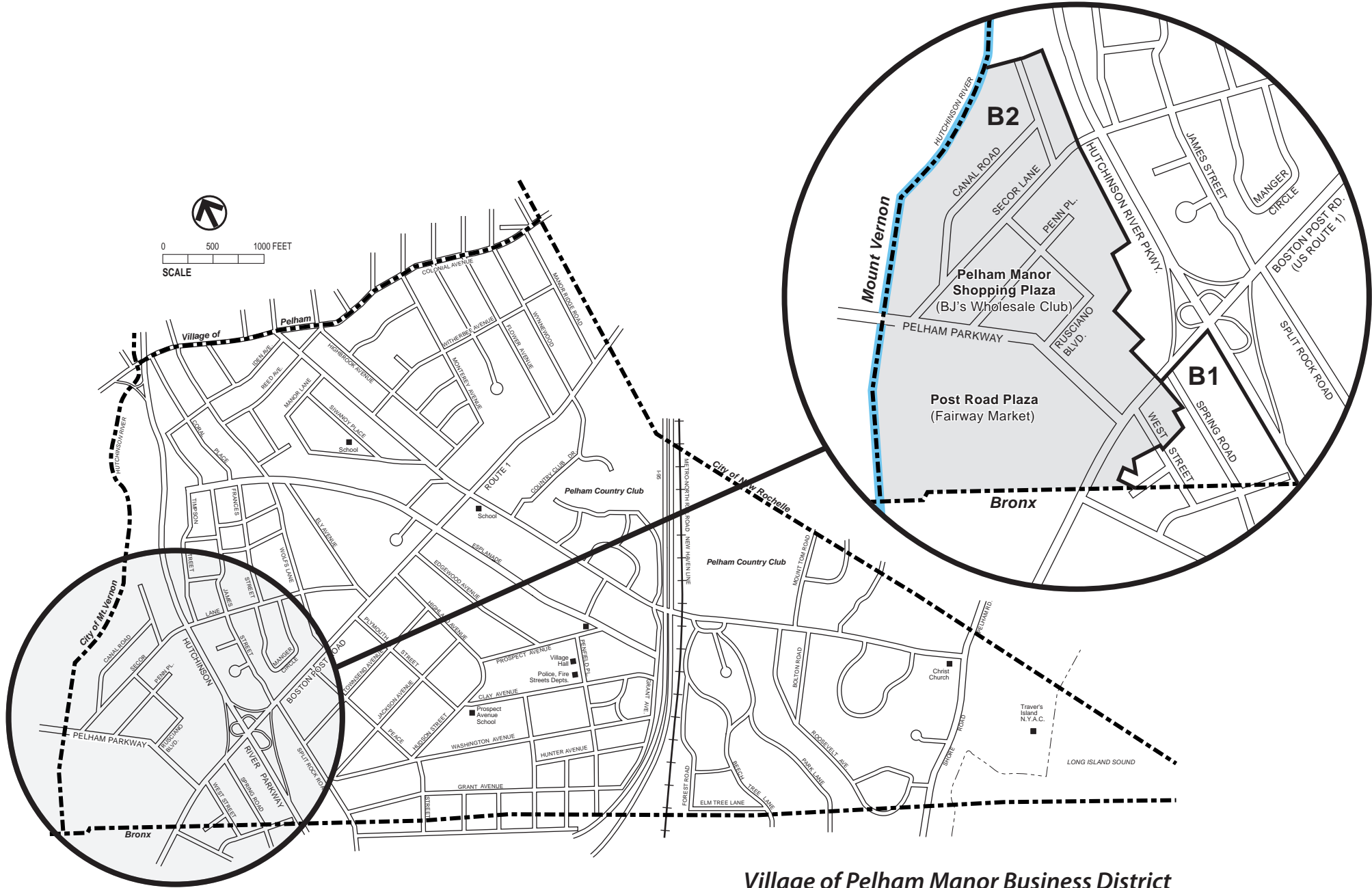
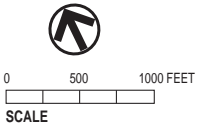
Over the past decade, and in response to a changing economic environment, the Village of Pelham Manor has enacted several new local laws to update the Village's Zoning Code as a means to more effectively guide and encourage commercial development in the Village. These new business zoning districts were created to facilitate an area wide revitalization with development consistent with the vision for this portion of the Village, and encourage a mix of commercial retail and service uses to meet the needs of Village residents. In the past few years, the goals of these local laws have been realized through the development of the Pelham Manor Shopping Plaza and Post Road Plaza.

DESCRIPTION OF THE SPECIAL PLANNING ACHIEVEMENT ASSOCIATED WITH THIS PROJECT

From 2000 to 2012, the Village of Pelham Manor business districts underwent a complete transformation. Infrastructure was upgraded, new sidewalks and landscaping was provided along Pelham Parkway, and new mixed use commercial development was advanced. To facilitate these improvements and implement their vision, during this time the Village Board of Trustees actively pursued and adopted a series of local laws to improve and enhance the original business district zoning (the complete history of planning and zoning actions are summarized in **Appendix A**). These zoning amendments included text changes in 2003 to further incentivize development within the rezoning area; updates to the signage, landscaping, and lighting regulations for regional shopping centers in 2006 and 2007; and the transition to two business districts in 2009.

As a result of their efforts, the Village is now home to two regional shopping centers – Pelham Manor Shopping Plaza and Post Road Plaza. Together these centers comprise approximately 595,000 square feet of retail space on 37 acres, and include national and regional tenants such as BJ's Wholesale Club, PetSmart, Fairway Market, Home Goods, Modell's, and Five Guys Burgers and Fries. (See **Appendix B**)

One of the goals of these rezoning efforts was to improve tax rates in the Village. That vision has now become a reality, and the Village is reaping the benefits of having an increased tax base from the development of two high performing retail centers. In 2010, the residential tax levy dropped approximately 4% and the commercial levy increased approximately 22%.



Village of Pelham Manor Business District

APPENDIX A

VILLAGE OF PELHAM MANOR BUSINESS DISTRICT ZONING HISTORY

PROJECT OVERVIEW

Since 2000, and in response to a changing economic environment, the Village of Pelham Manor has enacted several new local laws to update the Village's Zoning Code as a means to more effectively guide and encourage commercial development in the Village. The impetus for the rezoning efforts was the decline of and lack of investment in several industrially zoned sites in the southwestern portion of the Village. Many of the properties within this approximately 75-acre portion of the Village were not well maintained making this gateway to the Village appear run down. Consequently, these and nearby properties were not producing the quality of tax ratables that the Village felt was possible in the current market. As such, the Village sought to rezone these underperforming industrially zoned sites to several newly created business zoning districts (B1, B2, and B3).

These new business zoning districts were created to facilitate an area wide revitalization with development consistent with the vision for this portion of the Village, and encourage a mix of commercial retail and service uses to meet the needs of Village residents. Instead of a single business zoning district, the three zoning districts (B1, B2, and B3) were created to reflect the diversity in land use in this commercial area of the Village, infrastructure constraints, and use limitations that had been imposed on several properties due to environmental circumstances relating to past industrial uses (such as a former manufactured gas plant).

The purpose of the B1 District was to encourage retail development, and the zoning regulations included standards and guidelines to enhance the district's aesthetic character, increase parking, and to upgrade the streetscape to create an attractive and appealing business environment for consumers. The B2 District was established to function as a mixed use district made up of high quality, medium intensity, commercial service and design uses. The B3 District was intended as a transitional zoning district, one which would permit businesses that are complementary to and supportive of the commercial development permitted in the B2 District, but allow for heavier commercial uses. However, as the neighborhood transitioned to a more retail environment, the intent of the Village would be to phase this zoning district out.

From 2000 to 2012, the Village of Pelham Manor business districts underwent a complete transformation. Certain environmental limitations were remedied, infrastructure was upgraded, new sidewalks and landscaping was provided along Pelham Parkway, and new mixed use commercial development was advanced. To facilitate these improvements and implement their vision, during this time the Village Board of Trustees actively pursued and adopted a series of local laws to improve and enhance the original business district zoning (as summarized below). These zoning amendments included text changes in 2003 to further incentivize development within the rezoning area; updates to the signage, landscaping, and lighting regulations for regional shopping centers in 2006 and 2007; and the transition to two business districts in 2009.

In addition, the 2006 zoning amendments required regional shopping centers to prepare comprehensive signage design package that would be approved by the Village Board of Trustees and that would govern all tenant signage within the shopping center. The intent of a signage design package is to create a uniform look for a shopping center and encourage high quality design. The signage design packages regulate size, placement, mounting style, lighting, and color (see Post Road Plaza example in **Appendix D**). The Village has successfully prohibited all

internally illuminated light box signs within regional shopping centers, and instead promotes halo-lit pin mounted lettering.

PLANNING COMES TO FRUITION

Pelham Manor Shopping Plaza (Slayton-Acadia Realty)

In 2005, the Village of Pelham Manor received an application for the development of a Regional Shopping Center within the new B2 Zoning District. The application involved the construction of an approximately 323,000 square foot Regional Shopping Center on a ±16 acre former industrial site. Since the Village had prepared a GEIS for the rezoning area, the requirements of SEQRA were able to be met with an Expanded Environmental Assessment Form (EEAF), which included a traffic analysis specific to the proposed project. The Village and its consultants reviewed the traffic analysis prepared by the Applicant's consultants, and required specific intersection improvements to the Boston Post Road and Pelham Parkway that were later implemented. The Village Board of Trustees also required the applicant to re-design Pelham Parkway from a pedestrian and aesthetic standpoint, which included the addition of sidewalks and landscaping. The redevelopment of the site is complete, and it is currently occupied by several national retailers, including among others BJ's Wholesale Club, PetSmart, Michaels, T-Mobile, GameStop, Vitamin Shop, and Five Guys Burgers and Fries. (See **Appendix B**)

Post Road Plaza (Levin Management)

Also in 2005, the Village of Pelham Manor received an application for the redevelopment and re-occupancy of the existing Post Road Plaza. Post Road Plaza was an underperforming retail center across Pelham Parkway from the proposed Pelham Manor Shopping Plaza. The redevelopment involved extensive remediation by ConEdison of a former manufactured gas plant that had leached onto the property, as well as the renovation and rehabilitation of approximately 270,000 square feet of retail space on a ±21 acre lot.

