



CITY HALL  
40 S. BROADWAY  
YONKERS, NY 10701

## OFFICE OF THE YONKERS CITY COUNCIL

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### STATEMENT OF ENVIRONMENTAL FINDINGS

Issued by

THE CITY OF YONKERS CITY COUNCIL

PURSUANT TO

THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

FOR THE PROJECTS KNOWN AS

**Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

This Statement of Findings is issued by the City of Yonkers City Council, pursuant to the New York State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and the regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively referenced herein as "SEQRA"), in connection with the redevelopment projects known as Palisades Point, Cacace Center, River Park Center, and Larkin Plaza (collectively, the "Project").

**Lead Agency:** City Council of the City of Yonkers (City Council)  
40 South Broadway  
Yonkers, New York 10701

**Name of Action:** River Park Center, Cacace Center, Larkin Plaza and Palisades Point Project

**Location:** The Project sites are located in the southwestern portion of the City of Yonkers and along the Hudson River in southern Westchester County. Specifically, River Park Center is located north of Nepperhan Avenue, east of South Broadway, and south of Palisades Avenue/Elm Street; Cacace Center is located north of Guion Street, east of South Broadway, south of Nepperhan Avenue, and west of New Main Street; Palisades Point is located at the end of Prospect Street along the Hudson River; and Larkin Plaza is located north of Nepperhan Plaza, east of Buena Vista Avenue, south of Dock Street, and west of Warburton Avenue.

**Date Final Environmental Impact Statement (FEIS) filed:** October 7, 2008

**Lead Agency Adoption of this Statement of Environmental Findings:** November 5, 2008

### A. INTRODUCTION

This Findings Statement for the Project provides City Council's rationale, as the SEQRA Lead Agency, for its decision to approve the Project, drawing upon information in the Draft Environmental Impact Statement (DEIS) prepared by Struever Fidelco Cappelli LLC (the Applicant), dated March 21, 2008, as well as related documents and public comments received on the Project, including the Final Environmental Impact Statement (FEIS) dated October 7, 2008.

This Findings Statement also certifies that City Council, as Lead Agency, has met the applicable requirements of SEQRA and its implementing regulations at 6 NYCRR Part 617 in assessing the potential environmental impacts of the Project, including but not limited to:

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- Establishing the City of Yonkers City Council as the Lead Agency;
- Issuing a determination of significance;
- Preparing a Draft Scope of Work for the DEIS for public review and comment;
- Holding a public meeting and receiving written and oral comments on the Draft Scope of Work;
- Preparing a Final Scope of Work for the DEIS;
- Requiring the preparation of the DEIS by the Applicant;
- Hiring expert consultants to review the DEIS for adequacy and completeness;
- Conducting its own pre-publication review of the DEIS and of its expert consultants' suggested changes to the DEIS;
- Accepting, issuing a notice of completion, and distributing the DEIS for public review and comment;
- Holding two public hearings on the DEIS;
- Receiving public comments on the DEIS within the prescribed period and after the close of the public hearings;
- Conducting nine public City Council Real Estate Committee meetings at which members of the City Council, Yonkers City agency representatives, expert consultants, and members of the public presented and discussed matters pertaining to the content, analyses, and substance of the DEIS;
- Causing the preparation of, and conducting its own pre-publication review of, the FEIS;
- Reviewing the FEIS for adequacy and completeness; and
- Accepting the FEIS, issuing a notice of completion, and circulating the FEIS for public review.
- Conducting further technical review and evaluation of comments following circulation of the FEIS.

The issuance of this Findings Statement is the final step in the SEQRA process for the Project.

### PROJECT OVERVIEW

The Project involves the development by the Applicant of River Park Center, Cacace Center, Palisades Point, and the exposing and landscaping (“daylighting”) of the Saw Mill River at River Park Center and, by the City, at Larkin Plaza. In addition, the Project includes an affordable housing obligation. The development program and project components are more fully discussed below. As discussed herein, the City Council is requiring certain modifications to the Project.

The overall development program as proposed by the Applicant would result in the creation of approximately 1,386 housing units; approximately 483,700 square feet of retail space; approximately 90,000 square feet of restaurant space; approximately 475,000 square feet of office space; approximately 80,000 square feet of cinema space; a 150 room hotel (approximately 75,000 square feet); an approximately 50,000 square foot City of Yonkers Fire Department Headquarters; approximately 6,313 parking spaces; a 6,500-seat ballpark; an approximately 1,100 linear foot “riverwalk,” including 400 linear feet of “daylighting” of the Saw Mill River.

In addition to the above, the Project includes the following required related actions:

- amendments to the Zoning Ordinance of the City of Yonkers (the “Zoning Ordinance”);
- amendments to the Urban Renewal Plan for the Getty Square Urban Renewal Area dated September 19, 1975, and last amended July 10, 1978 (the “Getty Square Urban Renewal Plan”);
- amendments to the City’s Master Plan & Design Guidelines for the Yonkers Downtown Waterfront (the “Waterfront Master Plan”);
- approval by the City Council of a Redevelopment Plan under the New York Municipal Redevelopment Law and issuance by the City of tax increment (TIF) bonds to fund costs of public improvements, or alternatively, issuance by the Yonkers Industrial Development Agency (IDA) of bonds supported by a “full tax agreement,” as discussed below;

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- the provision by the IDA of financial assistance to the Project in the forms of a sales and use tax exemption relating to the construction phase of the Project and a mortgage recording tax exemption;
- Planned Urban Redevelopment (PUR) special permit approval for Palisades Point from the City Council and Planning Board of the City;
- alienation of certain City park lands;
- discontinuance of certain City streets;
- site plan approval of the Project;
- disposition of City and City of Yonkers Community Development Agency (CDA) property to the Applicant for redevelopment;
- execution of Land Disposition Agreements (LDAs)<sup>1</sup> effectuating the transfer of City and CDA owned properties to the Applicant, including the current City of Yonkers Fire Department Headquarters and 87 Nepperhan Avenue; and
- remediation of certain existing environmental conditions at River Park Center under the New York Brownfield Cleanup Program.