The Village Board of Trustees commissioned a traffic study to evaluate the potential traffic impacts associated with the redevelopment of the proposed Post Road Plaza (Levin) site. The Traffic Impact Study (TIS) focused on the cumulative impacts of the Post Road Plaza and Pelham Manor Shopping Plaza on the local street network, and included site specific recommendations. The Village coordinated with the New York State Department of Transportation and the Westchester County Department of Transportation to implement these changes.

The redevelopment of the Post Road Plaza is complete. The shopping center is currently occupied by major retailers such as Fairway Market, Home Goods, Dress Barn, Marshalls, Modell's, GNC, and Mande. (See **Appendix B**)

SUMMARY OF THE BUSINESS DISTRICT PLANNING AND REZONING ACTIONS

1999 – BUSINESS AND INDUSTRIAL DISTRICT STUDY

In September 1999, the Village commissioned a *Business and Industrial District Study*. This study served as the basis for pursuing subsequent zoning amendments which were further evaluated in a 2000 Draft Generic Environmental Impact Statement (DGEIS) and 2000 Final Generic Environmental Impact Statement (FGEIS). The study looked at existing conditions in the southwestern corner of the Village ("study area"), characterized primarily by industrial and commercial land uses. Many land uses predated the Village's zoning ordinance, resulting in a number of non-conforming uses. Over time, as businesses and building occupancies changed,

the Village Zoning Board of Appeals (ZBA) were challenged with determining whether new uses were permissible under existing zoning. Further, the existing zoning code did not necessarily encourage the kind of growth and land uses that were in keeping with the Village's vision.

The *Business and Industrial District Study* determined that the study area had significant potential for revitalization and aesthetic improvements. First, a set of goals and recommendations were established to improve the study area. Second, the study created a specific land use plan for future development in the study area, including types of desired land uses and the aesthetic goals for new construction. Specific recommendations included concentrating heavy industrial and commercial uses north of Secor Lane; locating large commercial uses west of Pelham Parkway; creating areas of open space; and encouraging cultural and entertainment uses, as appropriate, within the study area.

The study recommended implementing zoning changes that would be a useful tool for guiding growth in the Village. The study area was divided into three sub-areas: (1) the area between the Hutchinson River and Secor Lane; (2) the area between Secor Lane and Boston Post Road; (3) and the area southeast of Boston Post Road. Sub-area 1 was recommended for heavier commercial uses; sub-area 2 was recommended for higher-end commercial, service, design, and retail uses; and sub-area 3 was recommended for community service and lighter commercial uses.

In addition to promoting compatible land uses through revised zoning regulations, the study emphasized the importance of aesthetics, such as architecture, signage, façade improvements, and landscaping. Renovation guidelines for existing structures and construction guidelines for new development were suggested as a way to ensure future development would preserve the character of the Village and be consistent with existing structures east of Pelham Parkway.

2000 – REZONING OF BUSINESS AND INDUSTRIAL DISTRICTS

April 2000 – Draft Generic Environmental Impact Statement (DGEIS)

Following the preparation of the 1999 Business and Industrial District Study, the Village and its consultants prepared a draft local law to amend the existing zoning code and map (described further below). Because of the nature and scale of the proposed action, it was assumed that a positive declaration of potential environmental impacts would be issued by the Village Board of Trustees and an EIS would be required, pursuant to the New York State Environmental Quality Review Act (SEQRA). A Draft Generic Environmental Impact Statement (DGEIS) was prepared to assess potential impacts from the proposed zoning text revisions to Article IV, Sections 46 and 47 of the Zoning Law of the Village of Pelham Manor as well as the zoning map. The DGEIS was submitted to the Village Board of Trustees on April 24, 2000. A public hearing was held on May 22, 2000 by the Board of Trustees to receive comments from the public.

The DGEIS concluded that the proposed rezoning action would not directly result in any significant adverse environmental impacts. However, it identified the potential for increased commercial development and therefore included a full build out analysis and the potential impacts of such a development. The DGEIS evaluated the proposed action's potential impacts on land use, zoning, and public policy; historic and archaeological resources; infrastructure; community resources; socioeconomic; visual resources; hydrology, stormwater, and flooding; natural resources; geology, soils, and topography; hazardous materials; traffic and transportation; air quality; noise; and construction impacts. The DGEIS presented existing

conditions within the study area, analyzed the future without the proposed project (“no action”), and analyzed potential impacts of the proposed action.

The DGEIS demonstrated that the proposed action would have an overall positive effect on the Village. The zoning amendments would promote commercial development that would be more compatible with the Village’s vision; improve visual aspects of the study area; increase pervious surface areas, thereby reducing flooding; and require landscaping and an increase in vegetation. Several potentially adverse impacts were identified as related to infrastructure, traffic, air quality, and noise. However, since the analysis of these potentially adverse impacts would be dependent on a level of detail that would accompany a site specific development project, it was determined that a generic analysis would be sufficient until such time as a site-specific development project was pending before the Village.

September 2000 – Final Generic Environmental Impact Statement (FGEIS)

In response to written and oral comments on the proposed zoning actions analyzed in the DGEIS, the zoning text amendments for the proposed business districts were revised. These revisions were discussed in a Final Generic Environmental Impact Statement (FGEIS). On September 11, 2000, the FGEIS was submitted to the Village Board, as lead agency, and subsequently accepted as complete. The SEQRA process was concluded by the Village Board with the issuance of a Statement of Findings.

The amended zoning law, Local Law No. 4 of 2000 (described below) was adopted on September 25, 2000.

Local Law No. 4 of 2000

Based on conclusions and recommendations from the *Business and Industrial District Study*, the Village of Pelham Manor drafted and enacted Local Law No. 4 in 2000 to amend its zoning code. A primary component of this rezoning was to eliminate the existing business and industrial zoning districts, and replace them with the Business 1 (B-1), Business 2 (B-2) and Business 3 (B-3) zoning districts. As described above, a GEIS was prepared to evaluate the potential impacts of the proposed action.

As stated in the local law, the objective of the rezoning action was “...to establish a clear direction for future land use and commercial development in the southern portion of the Village that is consistent with the community character in the Village and that strengthens the Village’s commercial tax base.” Manufacturing-based industries were becoming less prevalent; nevertheless, industrial zoning dominated the southwestern portion of the Village.

The intent of the rezoning was to allow commercial land uses that would be more in line with market trends in the area and that would meet the needs of the Pelham Manor community. As stated in Local Law No. 4 of 2000, the purpose of the B-1 district was to preserve the scale, type and intensity of existing uses within the business area southeast of Boston Post Road. The B-2 district was intended to establish a mixed-use district of high quality and medium intensity commercial uses. The B-3 district, primarily confined to the area north of Secor Lane, was intended to permit a more limited array of businesses uses that would be complementary to and supportive of commercial uses in the B-2 district, yet reflective of several unresolved environmental conditions that were in need of remediation.

The local law provided a sunset clause for the continuation of exiting non-conforming uses. However, any alterations to uses or structures on these properties would be required to comply with the revised zoning code. It was the Village’s aim to eliminate non-conforming uses by

September 30, 2005, by which time non-conforming uses were required to relocate or discontinue.

Maintaining and improving aesthetic qualities of these business districts were also primary objectives. Lot and bulk regulations were established and the revised zoning law included provisions for preserving architectural integrity and enforcing landscaping requirements. Lighting standards were also implemented. These regulations were intended to ensure that community character would be preserved and that streetscapes would remain visually appealing.

Other incidental amendments were included in Local Law No. 4 of 2000, such as the addition and revision of a number of zoning definitions; revisions to the schedule of parking regulations; revisions to off-street loading standards; and amendments to site development plan requirements.

2003 – PROPOSED ZONING TEXT CHANGES FOR BUSINESS DISTRICTS (B-1, B-2, & B-3)

Following the adoption of Local Law No. 4 2000, no new development occurred in the business zoning districts. Lack of development was attributed in part to the events of September 11, 2001, the closing of the Kmart Store, the overall malaise in the economy, and pending litigation on the adequacy of the SEQRA process in the adoption of the business district zoning. Judgment was initially found in favor of the property owner challenging the SEQRA review which implemented Local Law No. 4 of 2000; however, an appellate court overturned this ruling and declared that preparation of the SEQRA process was sufficient.

In 2002, the Village Board authorized an update to the *1999 Business and Industrial District Study*. Updates included an analysis of several build-out scenarios to identify areas of the zoning law that could be modified to encourage more capital investment in the business zoning districts. To stimulate growth in the business zoning districts, the Village and its consultants prepared Proposed Zoning Text Changes for the Business Districts (B-1, B-2, and B-3) to amend its zoning law. The purpose of the zoning text amendments, as stated in the local law, was "...to clarify the intent of the existing zoning law and to create development conditions that are more attractive to potential developers."