As discussed in the FEIS, and as further discussed herein, the Applicant is currently proposing that instead of the City issuing TIF bonds for the initial \$160 million of infrastructure costs, the IDA would issue bonds supported by a “full tax agreement” whereby the Applicant would pay on an annual basis to the City and County an amount equal to the base amount of taxes currently being paid by the Project properties plus approximately 25 percent of the real property tax increment that the City and County would otherwise have received from the Project, and the remaining approximately 75 percent would cover debt service on the bonds. The base amount and the amount equal to 25 percent of the increment would be available to the City of Yonkers for general revenue purposes. Notwithstanding the proposed implementation of IDA bonding backed by a full tax agreement, the City Council finds that the establishment of a Redevelopment Plan and other necessary steps which are conditions precedent to the issuance of TIF bonds are appropriate and necessary in order to provide a potential future source of additional finance for any infrastructure costs potentially in excess of \$160 million, and potentially to repay the Applicant for any “back-stop” debt service payments made by the Applicant. Such potential TIF bonds would be subject to future City Council approval in accordance with the procedures of applicable statutes. Therefore, references to “TIF bonds” and “TIF” throughout this Statement of Findings refer both to the currently proposed IDA bonding and the issuance by the City of TIF bonds or other financing mechanism allowing for the funding of certain costs through the capture of incremental taxes.

As mentioned above, the build elements of the Project consist of three principal development projects known as River Park Center, Cacace Center and Palisades Point. The Project includes the daylighting by the Applicant of the portions of the Saw Mill River that pass through the River Park Center site and by the City of the portion through Larkin Plaza, the latter being a City of Yonkers public improvement project that is also addressed in the DEIS and FEIS.

A summary of the Project components follows.

### *RIVER PARK CENTER*

The River Park Center development includes the following build elements:

- River Park Center, a mixed-use residential, commercial, and entertainment (ballpark) development and parking complex;

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<sup>1</sup> References to “LDA” and “LDAs” shall each refer to all Land Disposition Agreements pursuant to which lands of the City of Yonkers of any agency thereof will be transmitted to the Applicant.

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- Renovation of an existing offsite City of Yonkers building to serve as a temporary City of Yonkers Fire Department Headquarters;
- “Government Center”;
- The “Palisade Avenue Office Building”; and
- Daylighting of the Saw Mill River and creation of a publicly accessible and useable pedestrian “riverwalk” and related amenities.

Each of these build elements is described below:

### *River Park Center Mixed-use Residential and Commercial Development*

A mixed-use residential, commercial, and entertainment complex will be constructed on an approximately 13 acre site bounded by Palisade Avenue, Elm Street, Nepperhan Avenue and New Main Street. The complex will have a “western tower” and an “eastern tower” consisting of two 28-story residential towers that would rise above an 11-story “podium.”

The towers will have a maximum height of no more than 400 feet above street level measured in accordance with the Zoning Ordinance. In addition, each tower will have an unoccupied rooftop mechanical penthouse space above the top floor of the residential tower. These two residential towers will contain, in aggregate, approximately 950 dwelling units.

The podium above which the residential towers will rise will contain the following principal components:

- approximately 455,000 square feet of retail space;
- approximately 80,000 square feet of restaurant space;
- approximately 80,000 square feet of movie theatre space;
- approximately 100,000 square feet of office space;
- approximately 1,200 square feet for a police department substation;
- a 6,500 seat “rooftop” ballpark and related concession and services areas; and
- Approximately 475 private parking spaces and approximately 2075 public parking spaces.

A 6,500-seat minor league baseball field and its associated service components will occupy the upper levels and “roof” of the podium. The field will be a regulation-sized baseball field suitable for Minor League play. Pedestrian access to the ballpark will be provided via the main vertical circulation atrium on the southern façade of the building along Nepperhan Avenue.

As part of the site plan review, a lighting plan for all activities contemplated to take place at the ballpark will be finalized and submitted to the Planning Board for review and approval in consultation with the City Council.

Approximately 2,550 parking spaces will be located on-site, of which approximately 2,075 will be public parking to accommodate the needs of the commercial uses, and 475 will be private spaces for the residential units located in the “eastern tower”. The amount of parking provided at River Park Center will comply with the ratios set forth in the amendments to the Zoning Ordinance that the City Council will adopt as part of the Project. Ballpark parking will also serve as public parking on a shared basis. The parking requirements of the “western tower” will be provided for by private spaces in the new Government Center parking structure. As discussed below, the Government Center parking structure would be connected to the western residential tower by a footbridge.

### *Government Center*

The Government Center development component will be located on a site comprised of parcels currently owned by the City of Yonkers and The Salvation Army. The City-owned properties include the existing municipal Government Center garage, and the building at 87 Nepperhan Avenue known as the “Health Center Building,” which is currently used for City administrative offices. These City properties are located within Washington Park, a designated City park. The Project includes the alienation of the

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parkland parcels, as discussed below, and the conveyance of these City properties to the Applicant under the terms of an LDA. The Applicant's private acquisition of the property owned by The Salvation Army will also be necessary. Upon their acquisition by the Applicant, the existing Government Center garage, the Health Center Building, and buildings on The Salvation Army site will be demolished. Prior to demolition of the Health Center Building, City offices currently located in the Health Center Building will be relocated to the new office building at the Cacace Center site, as discussed below.

The Government Center development program will consist of a building having approximately 41,000 square feet of floor area and an attached structure containing an approximately 1,523 space parking garage and approximately 10,000 square feet of street-level retail and approximately 10,000 square feet of restaurant space to front on New Main Street. The development will also include an approximately 21,000 square foot space to serve as a new facility for The Salvation Army. This building will be a 3-story space integrated into the Government Center development, and will occupy the corner of New Main Street and Nepperhan Avenue. In addition, an 8-level parking garage will be constructed. The parking structure will contain approximately 1,523 spaces, of which approximately 1,048 will be public spaces and 475 will be private spaces to serve the residential uses in the "western tower" of the River Park Center complex. The residential parking spaces and the public spaces, including those reserved for City use, are expected to have separate circulation routes within the garage.

### *Palisade Avenue Office Building*

The proposed Palisade Avenue Office Building will be a 14-story office building located on the northwest corner of Elm Street and Palisade Avenue. The building will have approximately 10,000 square feet of street level retail, and approximately 225,000 square feet of office space on 7 levels on top of an approximately 435-space, 6-level public parking structure, the first level of which will be located below grade. The parking facility will serve both the on-site office uses and is intended to provide overflow parking for game and event uses at the adjacent ballpark. The Applicant shall provide a report to the City Council demonstrating that reasonable and good faith efforts were made to offer to lease or purchase space in this building to the State University of New York and other established collegiate educational institutions.