As an incentive to make the businesses district area more attractive for development, some lot and bulk regulations in the business zoning districts were modified to be more conducive for development. Proposed revisions included increasing maximum building coverage from 50 percent to 65 percent; increasing maximum development coverage from 80 percent to 90 percent; reducing front yard setbacks from 30 feet to 10 feet; and increasing floor area ratio (FAR) from 1.00 to 1.25. Required parking dimensions were also reduced from 10 feet wide to 9 feet wide. For businesses partially comprising manufacturing or warehousing uses, the required amount of retail sales area was reduced from 30 percent to 25 percent. These proposed revisions would allow more flexibility for developers and provide more realistic opportunities for commercial development.

The sunset clause for non-conforming uses, adopted in Local Law No. 4 of 2000, was also modified to extend the deadline for transforming these uses. Many property owners and businesses expressed difficulty relocating or attracting new investors due to the downturn in the economy. The allotted time for the phasing out non-conforming uses would be five years from adoption of the Proposed Zoning Text Changes for the Business Districts (B-1, B-2, and B-3).

July 2003- DGEIS

On July 17, 2003, a DGEIS for the Proposed Zoning Text Changes for the Business Districts (B-1, B-2, and B-3) was submitted, which evaluated potential environmental impacts from the proposed action. Prior to preparation of the DGEIS, an expanded EAF was submitted that concluded an EIS was necessary to adequately assess potential impacts.

Subject areas evaluated in the DGEIS included the following: land use, zoning, and public policy; historic and archaeological resources; infrastructure; community services; socioeconomics; visual impacts; hydrology and stormwater; natural resources; geology, soils, and topography; hazardous materials; traffic and transportation; air quality; noise; and construction impacts. The proposed action was seen as having an overall beneficial impact in the Village. The zoning text amendments would support land use goals of the Village and improve the study area, both economically and visually. Any adverse impacts were minor and would be sufficiently mitigated.

A public hearing was held by the Village Board of Trustees on August 18, 2003 to allow the public to express concerns or comments relating to the proposed zoning changes. Written comments were received through August 29, 2003.

October 2003 – FGEIS

An FGEIS for the Proposed Zoning Text Changes for the Business Districts (B-1, B-2, and B-3) was submitted and accepted as complete by the Village Board on October 8, 2003.

The FGEIS presented several revisions that were made to the proposed zoning amendments in response to comments. For example, minor revisions were made to the sunset language for non-conforming uses; the zoning text was revised to allow uses other than retail on the ground floor in the B-2 district, provided that no more than 75 percent of the ground floor would be occupied by these uses; the definition of “health club” was revised; and off-street loading requirements were revised.

A revised project description was incorporated into the FGEIS, which described potential impacts of the revised proposed zoning amendments. No significant adverse impacts resulting from these changes were identified from the relatively minor revisions, and any potential increases in traffic would likely be offset by the reduction in the minimum amount of retail space required in new development.

The SEQRA process was concluded by the Village Board with the adoption of a Statement of Findings on October 27, 2003.

Local Law No. 3 of 2003

The Local Law No. 3 of 2003, described above as the “Proposed Zoning Text Changes for the Business Districts (B-1, B-2, and B-3),” was adopted by the Village Board of Trustees on October 27, 2003.

2006 – 2007 – UPDATES TO REGIONAL SHOPPING CENTER REGULATIONS

Local Law No. 2 of 2006 and Local Law No. 3 of 2007

Local Law No. 2 of 2006 and Local Law No. 3 of 2007 involved changes to the signage, lighting, landscaping, and parking regulations for Regional Shopping Centers. These zoning amendments were in response applications for redevelopment within the rezoning area. The Village Board of Trustees worked with the developers to ensure that while the developments

were able to move forward, the integrity of their regulations remained. These local laws included the requirement of comprehensive site specific signage packages (see the Post Road Plaza example in **Appendix D**).

2009 – B3 DISTRICT REZONING

February 2009 – Expanded Environmental Assessment Form (EAF)

Following the adoption of Local Law No.3 of 2003, and subsequent to several of the properties advancing their environmental remediation efforts, a resurgence of commercial development began to get underway in the business zoning districts. Coupled with the continued decline in the demand for industrial, warehousing, and light manufacturing uses in the B-3 district, the Village Board felt this area would be more appropriately zoned B-2, as was envisioned in the original 2000 proposed zoning initiative. (At the time of the 2000 rezoning, the heavy industrial and manufacturing uses that had dominated this area (zoned B-3) had left some properties with contaminated environmental conditions and limitations on allowable uses. Thus, the range of permitted uses in the B-3 district was designed to reflect such restricted use conditions.)

Consequently, to facilitate redevelopment of this area, consistent with the redevelopment occurring in the adjacent B-2 zoned area, the Village Board proposed to eliminate the B-3 district and replace it with B-2 zoning, as originally contemplated.

Because of the limited nature and scale of the proposed re-zoning, as well as the depth of previous analyses under SEQRA, it was felt that an expanded Environmental Assessment Form (EEAF) would be adequate to analyze the potential environmental impacts of the proposed action. An EEAF was submitted on February 26, 2009.

The EEAF analyzed the potential impacts of the proposed action on land use, zoning, and public policy; community character; natural resources; and traffic and transportation. With the removal of the B-3 district, several industrial land uses (previously permitted) were eliminated as unconditional permitted principal uses. Other, former B-3 uses would still be permitted pursuant to specific restrictions. Overall, these zoning changes were found to be beneficial to the Village and would advance the Village Board's long standing goal of transforming this former manufacturing/industrial area into a unified commercial district. The proposed zoning amendments would facilitate growth in a direction that would enhance the function of this area, as redevelopment pursuant to B-2 zoning regulations would improve the appearance of this area and would be consistent with the substantial redevelopment efforts already underway on other properties in the business districts. The proposed action would also enable the potential for a green corridor along the Hutchinson River waterfront. While increased traffic congestion was identified as a potential effect, possibly requiring roadway and intersection improvements, without site specific development proposals it was impossible to determine the extent of potential impacts. Individual development proposals would therefore need to submit detailed traffic impact studies prior to site plan approval.

After a review of the EEAF, the Village Board of Trustees determined that no significant adverse impacts would result from the proposed action, and a Negative Declaration was adopted by the Board of Trustees on March 23, 2009. Therefore, an EIS was not required under SEQRA.

Local Law No. 1 of 2009

Following the adoption of the Negative Declaration, Local Law No. 1 of 2009 was adopted on March 23, 2009 to rezone the entire B-3 district as B-2.

APPENDIX B











Pelham Manor Shopping Plaza
Before Photographs
Figure 5



Pelham Manor Shopping Plaza
Before Photographs
Figure 6



Pelham Manor Shopping Plaza
Before Photographs
Figure 7



Pelham Manor Shopping Plaza
After Photographs
Figure 8



Pelham Manor Shopping Plaza
After Photographs
Figure 9



Pelham Manor Shopping Plaza
After Photographs
Figure 10

APPENDIX C

"All the News
That's Fit to Print"

The New York Times

Late Edition

Today, cool, periods of rain and drizzle, areas of fog, high 53. Tonight, becoming partly cloudy, low 45. Tomorrow, clouds and sunshine, high 64. Weather map, Page B14.

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THE NEW YORK TIMES BUSINESS WEDNESDAY, MAY 12, 2010

SQUARE FEET

A Scenic Village That Knew What It Wanted, and Got It

By ELSA BRENNER

PELHAM MANOR, N.Y. — A decade ago, this suburb in southern Westchester County, where well-kept 1920s Tudor and colonial houses command some of the highest prices in the county, was home to a blighted industrial area bordering the Bronx to the south and Mount Vernon to the west.

The site, 75 acres in the southwest corner of the village with cracked pavement, vacant warehouses and a struggling strip mall, was not just an eyesore. Officials in the 1.2-square-mile village thought it should be generating enough property tax revenue to offset some of the burden carried by homeowners.

"In short, it was pretty valuable real estate down there that had not been developed to its highest and best use," said John C. Hays, the mayor of Pelham Manor since last year.

Now much of that blight is gone. Big-box outlets like a 130,000-square-foot B.J.'s Wholesale Club and a 75,000-square-foot Fairway grocery store, which opened last month, are the anchor for two busy retail plazas that attract shoppers from Westchester County and New York City. The area is just west of the Hutchinson River Parkway and north of Interstate 95, along Boston Post Road and Pelham Parkway.

The changes have not come easily. It took more than a decade to overhaul zoning in the village of some 5,500 residents, fight a court challenge to the new rules and clean up contamination in the ground, among other things, before the resurrection of the area could occur.

The seeds were planted in 1999, when the village drew up a master plan and instituted zoning that prohibited industrial uses. Occupants of nonconforming properties were given five years to either meet guidelines or close their business, a move that residents of the village supported heartily but that was resisted by owners of warehouses and heavy-equipment businesses, said John T. Pierpont, who as village manager serves as clerk, treasurer, building inspector and superintendent of public works.

"Our conversations with the property owners did not work that well," Mr. Pierpont said. One of them, Rusciano & Son Corporation, challenged the new zoning on procedural grounds and ini-

tially won its case in State Supreme Court in White Plains. The village successfully appealed the ruling in 2003.

The next year, Acadia Realty Trust of White Plains and two partners signed a 95-year ground lease on the 17-acre site owned by Rusciano & Son. Joel Braun, a senior vice president and chief investment officer of Acadia, would not divulge financial details of the lease, but at the time said the company planned to spend \$35 million to raze a number of brick warehouses and build a 200,000-square-foot retail center where the B.J.'s Wholesale Club and a Michaels arts and crafts store now stand.

About that time, Levin Management of North Plainfield, N.J., decided to upgrade its 280,000-square-foot Post Road Plaza strip mall across Pelham Parkway from the Rusciano site, which was built in the mid-1960s, said Matthew Harding, the company's president.

There are about 20 stores in the plaza now, including a Modell's, a Dress Barn and an A. J. Wright, with the new Fairway as the centerpiece. A decade ago, the mall was not performing well. A series of department stores, including E. J. Korvette, Caldor and Kmart, had occupied the space where Fairway is now. Before construction of Fairway could proceed, though, the village required that Con Edison, which previously occupied the site, spend \$100 million to clean up chemical contamination in the ground.

The village drove a hard bargain as the new retail space was developed, officials with both developers said. "They knew what they wanted," said Mr. Braun of Acadia, "and that included no signage facing the Hutchinson River Parkway. They were insistent."

Village officials rejected any plans that called for unadorned big-box stores, neon signs or large areas of asphalt without landscaping, among other things.

"We didn't want to take a cookie-cutter approach, so we spent a lot of time considering the architectural aspects of what would be built there," said Mr. Hays, who was a member of the zoning board of appeals at the time. "It had to be in keeping with the tone of the rest of the village."

Yet, at the same time, village leaders wanted the new construction to recall



PHOTOGRAPHS BY LIBRADO ROMERO, THE NEW YORK TIMES

A B.J.'s Wholesale Club and a Fairway grocery store, which opened last month, are the anchors for two shopping plazas in the southwest corner of Pelham Manor, N.Y.



the area's industrial roots, said Nanette H. Bourne, a senior vice president and director for AKRF, an environmental, planning and engineering firm in White Plains that served as consultants to the village.

On the Acadia site, where brick ware-

houses were razed, new design standards called for rooflines and large, multipaned windows that resembled those of old factories and warehouses.

"We had a clear vision of what we wanted," Ms. Bourne said.

With an eye to further development

on the sites, the village has also required that new retail buildings have large windows on all sides so that they were not oriented only toward the street.

Already, the village is realizing an economic benefit from its rezoning and redevelopment effort, Mr. Pierpont said. A Pelham Manor homeowner with a four-bedroom house worth about \$1.5 million with annual taxes of about \$40,000 is saving about \$700 a year because of it, he said.

Of the village's \$10.3 million annual tax levy, about \$8.3 million comes from residential property taxes, but that is shifting. Last year, a \$200,000 increase in the tax levy was "virtually absorbed by the new commercial development," Mr. Pierpont said.

"This year, the shift is continuing," he said. "Clearly, we've been moving in the right direction."



Revitalizing retail

Two shopping centers improve a rundown, industrial part of Pelham Manor and provide a boost to the village tax coffers.

Page 51



Pelham Manor Shopping Plaza has risen where rows of brick warehouses and industrial buildings once stood. The 229,000-square-foot retail center is anchored by BJ's Wholesale Club.

From industrial to retail

Pelham Manor transforms contaminated commercial area

BY JOHN GOLDEN
jgolden@westfairinc.com

Village officials in Pelham Manor have a profit-reaping model for economic redevelopment and residential property-tax relief after a decade-long effort that has turned the village's southern gateway into a retail shopping destination.

At the intersection of Boston Post Road and Pelham Parkway, two sprawling shopping centers that total about half a million square feet — one new and the other newly renovated — draw steady traffic from the bordering Bronx and southern Westchester County. Complementing each other with their tenant mix, they have transformed a commercial area that increasingly had become an environmentally contaminated vestige of the tiny village's industrial past.

Post Road Plaza, a 1960s-era shopping center unmoored by the closings of successive anchor department stores, has been rejuvenated by the opening this year of that New York City grocery icon, Fairway Market, after an approximately \$15 million repositioning in 2009 that has given the five-building, 268,000-square-foot property a sleekly contemporary look.

Facing Post Road Plaza across a newly landscaped Pelham Parkway, Pelham Manor Shopping Plaza has risen where rows of brick warehouses and industrial buildings once stood. The 229,000-square-foot retail center, to which a new 90,000-square-foot Storage Post facility is attached, is anchored by BJ's Wholesale Club. The national wholesaler opened in spring 2009 in an approximately \$20 million store built by Home Depot, which abandoned its plans to anchor the site.

A land of 'rundown warehouses'

In the late 1990s, that commercial area,

bounded by the Hutchinson River Parkway and the Hutchinson River, "was rundown warehouses that weren't particularly well-maintained," said John T. Pierpont, Pelham Manor's village manager. "It wasn't really a productive sector of the village in terms of generating real property tax."

Village officials and their planning consultant envisioned an integrated retail area that would retain architectural features of the industrial buildings it replaced.

"The idea too was that the best use and highest value for that land would help shift the tax burden from the residential to the commercial base," said Joseph C. Hays Jr., mayor of the 1.2-square-mile village. "That is exactly what has happened."

In 2000, village trustees rezoned for retail use the approximately 15-acre parcel where Pelham Manor Shopping Plaza stands and imposed a five-year sunset provision to eliminate nonconforming uses there. The owner of the industrial property, Rusciano & Son Corp., brought a legal challenge to the village action, though the village ultimately prevailed in court.

In 2004, the Ruscianos negotiated a 95-year ground lease with Acadia Realty Trust, a shopping-center developer based in White Plains, and that real estate investment trust's development partner, PA Associates of New York City. The partners spent about \$62 million for demolition and construction on the site, according to Acadia Realty's 2009 annual report to shareholders.

Soil cleanup keyed Post Road Plaza

Across Pelham Parkway, Consolidated Edison, which previously owned the Post Road Plaza property, worked with Levin Management Corp., the plaza's New Jersey-based managing company, and the state Department of Environmental Conservation to complete in 2009 an \$80 million clean-up of soil contaminants from the former Westchester Lighting Co. manufactured gas plant. Levin Management that year signed Fairway Market as anchor tenant in space that had been vacated by bankrupt Kmart in 2005. Fairway in May opened a 75,000-square-foot store there, its first store in Westchester County.

The area's redevelopment required a long process of give-and-take between the village and the private developers. "In this climate where you have developers who feel they're hounded by municipa-



"The idea too was that the best use and highest value for that land would help shift the tax burden from the residential to the commercial base. That is exactly what has happened."

—Joseph C. Hays Jr.,
mayor, Pelham Manor

lities and regulations and municipalities who feel they're being taken advantage of (by developers), this wasn't the case" in Pelham Manor, said Nanette H. Bourne, senior vice president of AKRF in White Plains, the village's planning consultant for about 15 years. "It was a real working together of the public and private sectors."

Tax burden eases for homeowners

Homeowners in the village already have felt their tax burden lighten. In the current fiscal year alone, Pierpont said, the new commercial development shifted \$330,000 from the residential tax levy to the commercial levy. That is a 4 percent decrease for residential properties and a 22 percent increase on the commercial side.

"I would say it's been a huge success, both from an impact on taxes and the community in general," Hays said of the retail transformation.

Buoyed by that success, village trustees in January expanded the rezoning and sunset provision for property owners to an approximately 12.5-acre industrial area that adjoins the Pelham Manor Shopping Plaza site. Officials hope owners there will reach leasing deals with Acadia Realty or another developer.

Property value 'killed,' critics say

The rezoning push has its critics, however.

"They change the zoning and some guys get killed," said Bernard Stachel, executive vice president at Tamerlain Realty Corp. in Pelham. Stachel is brokering the sale of a vacant lot in the rezoned area, the site of a former Exxon Mobil terminal whose owner is asking \$4 million for the 4.5-acre parcel. The broker also is handling the sale of a 29,500-square-foot gas station property whose asking price is \$2.3 million.

"By changing the zoning, they just killed the value of the property," Stachel said. Across the Hutchinson canal in Mount Vernon, industrial property sells for \$60 per square foot, he said, compared with retail property in the rezoned area that sells for \$20 per square foot.

One business in the newly rezoned area, Imperia Brothers Masonry Supply Corp., welcomed the zoning change.

"We have served the community for decades from this location and are very pleased with the retail changes in the neighborhood," said Janice Piszczatowski, Imperia's chief financial officer. "As a result, we have seen a positive impact on sales and are no longer the only retailer in the area."

Pelham Manor's retail shopping draw

Population: 32,955 within one mile; 1,122,610 within five miles.

Average household income: \$81,935 within one mile; \$64,781 within five miles.

Median age: 37.7 years within one mile; 35.2 within five miles.

Source: Acadia Realty Trust

APPENDIX D

Tenant Signage Design Criteria



POST ROAD

P L A Z A

PELHAM MANOR

NEW YORK



June 17, 2009

LMC

P. O. Box 326
Plainfield, NJ 07061
† (908) 755.2401
f (908) 755.5806
www.levinmgt.com





Tenant Signage Design Criteria

GENERAL SIGNAGE CRITERIA

Tenants are encouraged to install building mounted signs above storefronts, all signage shall be of individual letters. Several types of fabrication are acceptable.

All tenants will be required to use internally illuminated reverse channel aluminum letters with opaque faces and which are back-lit for a halo effect (Type 2). Sign face colors can be found on page four of this package.

Signage shall be limited to letters designating the store name as set forth in signed lease documents between Tenant and Landlord.

Signs shall be centered architecturally on facade, generally between columns, in front of Tenant's premises; vertical location is to be determined by Landlord based on architectural constraints, adjacent signage and sight lines. Maximum sign heights, widths and locations as allowed by Landlord are illustrated on the building elevations on the following pages.

"Box-type" signs are prohibited. No formed plastic, injection molded plastic, or box-type back-lit panel signs are permitted. Paper signs, crude or primitive signs, flashing lights or any sign type that may present a hazard to the public is prohibited. Signs prohibited by the Village of Pelham Manor are prohibited at Post Road Plaza.

Excessively bright colors, such as those colors generally described as "neon" or "fluorescent," are prohibited.