### *Saw Mill River Daylighting and Public Amenities at River Park Center*

The daylighting of an approximately 400 foot segment of the Saw Mill River at the River Park Center site, as discussed below, will be undertaken by the Applicant as part of the development of the River Park Center site. The entire length of the open river through the site will be landscaped to create a "riverwalk" that will include pedestrian pathways, places to rest and view the river, with overlooks and steps along the way. The riverwalk will provide multiple points of access along its course, and will provide public access to multi-level retail, restaurant, and entertainment uses. The riverwalk will feature public seating and outdoor dining areas, and will be landscaped with trees and plantings for shade and comfort, as well as pedestrian-scale lighting.

A public plaza will stretch north along the New Main Street frontage of the site. The plaza will have stand-alone retail/restaurant spaces of approximately 3,000 square feet each, and the public plaza area is to be enhanced with street furniture, lighting and tree plantings, thus adding to a lively urban gathering space environment at the site's main corner.

### **CACACE CENTER**

The Cacace Center will be a mixed-use development on an approximately 4.3 acre site currently owned by the City, including certain small parcels that are dedicated parkland. The Project includes the alienation of the parkland parcels, as discussed below, and the conveyance of these City properties to the Applicant under the terms of the LDA. The site is bounded by South Broadway, Nepperhan Avenue, New Main Street and the existing Cacace Justice Center building. The Cacace Center will include office space, a new City of Yonkers Fire Department Headquarters building, a hotel, and a public parking garage. The

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Cacace Center will include an approximately 225,000 square foot building at the southeast corner of Nepperhan Avenue and South Broadway. This building will be approximately 190 feet high measured in accordance with the Zoning Ordinance and contain approximately 150,000 square feet of office space and an approximately 75,000 square foot hotel with approximately 150 guest rooms. A public parking garage will be constructed, fronting on Nepperhan Avenue and containing approximately 1,135 parking spaces, some of which will be assigned by permit to the hotel and office uses. An approximately 50,000 square foot building will also be constructed to serve as the City of Yonkers Fire Department Headquarters and the expanded facility shall have a minimum of 6 equipment bays. The new building will be located at the southwest corner of New Main Street and Nepperhan Avenue.

Approximately 100,000 square feet of the Cacace Center's 150,000 square feet of office space will be acquired by the City of Yonkers for use as replacement office space for government offices displaced as a result of the demolition of the Health Center Building. This new office space will be established as condominium space. The terms of the City's occupancy of this space will be stipulated in the LDA.

### *PALISADES POINT*

The Palisades Point development component is a mixed-use riverfront development on the Hudson River waterfront site designated as Parcels H and I (and a portion of Parcel J) under the Waterfront Master Plan. This development component will consist of two 25-story residential towers, each with an attached 5-story low-rise "wing" building, containing, in aggregate, 436 residential units and approximately 8,700 square feet of retail and/or professional office space. Two 5-story parking structures containing an aggregate total of 670 parking spaces will be located between the residential towers, providing 486 parking spaces for Palisades Point residential units, and 184 dedicated parking spaces as replacement parking for the parking currently provided by the City for the adjacent Scrimshaw House that would be displaced by the Project. Approximately 57 on-street parking spaces will also be provided in the street between the two buildings, and in a parking area located in the southern portion of the site. In addition, approximately 136,000 square feet of public and publicly accessible open space will be created on the site and along the Hudson River with a pedestrian esplanade.

The public open space at Palisades Point will include an esplanade running the entire length of the riverside of the site. The esplanade will include public amenities, including appropriate pavement, benches, and overlooks, as well as plaza spaces to accommodate informal and formal uses such as gatherings, organized festivals, etc. The details of the esplanade design will be finalized as part of the site plan review, but will incorporate guidelines established by Westchester County. The publicly accessible esplanade will be made continuous with existing public esplanade areas to the immediate north of the site, and will allow for continuation to the south if and at such time the extension of the public waterfront esplanade occurs.

This waterfront area comprising the esplanade lies within the City-owned area designated as Parcel J in the Waterfront Master Plan, and will be retained by the CDA, and not transferred to the Applicant.

In addition to the waterfront esplanade, two large publicly accessible open space areas will be located between the proposed buildings and the esplanade. One such area will include an expansion of the existing City-owned sculpture park located on Parcel J. The second open space area will consist of a formal lawn which shall be landscaped in accordance with a landscape plan to be approved as part of the site plan. This lawn area will allow for informal public gatherings, as well as use by the public for picnics, sunbathing and other forms of passive recreation and informal active recreation.

### *SUMMARY OF DEVELOPMENT PROGRAM*

Table 1, below, provides a breakdown of the approximate square footages for each proposed build element included as part of the Project based on the Applicant's submission as reviewed in the DEIS and FEIS.

**Table 1**  
**Project Build Program (all figures are approximate)**

Use	RIVER PARK CENTER				CACACE CENTER	PALISADES POINT	Total
	River Park Center	Government Center	Palisades Avenue Office	Subtotal			
Residential s.f.[units]	1,150,200 [950]			1,150,200 [950]		567,163 [436]	1,717,363 [1,386]
Office (s.f.)	100,000		225,000	325,000	150,000		475,000
Retail (s.f.)	455,000	10,000	10,000	475,000		8,700	483,700
Restaurant (s.f.)	80,000	10,000		90,000			90,000
Movies s.f.[seats]	80,000 [2,200]			80,000 [2,200]			80,000 [2,200]
Salvation Army (s.f.)		21,000		21,000			21,000
Ballpark [seats]	[6,500]			[6,500]			[6,500]
Hotel s.f.[rooms]					75,000 [150]		75,000 [150]
Fire House (s.f.)					50,000		50,000
Police Substation (s.f.)	1,200			1,200			1,200
Parking Garage [spaces]	[2,550]	[1,523]	[435 <sup>1</sup> ]	[4,508 <sup>2</sup> ]	[1,135]	[670 <sup>3</sup> ]	[6,313]
<b>Notes:</b>							
1. In addition to serving on-site office uses, this garage would provide overflow parking for the ballpark.							
2. At River Park Center, approximately 475 spaces are private parking for the eastern residential tower. Approximately 475 spaces in the Government Center garage will be private spaces for the western residential tower at River Park Center.							
3. Private spaces, inclusive of the replacement parking for Scrimshaw House.							