National tenants have the option to use colors that match their corporate identity. These colors should closely match the palette represented in this package within a ten-percent variation.

All sign bolts, fastenings and clips shall be hot-dipped galvanized iron, stainless steel, aluminum, brass or bronze. They should be concealed.

No signmakers labels or other identification shall be permitted on the exposed surface of signs, except those required by local ordinance. If required by local ordinance, such labels or other identification shall be in an inconspicuous location.

No exposed conduit, tubing or raceways, conductors, transformers and other equipment, will be permitted.

The lighting to Tenant's signage shall be controlled by a 24 hour time clock set in accordance to the Landlord's specified hours.

All signage, including signs of a temporary nature, must be approved by the Landlord in writing before use.

After Landlord approval, Tenant shall submit signage to the Village of Pelham Manor for permit.

If there is a conflict between this tenant signage design criteria and the lease, the lease takes precedent.



BUILDING MOUNTED SIGN TYPES

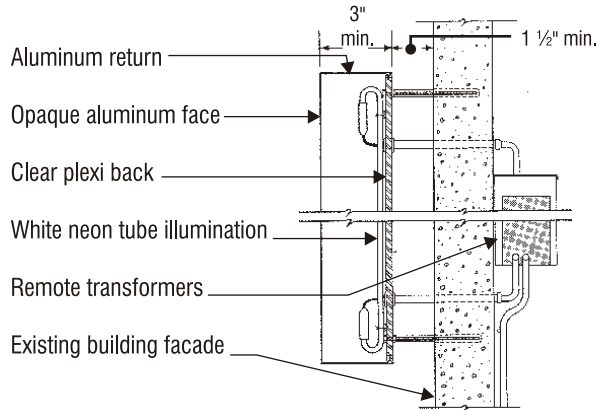
STREET LEVEL TENANT SIGN:

Back-lit individual reverse channel letters:

- 1) Sign height maximum as noted on the elevations
- 2) Opaque aluminum face with aluminum returns and clear plexi backs
- 3) Mounted directly to building facade with remote transformers
- 4) Back of letter bracketed off facade a minimum 1 1/2" for halo effect

Tenant must present all ideas, drawings and specifications for proposed signs to the Landlord for approval prior to fabrication and installation. All exterior signs require permits from the Village of Pelham Manor and must be obtained by the Tenant.

TYPE 2:



Typical Sign Section

Not to Scale

WALL PAINTED TENANT SIGNS: (East elevation of Bldg. 'A' only)

Individual flat "painted" wall graphics:

- 1) Maximum sign height, width and locations as noted on the elevations
- 2) Signs may be created by professionally painting directly to brick masonry wall with exterior sign paint or applying digitally printed exterior vinyl graphics specifically made to bond to wall with heat to resemble painted graphics

Tenant must present all ideas, drawings and specifications for proposed signs to the Landlord for approval prior to fabrication and installation. All exterior signs require permits from the Village of Pelham Manor and must be obtained by the Tenant.

TYPE 3:



Note: Graphic shown as example only



Tenant Signage Design Criteria

SIGN COLOR PALETTE



WHITE



PANTONE 261 C



BLACK



PANTONE 300 C



PANTONE YELLOW C



PANTONE 2945 C



PANTONE 142 C



PANTONE 327 C



PANTONE 144 C



PANTONE 336 C



PANTONE 146 C



PANTONE 364 C



PANTONE 186



PANTONE 385 C



PANTONE 174 C

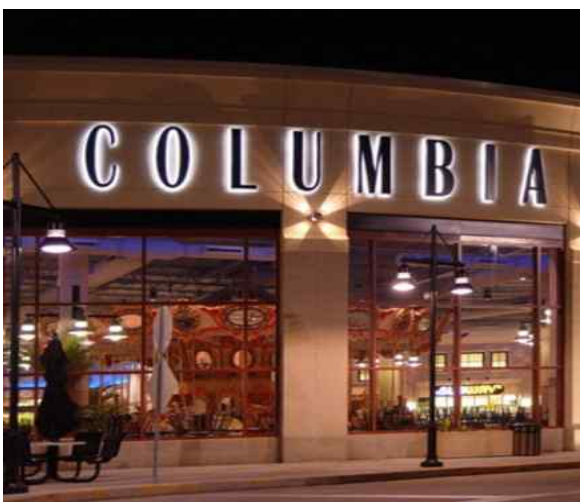


PANTONE 574 C

* Colors represented in this page denote palette range tenants can choose from. Due to the nature of color profiles, tenants colors can vary ten-percent from the pantone color matching system used for this selection.



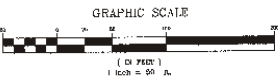
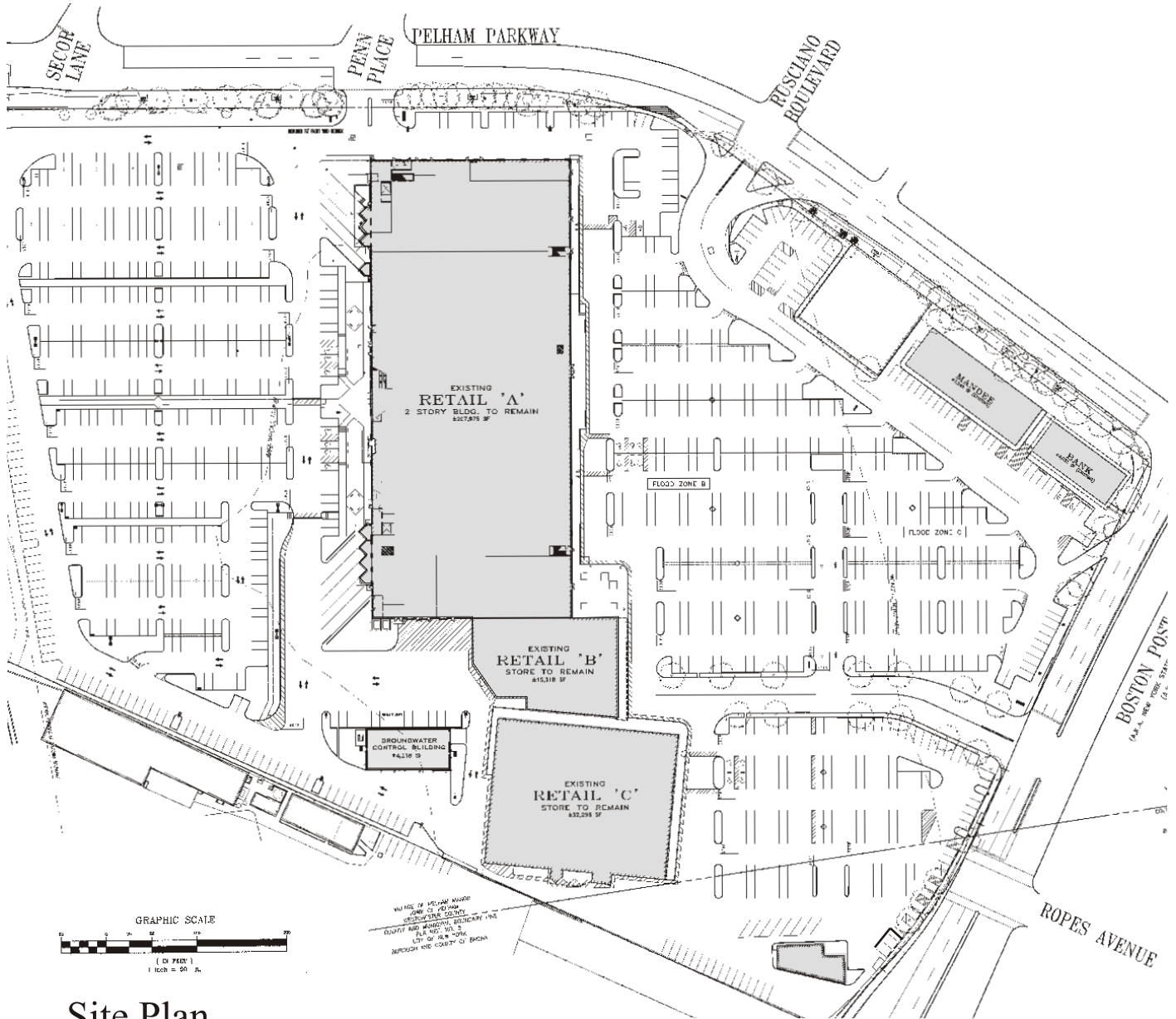
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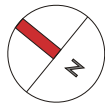