**LARKIN PLAZA**

The Project also includes public improvements at Larkin Plaza that would be the responsibility of the City of Yonkers to undertake. If undertaken by the City, these improvements would include the daylighting of approximately 800 linear feet of the Saw Mill River; and the expansion of the existing public park made possible by the relocation of the approximately 120 existing public parking spaces. The implementation of any public improvements at Larkin Plaza would be subject to all applicable permitting and environmental review requirements.

**AFFORDABLE HOUSING**

The Applicant will provide affordable housing equal to fourteen percent (14 percent) of the market rate units (e.g., approximately 194 affordable units based on a Project total of 1,386 units), as follows:

- Of the 950 residential units at River Park Center, 3 percent (e.g., approximately 42 units based on 1,386 total units) shall be rental units for families having income not exceeding 80 percent of the Westchester County Area Median Income (AMI);
- An additional three percent (e.g., approximately 42 units based on 1,386 total units) shall be new or rehabilitated units constructed off the Project sites but within the downtown district;

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- The obligation for the remaining eight percent (e.g., approximately 110 units based on 1,386 total units), shall be satisfied through the construction and/or rehabilitation of units in the downtown, or through the payment into a city affordable housing fund of a fee in the amount of \$61,000.00 per unit; and
- The types of units to be constructed off-site and income restrictions for these units will be set forth in the LDA.

The offsite affordable housing, which is to be located in the downtown district, whether satisfied through construction of new or rehabilitated units or via payment into a City affordable housing fund, shall reflect the following percentages: 30 percent at up to 50 percent of AMI; 45 percent at between 50 percent and 80 percent of AMI; and 25 percent at between 80 percent and 100 percent of AMI, subject to final determination in the LDA.

Certificates of occupancy will not be issued for market rate units until and unless the required proportionate percentage of offsite affordable housing units have been issued certificates of occupancy and all required fees in lieu have been paid to the affordable housing fund.

All new off-site affordable housing to be constructed to satisfy the Applicant's obligation will be subject to all applicable permitting and environmental review requirements. All such affordable housing shall retain affordability for a term not less than that specified in the Yonkers Affordable Housing Ordinance. The Applicant will use good faith efforts to partner with local minority and women owned businesses in connection with the construction and rehabilitation of affordable units.

### *ENVIRONMENTAL SUSTAINABILITY*

The Applicant will design and build the Project to attain, at a minimum, the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certification to the extent that LEED standards exist for the project components (e.g., residential, office, and retail), and will apply for and obtain such certification. A plan specifying the LEED practices, including building design, materials and techniques, will be submitted to the Building Department at such time as building permit applications are submitted.

Stormwater measures will include permeable paving, stormwater filter systems below ground, and areas of green roof which will aid in reducing the heat island effect and amount of runoff generated by the impervious surfaces. In addition, locating most or all of the parking under buildings and in covered garages will reduce thermal impacts to stormwater. The Project landscaping design will include plants that do not require extensive irrigation to reduce the impacts on the municipal water supply system. Trees will be selected to provide shade in the summer and sunlight in the winter where possible to pavement and building areas.

Water conservation will be promoted in the selection of low flow plumbing fixtures. Energy efficiency will be pursued by using higher efficiency (e.g., "Energy Star") heat pump systems and advanced cooling tower controls for residences where appropriate. These HVAC systems will be expected to have 10-25 percent higher cooling efficiency than the typical through-the-wall incremental units (PTACs) and will be 10-20 percent more efficient in heating.

The Applicant will construct buildings that will feature recycled content for a variety of materials such as concrete (fly ash or granulated blast furnace slag), steel, aluminum, insulations, carpeting and other materials. The construction process shall be managed to divert waste from dump sites to recycling facilities at diversion rates of 50 percent to 75 percent. Indoor air quality will be an important design feature of the Project and the Applicant will utilize materials that reduce volatile organic compounds (paints, coatings, adhesives, sealants, carpeting) and techniques that promote good air quality (e.g., during and after construction).



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The Applicant will also develop a green housekeeping guideline to be used by tenants and building operators. With respect to building operators, this guideline will require the use of nontoxic materials for cleaning (e.g., reducing or eliminating chlorine compounds), and the use of Integrated Pest Management.

### **PROJECT PURPOSE AND NEED AND BENEFITS**

Yonkers was once a vibrant industrial city. As has been the case with other Hudson River towns, a period of long economic decline has followed the departure of industry from its shores. In the face of a shrinking tax base, the City of Yonkers has struggled for decades to serve its diverse population. While pockets of Yonkers are quite prosperous, the Area Median Income (AMI) for Yonkers is among the lowest in Westchester County. As a result, although the City's financial posture in recent years has improved, the long-term trend has been grim. For many years, Yonkers has had to struggle to fund basic municipal services. Each year the City faces potentially catastrophic budget shortfalls, particularly with regard to the school system. As discussed below, the Project will continue a trend of redevelopment in downtown Yonkers by returning several strategically located parcels to productive use. The direct and indirect revenues anticipated with the Project will vastly increase the economic productivity of these parcels and the surrounding neighborhoods. While the components of the Project will in some cases represent a significant departure from the present character and use of these areas, the City Council believes that these changes will improve the economic and social conditions of the City. It is the City Council's hope that the Project will help Yonkers regain an economic prosperity remembered only by its older citizens.