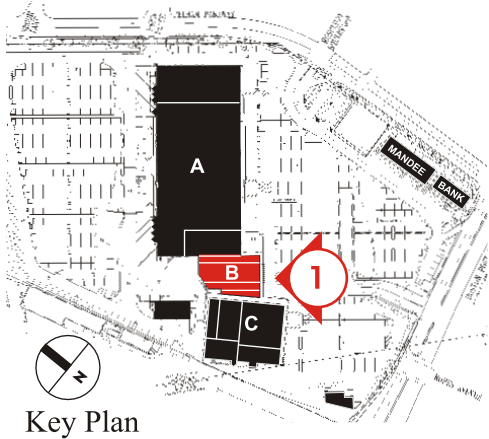
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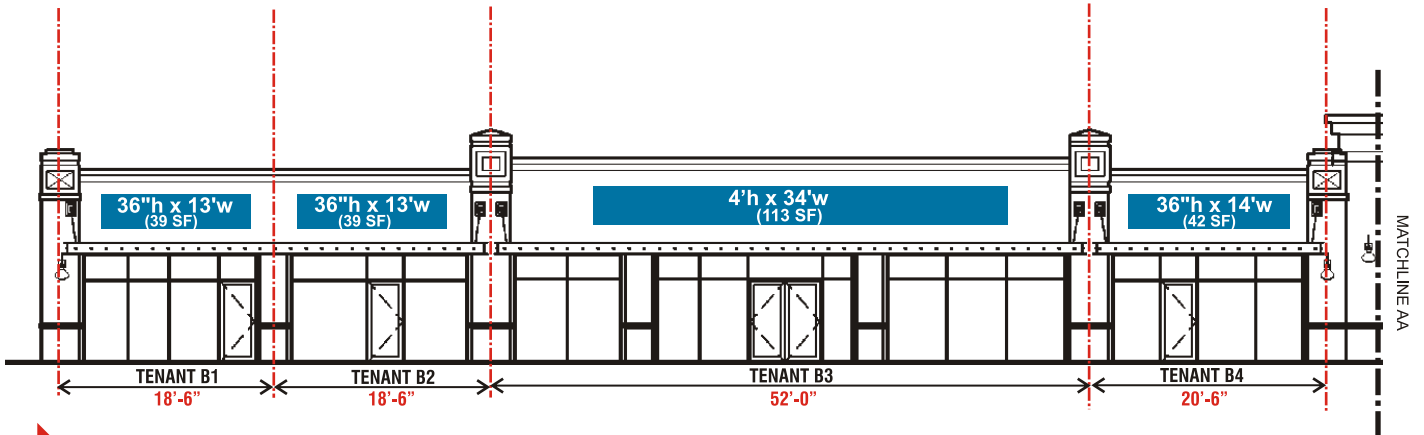


Site Plan

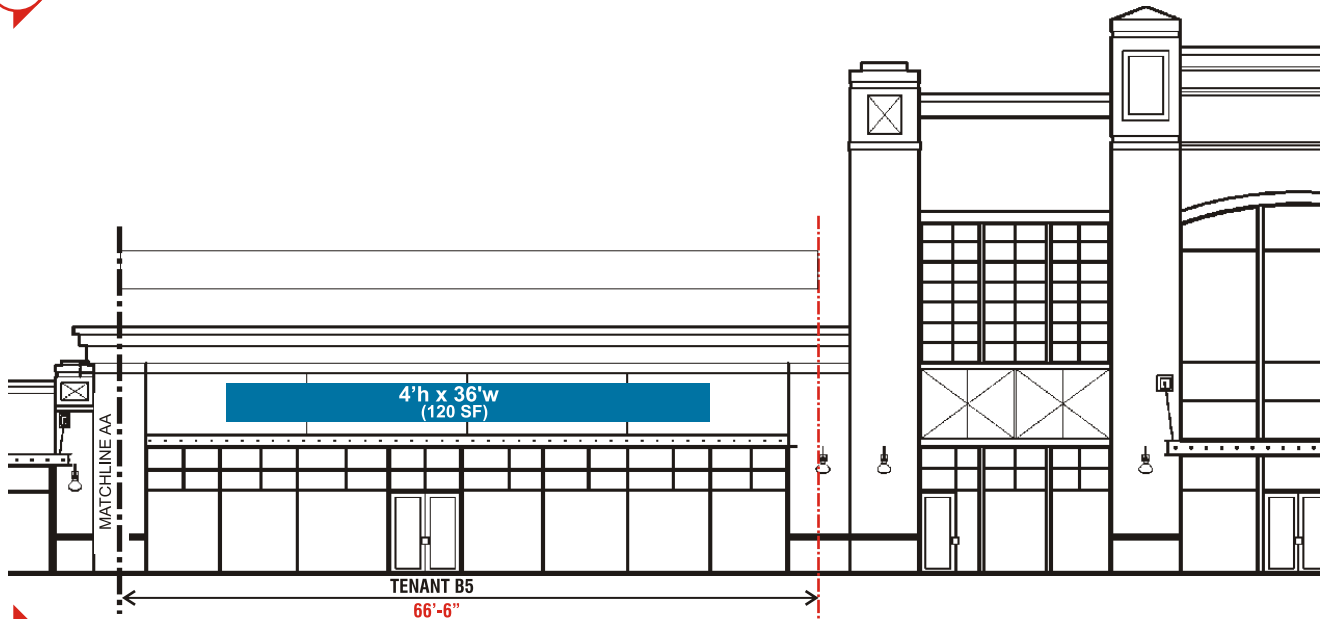




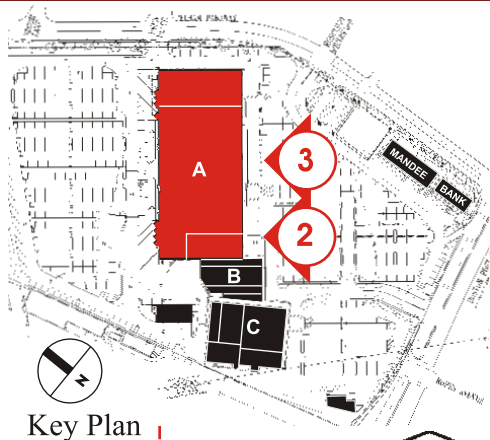
TYPE 2 SIGNS



1 Bldg. 'B' – South Elevation (Partial) Scale: 1/16:1'-0"



1 Bldg. 'B' – South Elevation (Partial) Scale: 1/16:1'-0"



TYPE 2 SIGNS

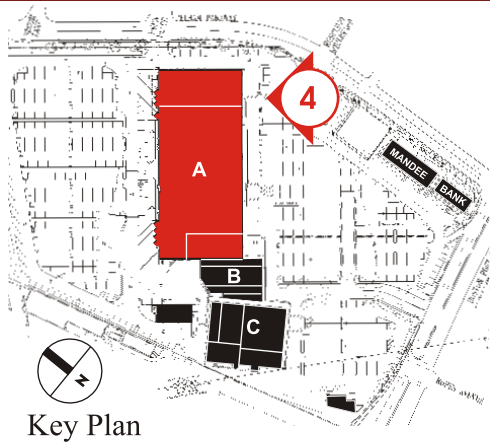


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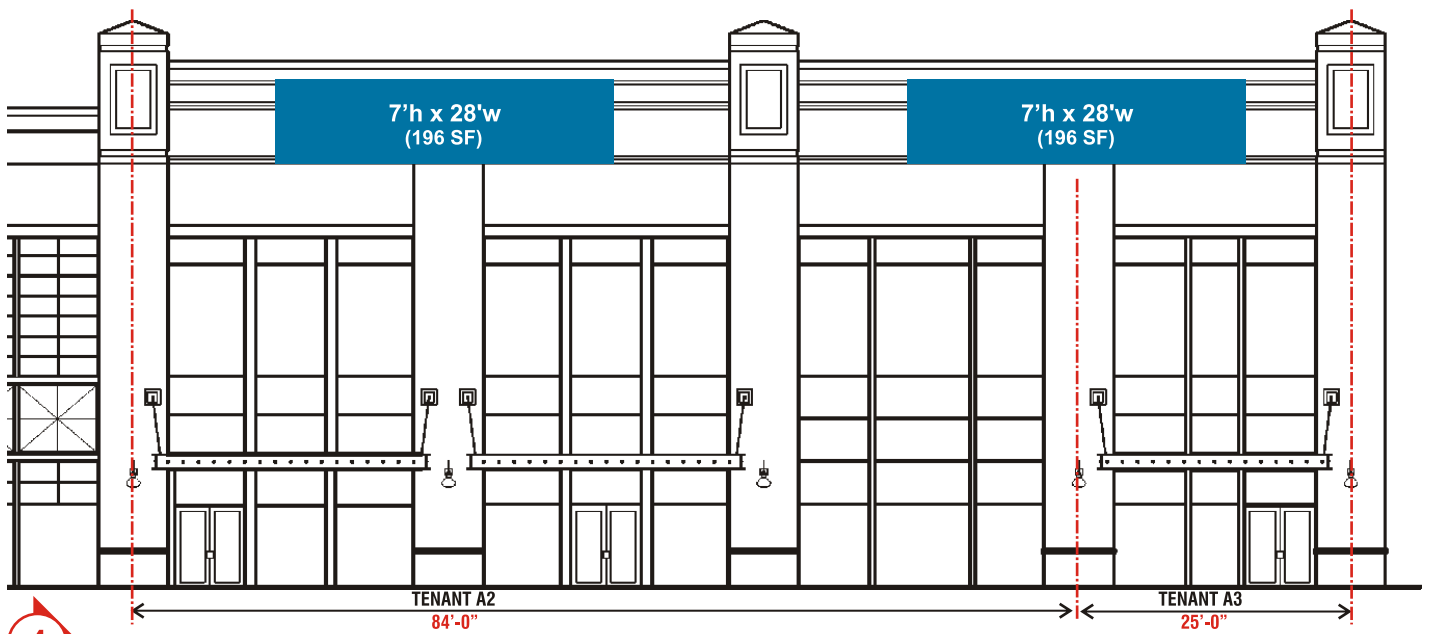
TENANT A1
SEE LEASE PLAN



3 Bldg. 'B' – South Elevation (Partial) Scale: 1/16:1'-0"



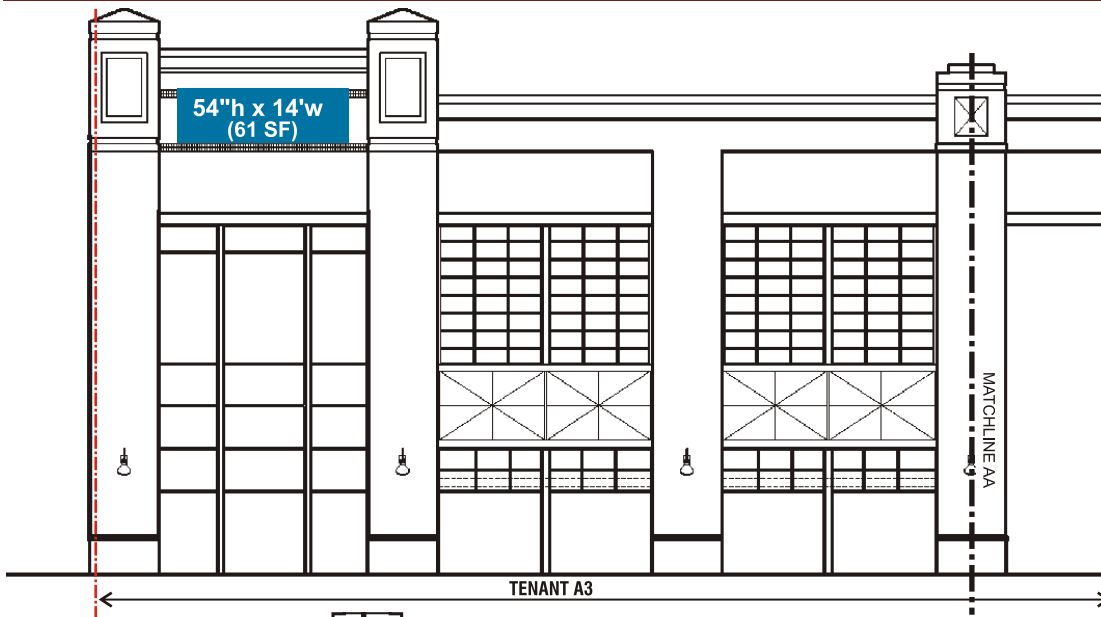
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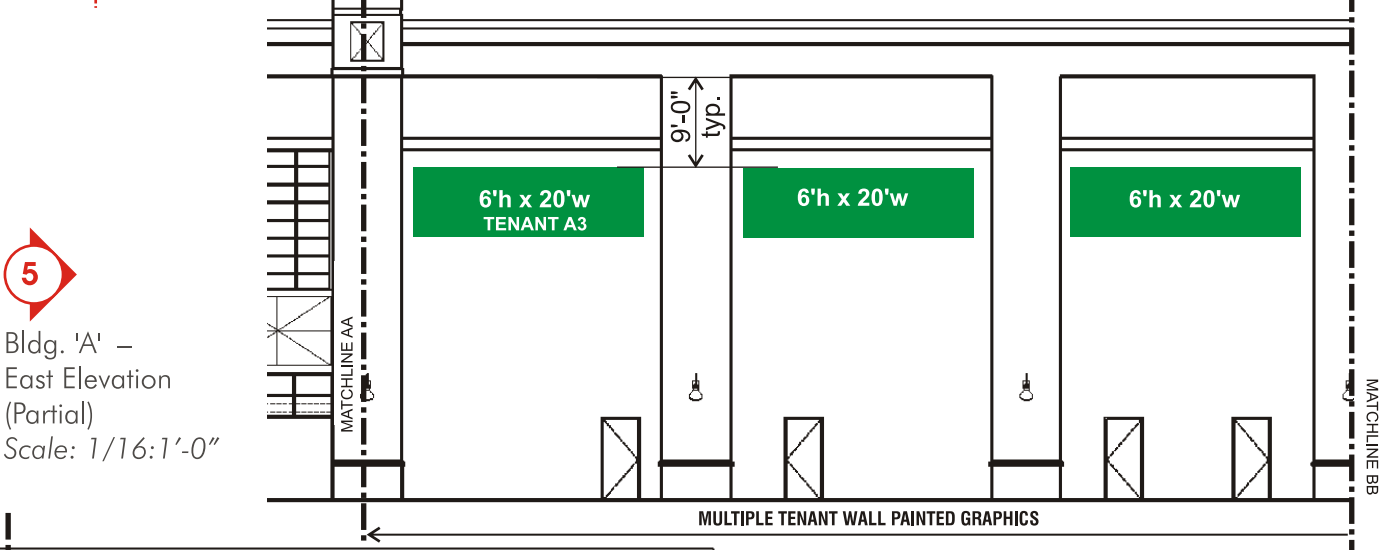
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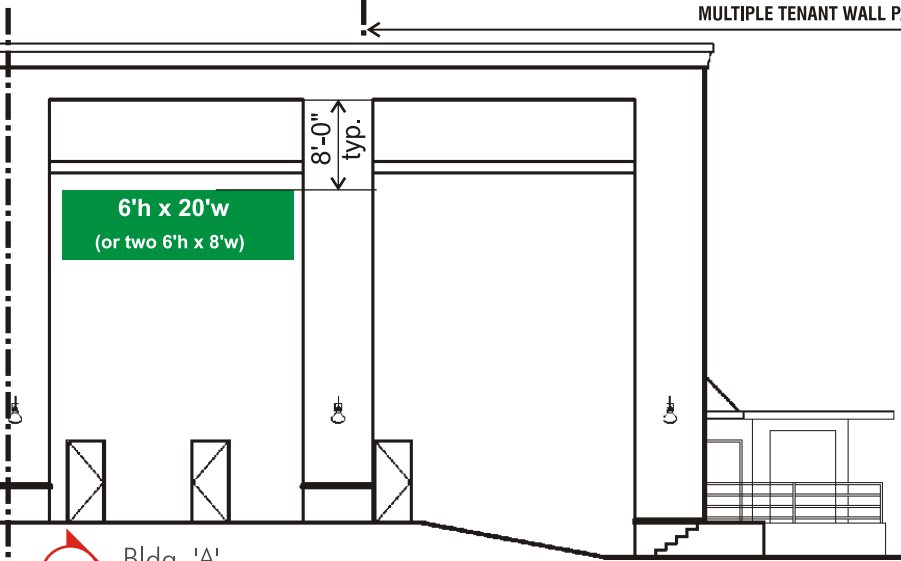
Tenant Signage Design Criteria



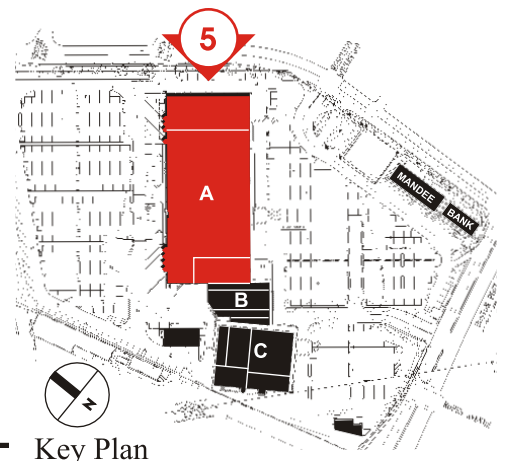
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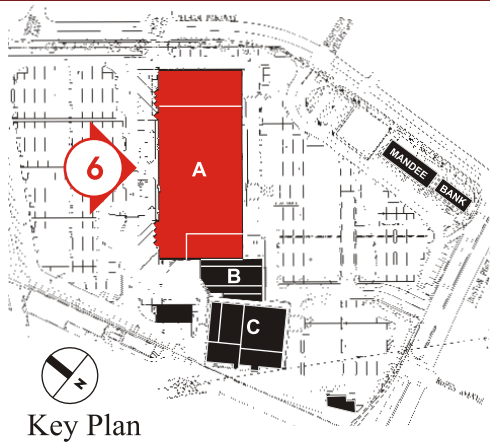
Bldg. 'A' –
East Elevation
(Partial)
Scale: 1/16:1'-0"



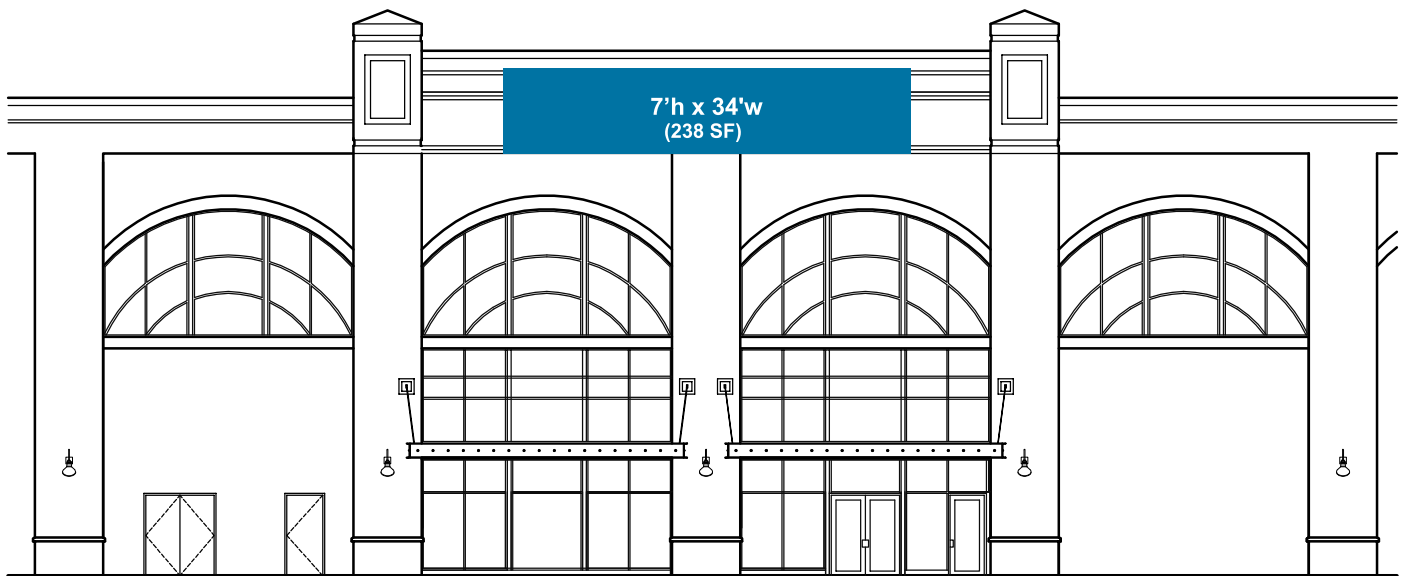
Bldg. 'A' –
East Elevation (Partial) Scale: 1/16:1'-0"