As part of its efforts to return to prosperity, the City of Yonkers has recently completed a number of planning studies contemplating the revitalization and redevelopment of the Yonkers downtown and its waterfront. These include the Waterfront Master Plan, Connections: the Yonkers Comprehensive Plan (2000), the Getty Square Urban Renewal Plan (1975, 1978), New Directions for Downtown Yonkers: A Master Plan (1990), the Modified Urban Renewal Plan for N.D.P. Area 1 and N.D.P. Area 2 (dated December, 1998, and last amended October, 2004), and the Getty Square Retail Strategic Plan (2000) among other evaluations. One of the first phases of redevelopment in the downtown area focused on the Yonkers Metro-North Train Station. Support for the effort has come from the public and private sectors, involving state and federal grants used to construct roads and infrastructure to support privately financed construction in the downtown. Over the past seventeen years, approximately \$100 million dollars of private funds have been invested in the downtown area. The City has been actively promoting the redevelopment of the downtown and waterfront with the review, approval and ultimate construction of the Yonkers Pier and X2O restaurant, Hudson Park Phases I and II, the Trolley Barn, Yonkers City Library, Homes for America headquarters, and 66 Main Street. These efforts are intended to create a self-sustaining, transit-oriented community by transforming former industrial downtown and waterfront parcels from underutilized and blighted land into a productive section of the City. As with these earlier efforts, the benefits of the Project will include: job creation, both temporary construction related jobs and permanent; enhanced housing opportunities, including both market-rate housing and affordable housing; significant improvements to the City's aging infrastructure (water, sewer and stormwater); creation of new publicly accessible open space along the Hudson River and along the newly daylighted portion of the Saw Mill River; enhanced tax and other revenues to the City, a new Fire Department Headquarters and Police Department sub-station (at River Park Center); new municipal offices; and remediation of contaminated land (the River Park Center site).

In short, the Project will advance the City's long-standing planning objectives for the revitalization of its downtown and waterfront areas by bringing a mix of uses that will act as a catalyst for ongoing redevelopment activities.

In addition to the development program outlined above, the Applicant will provide initial funding for business retention efforts and downtown revitalization initiatives. In particular, the City Council encourages the Applicant to continue to support various community and non-profit groups, and, to the extent practicable and appropriate, to support the goals and objectives of the unincorporated organization

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known as the Yonkers Alliance for Community Benefits. The details of the Applicant's initial funding of the business retention efforts and downtown revitalization initiatives shall be specified in the LDA.

In addition, the Applicant will undertake the following:

- Participation in the Business Improvement District (BID) as a Class A member (i.e., a property owner). The Applicant will make annual payments to the City under the BID's assessment program;
- Coordination with the BID to develop a marketing plan for downtown; and
- Development of an employment initiative program during the construction period for local tradesmen, focusing on pre-apprenticeship training and permanent employment. The program goal will be to prepare individuals for placement within the Union Apprenticeship program by providing them with the skills needed to enter and succeed in a State Certified Apprenticeship Program. To deliver the program, the Applicant will establish a partnership with one or more entities, such as the Building and Construction Trades Council of the local area or the Construction Industry Council, as well as a coordinating entity.

## **SUMMARY OF DISCRETIONARY APPROVALS AND INVOLVED AND INTERESTED AGENCIES**

### *CITY OF YONKERS DISCRETIONARY APPROVALS*

#### *Amendments to the Zoning Ordinance*

##### Palisades Point

Approval of Palisades Point as a Planned Urban Redevelopment (PUR) requires amendments to the PUR regulations to: (a) clarify that a PUR may be established in current and former zoning districts of the City, including the Planned Development or Redevelopment (PDR) District, since that is the last district classification of record for the site, but is not currently a zoning district of the City; (b) clarify that none of the use or dimensional regulations of the Zoning Ordinance apply to a PUR; and (c) clarify that uses established and buildings lawfully constructed as a PUR shall be considered to be conforming under all provisions of the Zoning Ordinance.

##### River Park Center and Cacace Center

The amendments to the Zoning Ordinance necessary to permit River Park Center to be developed fall into two broad categories: (a) modifications to the use and dimensional regulation of the Central Business (CB) and Government Center (GC) Districts; and (b) modifications to the supplementary regulations for off-street parking and building height. The proposed modifications to the use and dimensional regulations will specifically permit the broad range of uses proposed for River Park Center, including, most importantly, residences, which are not currently permitted in the CB District, and permit buildings up to 400 feet high on sites in the CB District having at least 10 acres, and buildings 220 feet high on sites in the GC District having at least 4 acres. Both districts will not be required to have rear yard setbacks and a will have maximum coverage of 100 percent. Maximum floor area ratio (FAR) in the CB District will also be increased from 5.0 to 6.0 while the maximum FAR in the GC District will remain 6.0.

The supplementary parking regulations of the Zoning Ordinance will be amended primarily to: (a) establish new parking ratios for the uses at River Park Center that are consistent with ratios successfully utilized by the Applicant at other similar mixed-use urban projects in Westchester County and elsewhere; (b) specifically permit off-street parking requirements for River Park Center and Cacace Center to be satisfied in public parking garages proximate to the development; and (c) specifically permit shared parking in the public garages for the uses at River Park Center and Cacace Center, including the ballpark.

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

### *Other Amendments to the Zoning Ordinance*

The supplementary regulation providing for exceptions to building height is proposed to be amended to permit rooftop appurtenances to cover the entire “floorplate” of the roof, consistent with recent architectural design trends.

The Zoning Ordinance is proposed to be amended to provide that in the CB and GC Districts, a tract having 10 or more acres of area in the aggregate and comprised of one or more parcels and/or lots may be designated by the City Council as a single “Development Site,” and further provide that the dimensional regulations of the Zoning Ordinance, including but not limited to the supplementary regulations in Section 43-33 of the Zoning Ordinance, shall apply to the entire tract designated as a Development Site and not to any of the individual parcels and/or lots which comprise the Development Site or any of the individual lots into which the Development Site is subdivided, and regardless of the ownership of the parcels and/or lots, provided that in all events each of the parcels and/or lots shall be used only in accordance with the approved site plan for the Development Site. The proposed amendment also provides that: (a) the parcels and/or lots which comprise a Development Site or the lots into which a Development Site is subdivided may be separated by public or private streets or rights-of-way; (b) the individual lots into which a Development Site is subdivided shall not be required to comply with the dimensional requirements of the Zoning Ordinance, including but not limited to the supplementary regulations in Section 43-33 of the Zoning Ordinance; and (c) the individual lots into which a Development Site is subdivided may be comprised wholly or partially of subsurface land and/or volumes of air space.

### *Amendments to the Getty Square Urban Renewal Plan*

However, the Getty Square Urban Renewal Plan, which was last amended in 1978, does not permit the uses and the density of development proposed at River Park Center and Cacace Center, and therefore must be amended. More specifically, the proposed amendments will: (a) make the permissible floor area ratios and building coverage consistent with the amended Zoning Ordinance; (b) reflect the fact that School Street between Nepperhan Avenue and Palisades Avenue will be closed (see below); and (c) identify Government Center and Cacace Center as areas to be redeveloped.

Amendments to the Getty Square Urban Renewal Plan must be approved by both the City Council and the CDA.

### *Amendments to the Waterfront Master Plan*

The Waterfront Master Plan, dated May 1998 is proposed to be amended to reflect the proposed development for Palisades Point. The amendment calls for an increase in height and density on Parcels H and I, which comprise the Palisades Point site. The amendment also identifies revisions to waterfront access aspects of the Plan.

### *Neighborhood Development Plan Area 2*

The City Council notes that Palisades Point is located within Development Area No. 10 of Neighborhood Development Plan (NDP) Area 2 under the Modified Urban Renewal Plan for N.D.P. Area 1 and N.D.P. Area 2 dated December 1998, and last amended in October 2004 (the “Riverview Urban Renewal Plan”). The current regulations of the Riverview Urban Renewal Plan permit Palisades Point to be developed as proposed, and therefore no material changes are anticipated to be required, although some minor amendments may be requested by the Applicant.

### *Adoption of a Redevelopment Plan and Tax Increment Bond Financing under the Municipal Redevelopment Law*

The Applicant has proposed that the City participate in the financing of public parking spaces and the public sewer, water and road and other infrastructure improvements needed to support the development, the costs of which are estimated by the Applicant to be approximately \$160 million. The City Council recognizes that the City’s financial consultant, the Bluestone Group, estimated these same costs at

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

approximately \$212,000,000. One vehicle through which these public improvements can be funded is through the issuance of tax increment bonds (TIF bonds) under the New York Municipal Redevelopment Law (New York General Municipal Law Article 18-C). Alternatively, the improvements can be funded through the issuance by the IDA of bonds supported by a “full tax agreement,” as discussed below.

To issue TIF bonds, the City Council must adopt a Redevelopment Plan and undertake certain other approvals as specified under the Municipal Redevelopment Law. However, the Applicant is currently proposing that instead of the City issuing TIF bonds, the IDA would issue bonds supported by a “full tax agreement” whereby the Applicant would pay on an annual basis to the City and County an amount equal to the base amount of taxes currently being paid by the Project properties plus approximately 25 percent of the real property tax increment that the City and County would otherwise have received from the Project, and the remaining approximately 75 percent of the increment would cover debt service on the bonds. The base amount and the amount equal to 25 percent of the increment would be available to the City of Yonkers for general revenue purposes. Notwithstanding the proposed implementation of IDA bonding backed by a full tax agreement, the City Council finds that the establishment of a Redevelopment Plan and other necessary steps which are conditions precedent to the issuance of TIF bonds are appropriate as a potential future source of additional finance, subject to future City Council approval.

### *Sale of Land owned by the City and the Yonkers Community Development Agency and Discontinuance of City Streets*

The Palisades Point site is owned by the CDA, as is a small parcel at the River Park Center site in the vicinity of Engine Place. The Cacace Center site, Government Center site, the majority of the existing Chicken Island parking area which is the largest component to the River Park Center site and the existing Fire Department Headquarters site on School Street are all owned by the City. All City and CDA owned property within the Project area will be sold to the Applicant under the LDAs. In addition to the sale of City and CDA-owned land and buildings, certain existing City streets will be conveyed to the Applicant and redeveloped as part of the Project. (New) School Street between its intersection with the New Main Street and Nepperhan Avenue and Palisade Avenue will be closed and discontinued and conveyed to the Applicant and the portion of Guion Street between New Main Street and the site of the City’s proposed new detention center will also be closed and discontinued. Five other streets at River Park Center that are shown on the Official Map of the City will also be discontinued and conveyed to the Applicant: Ann Street, Henry Herz Street; James Street; John Street and Engine Place.

In addition to the above, 0.3 acres of excess right of way of Nepperhan Avenue, owned by the New York State Department of Transportation, will be acquired by the City and transferred to the Applicant.

### *Alienation of City Parkland*

The Project will require the alienation of certain dedicated parkland parcels (the “City Parkland”) that are owned by the City of Yonkers, followed by the conveyance of these parcels to the Applicant. These parkland parcels comprise approximately 2.93 acres in total, as follows:

- The Government Center site, which is an approximately 2.08 acre portion of the 4.8-acre Washington Park. This portion of designated parkland includes the existing Government Center garage and a portion of the Health Center Building (87 Nepperhan Avenue); and
- Three other parcels that are currently designated as City parkland (totaling approximately 0.85 acres), including:
  - A small parcel that fronts on South Broadway and is currently vegetated parkland;
  - A parcel that fronts on Guion Street and currently comprises vegetated land and surface parking (these two parcels are part of Waring Park Block 490, Lot 72); and

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- A parcel formerly known as Block 486, Lots 1 and 4, and now known as Block 483, part of Lot 60, which is within the River Park Center site (in the vicinity of Engine Place). This third parcel is grassy parkland with little tree coverage.

The State Legislature enacted special legislation authorizing the alienation of the City Parkland on September 4, 2008. The State authorization provides for the dedication of replacement parkland at a ratio of at least 2:1 as detailed below.

### *Special Permit Approval for Palisades Point and Site Plan Approval of the Project*

Palisades Point is proposed to be approved as a PUR. PUR is a special permit use subject to approval by the City Planning Board and the City Council. All components of the Project require site plan approval from the Planning Board.

### *Financial Assistance from the Yonkers Industrial Development Agency (YIDA)*

In addition to the issuance of bonds supported by a full tax agreement, the IDA is expected to provide financial assistance to all qualified components of the Project in the form of a sales and use tax exemption and mortgage recording tax exemption.

### *Potential Condemnation*

The CDA and/or the IDA may condemn certain properties needed to assemble the Project sites if the Applicant is unable, despite demonstrated good faith efforts, to privately acquire such properties.

### *WESTCHESTER COUNTY DISCRETIONARY ACTIONS*

- The Applicant has proposed that the County of Westchester participate in the Project by contributing approximately 75 percent of the County's incremental additional tax revenues from the Project to the repayment of the City's TIF bonds. To do so, the County and the City must engage in a "joint undertaking" as authorized under the Municipal Redevelopment Law. Alternatively, if the IDA issues bonds instead of the City issuing TIF bonds, then the County will be asked to participate by entering into the "full tax agreement" with the IDA pursuant to which approximately 75 percent of the County's increment will be contributed to bond debt service.
- County funding for various public improvements will be requested, such as "Legacy" program funding for the public esplanade along the Hudson River at Palisades Point.