Key Plan



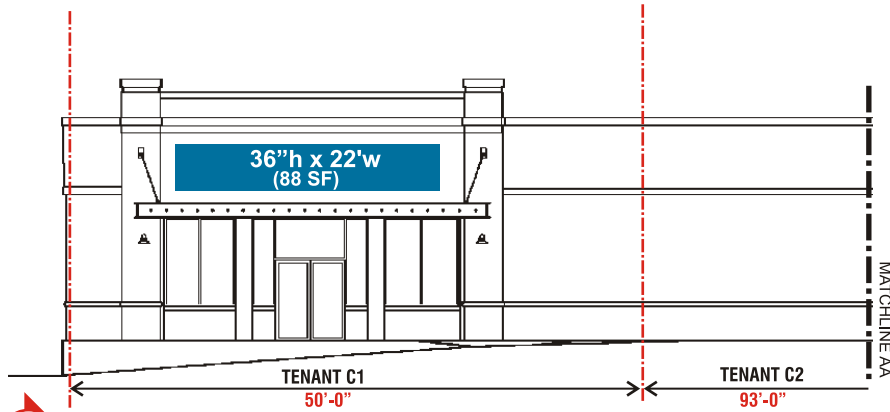
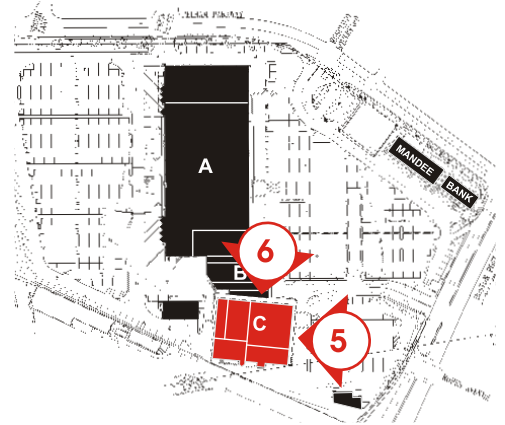
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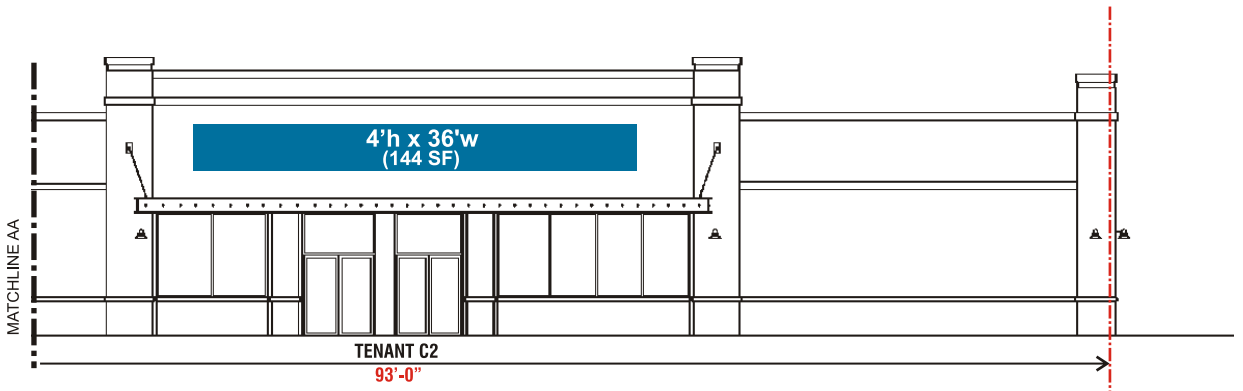


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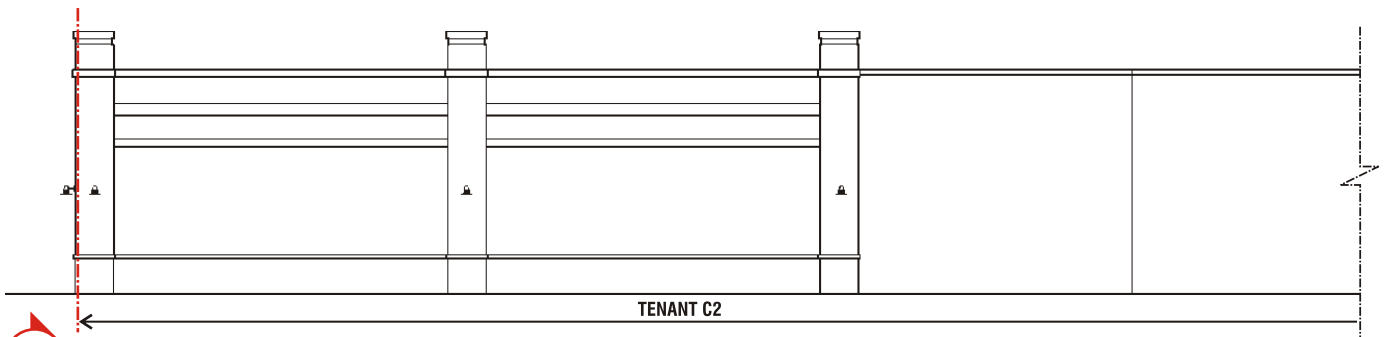


5 Bldg. 'C' – South Elevation (Partial) Scale: 1/16:1'-0"

TENANT A2



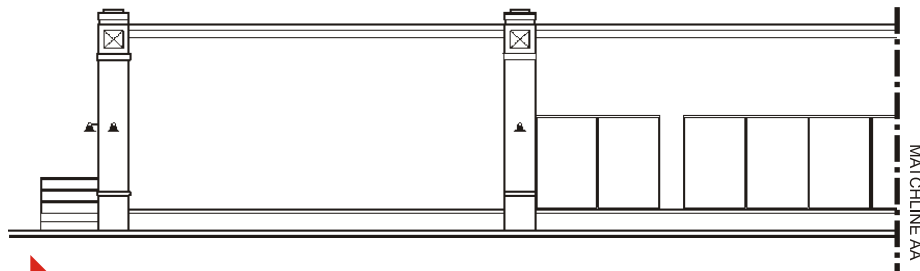
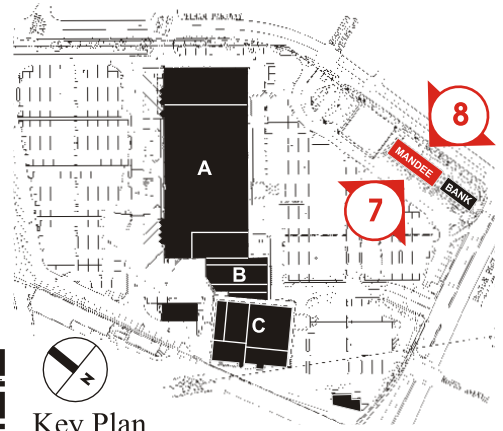
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6 Bldg. 'C' – East Elevation (Partial) Scale: 1/16:1'-0"



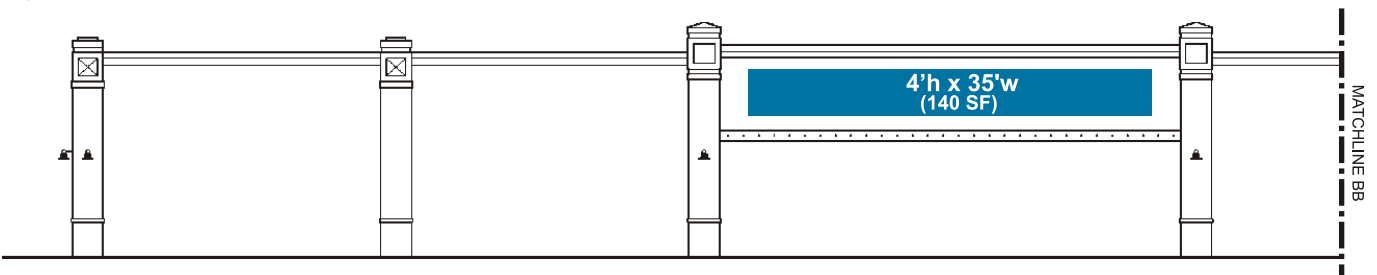
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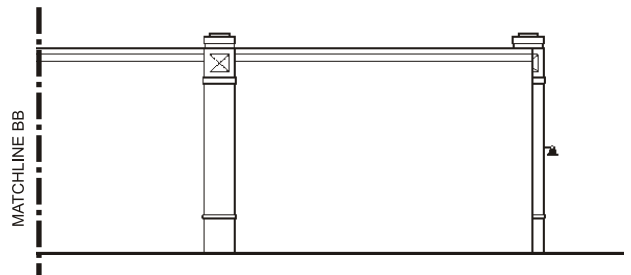
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7 Mandeės – West Elevation (Partial) Scale: 1/16:1'-0"



8 Mandeės – East Elevation (Partial) Scale: 1/16:1'-0"



8 Mandeės – East Elevation (Partial) Scale: 1/16:1'-0"