### *NEW YORK STATE DISCRETIONARY ACTIONS*

- The State Legislature enacted special legislation authorizing the City to alienate the City Parkland on or about September 4, 2008.
- The City does not have an approved Local Waterfront Revitalization Program for the Hudson River, which is a State designated coastal area. Therefore, any State or federal permits which may be required for the construction of Palisades Point or the waterfront esplanade and related improvements will require Coastal Management consistency review and determination by the New York State Department of State.
- Portions of the currently unused right-of-way of Nepperhan Avenue totaling approximately 0.3 acres will be acquired from the New York State Department of Transportation. Permits will also be required from the New York State Department of Transportation for improvements to State highways including the Saw Mill River Parkway ramps.

### *FEDERAL DISCRETIONARY ACTIONS*

- In order to daylight the Saw Mill River and construct the diversion channel, a Letter of Map Revision (LOMR) will be required from FEMA to modify the FEMA map and boundary. The LOMR officially revises the Flood Boundary and Floodway Map.

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- Pursuant to 33 CFR Parts 320 through 330, the U.S. Army Corps of Engineers (USACE) requires a permit for any structure or work affecting waters of the United States. Because the Palisades Point project is located within the tidal range of the Hudson River, the Applicant will submit applications to the USACE with regard to proposed construction activities in the Hudson River (i.e., shoreline stabilization). Similarly, the proposed daylighting of the Saw Mill River will be submitted to the USACE of Engineers, New York State Department of Environmental Conservation (NYSDEC), and all appropriate agencies for approval of proposed design. Application to USACE will be made in conjunction with application to the City for site plan approval of the Project. Any application for a federal permit will be subject to compliance with the National Environmental Policy Act, as determined by the permitting agency.

Table 2 below provides a summary of the discretionary approvals needed to build and operate the Project.

**Table 2  
Project Reviews and Approvals**

<b>Agency</b>	<b>Reviews and Approvals</b>
<b>City of Yonkers</b>	
City Council	Zoning Ordinance Amendments Discontinuance of Streets Urban Renewal Plan Amendments Municipal Redevelopment Plan Approval and Tax Increment Bond Issuance Alienation of parkland Approval of Land Disposition Agreements Disposition of City and CDA Property Approval of PUR Special Permit for Palisades Point Amendments to the Waterfront Master Plan
Planning Board	Site Plan Approval Approval of PUR Special Permit for Palisades Point Amendments to the Zoning Ordinance Urban Renewal Plan Amendments Discontinuance of Streets Adoption of Municipal Redevelopment Plan
Community Development Agency	Urban Renewal Plan Amendments Designation of qualified and eligible sponsor Approval of Land Disposition Agreements Disposition of CDA Property Potential condemnations Amendments to the Waterfront Master Plan
Industrial Development Agency	Issuance of bonds supported by "full tax agreement" Financial assistance (sales and use tax and mortgage recording tax exemptions) Potential condemnations.
Department of Public Works	Sewer and Water Improvements Road and Intersection Improvements SWPPP review and approval
Parking Authority	New Public Parking Facilities (review)
<b>Westchester County</b>	
Board of Legislators	Municipal Redevelopment Plan Approval and Participation in Tax Increment Financing, or alternatively, execution of "full tax agreement" with the IDA
Planning Board	GML Section 239 Project Review
Department of Environmental Facilities	Extensions of Sewer Mains
Department of Health	Water and Sewer Improvements
Department of Transportation	Bus Route Changes and County Road Improvements

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<b>New York State</b>	
NYS Legislature	Alienation of City Park land (Authorization has been obtained)
Department of Environmental Conservation	Water Quality Certification, Section 401 of Clean Water Act, for any Federal Permits and Protection of Waters Permit SPDES General Permit GP-0-08-001 (drainage) Brownfield Cleanup Program Permits for Palisades Point shoreline restoration and esplanade and Larkin Plaza daylighting
Department of State Coastal Resources Division	State Coastal Management Consistency Review of State and Federal Permits and Approvals
Department of Transportation	State Road Improvements, Acquisition of Portions of Nepperhan Avenue R.O.W.
Office of Parks, Recreation and Historic Preservation	Section 14.09 Review of State Agency Permits and Approvals
Metropolitan Transportation Authority	Utility installation over and/or under the railroad right-of-way
<b>US Government</b>	
US Army Corps of Engineers	Nationwide Permits relative to Esplanade and Shoreline Restoration at Palisades Point Daylighting of Saw Mill River
Federal Aviation Administration	Possible Review of Height of Residential Towers

*INVOLVED AND INTERESTED AGENCIES*

Development and operation of the Project will require discretionary actions from and/or reviews by the following regulatory entities:

- City of Yonkers City Council
- City of Yonkers Community Development Agency
- City of Yonkers Industrial Development Agency
- City of Yonkers Planning Board
- City of Yonkers Parking Authority
- City of Yonkers Department of Public Works
- Westchester County Board of Legislators
- Westchester County Planning Board
- Westchester County Department of Environmental Facilities
- Westchester County Department of Transportation
- Westchester County Department of Health
- New York State Department of Transportation
- New York State Department of Environmental Conservation
- New York State Department of State Coastal Resources Division
- New York State Office of Parks, Recreation and Historic Preservation
- United States Army Corps of Engineers
- Federal Aviation Administration
- Metropolitan Transportation Authority

*OTHER INTERESTED AGENCIES*

The following agencies have participated in the review process for the Project because of specific expertise or concerns related to it:

- City of Yonkers Fire Department

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

- City of Yonkers Police Department
- City of Yonkers Department of Parks, Recreation & Conservation
- City of Yonkers Office of Downtown and Waterfront Development
- City of Yonkers Department of Housing and Buildings
- City of Yonkers Office of Community Services
- City of Yonkers Public School District

### **PROJECT SCHEDULE**

It is expected that construction of the Project would be phased over an approximately 30 month period to commence in the winter of 2009 and would be separated into four distinct areas including:

- River Park Center (including related development at Government Center and the Palisades Avenue Office Building)
- Cacace Center
- Palisades Point
- Larkin Plaza (if the City decides to pursue these improvements)

Given the need to relocate certain uses and facilities, including the Fire Department Headquarters, the City offices in the Health Center Building, existing parking in the Government Center and Cacace Justice Center municipal garages, and the public parking at Chicken Island, there is a specific sequence for construction at River Park Center and Cacace Center. Construction at Palisades Point and Larkin Plaza is separate and not dependent on the River Park Center and Cacace Center construction. Construction activities at each of the four areas would occur simultaneously. Construction phasing would occur as follows:

- River Park Center construction including the Saw Mill River diversion, relocation of the Fire Department to a temporary facility, River Park Center building, and east and west residential tower will take 30 months to complete. As a condition of this Findings Statement, the renovation of the temporary Fire Department facility and the relocation of the Fire Department into that facility will be completed prior to demolition of the Fire Department Headquarters building. During this same period, initial site preparation on River Park Center will begin. As the River Park Center construction comes to a close, the Saw Mill River will be diverted to its new channel.

Work will not commence on the Government Center building until the Health Center Building is vacated at month 18. The Government Center building is required to be completed by month 28 to accommodate parking for the River Park Center west residential tower, the new retail stores along New Main Street, and the ballpark. Construction of the garage that is part of the Government Center building will take approximately 10 months.

Although located on the River Park Center site, the Palisades Avenue Office Building including the parking facility that is part of that building will be constructed independently of River Park Center. Construction of this component of the Project will take about 23 months.

- Cacace Center construction including construction of the new Fire Department Headquarters facility, office/hotel building, and parking garage will be completed by month 18 in order to accommodate the relocated City workers to be displaced by the demolition of the Health Center Building which is scheduled to occur in Month 18, as discussed above. The new Fire Department Headquarters will be completed within 12 months of the commencement of construction. To ensure timely completion of this critical facility, the obligation to complete construction of the new Fire Department Headquarters will be secured by a performance bond or the equivalent that will be triggered upon the expiration of a three month cure period beyond the 12 months, with details to be set forth in the LDA. The parking garage is anticipated to be completed within 10 months, and the office/hotel within 20 months. It is



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expected that the City offices currently in the Health Center Building will be relocated to the new office/hotel building at month 18. Before work can begin at the Cacace Center site, temporary parking will be arranged for all parking displaced from the existing Cacace Justice Center parking lot and adjacent on-street spaces.

- Palisades Point construction including the publicly accessible open space, residential towers, and replacement of the existing revetment along the southern half of the site will take approximately 24 months to complete with one of the residential towers anticipated to be completed several months behind the other.
- Larkin Plaza, based on estimates provided by the Applicant, could be constructed by month 18 if the City obtains necessary funding and chooses to complete this element of the Project.

### **PROCEDURAL HISTORY**

The following actions have been taken pursuant to all applicable laws, regulations, orders, and guidelines relevant to the environmental review process:

- Establishment of a Lead Agency. The Lead Agency for the Project is City Council.
- Determination of Significance. The City Council determined that the Project might have a significant effect on the environment—requiring that an EIS be prepared—and issued a Positive Declaration on January 9, 2007.
- Scoping. Once the City Council issued a Positive Declaration, a “Scope of Work” was prepared for the EIS. A public scoping meeting was held on January 24, 2007 with public comments accepted until March 13, 2007. The scope was refined subsequent to the meeting to reflect comments made, and to define methodological approaches to the technical analyses in more detail. The final Scope of Work was accepted by the City Council on March 27, 2007.
- DEIS. In accordance with the final Scope of Work, the DEIS was prepared. The City Council and its expert consultants reviewed the DEIS for adequacy and completeness in relation to the adopted Scope of Work for the purpose of public review and issued a Notice of Completion on April 2, 2008. The City Council then issued the DEIS for public review.
- Public Review. The City Council held two public hearings on April 29, 2008 and May 13, 2008 on the DEIS. Written comments were accepted until May 30, 2008. In addition, the DEIS was a topic for discussion at nine Real Estate Committee meetings, where all City Council members were present. These meetings were held on May 20, and 27; June 3, 10, 17, 24, and 30; and July 1 and 10, 2008 and were open to the public.
- FEIS. Based on comments on the DEIS, an FEIS was prepared. On October 7, 2008, the City Council determined that the FEIS was complete and issued a Notice of Completion. The City Council then circulated the FEIS.
- Following circulation of the FEIS, the City Council received additional comments and caused the preparation of a Technical Memorandum to address certain issues raised in such comments.

The DEIS and FEIS and all supporting documents are incorporated by reference into this Findings Statement. The DEIS and FEIS are on file at the Yonkers Public Library, 1 Larkin Plaza, Yonkers and at the Grinton I. Will Library, 1500 Central Park Avenue, Yonkers. The DEIS and FEIS are also available on the City Council website at <http://www.yonkersNY.gov> and the Applicant website at [www.sfcyonkers.com](http://www.sfcyonkers.com).

The City Council has conducted an extensive public and agency outreach and participation process in association with the Project. The purpose of the public and agency outreach process was to encourage communication among all interested entities regarding the development of the Project.

## B. ENVIRONMENTAL IMPACTS OF THE PROJECT

### LAND USE, ZONING AND PUBLIC POLICY

Among the public comments concerning the Project, a number expressed concern with its scale, i.e., the height, mass and density of the proposed construction. In addition, some expressed concern regarding the proposed mix of land uses, including the placement of residential buildings in proximity to certain existing uses, such as the American Sugar Refining, Inc. plant. The proposed buildings at River Park Center, Cacace Center, and Palisades Point would be taller, more massive and more populated than any currently existing in the neighborhoods surrounding the Project. Some of the potential problems associated with the scale of the Project are addressed in specific impact discussions, such as traffic and parking, visual impacts, and the like. However, project scale is also a concern from a pure land use/zoning/public policy standpoint. Moreover, the Getty Square Urban Renewal Plan and Waterfront Master Plan make specific recommendations for height and bulk that differ from the Project in some respects. The City Council’s views and findings concerning the scale of the Project in relation to zoning and land use policy follow.

#### RIVER PARK CENTER AND CACACE CENTER

The Project will require amendment of the Getty Square Urban Renewal Plan, which includes all of the River Park Center and Cacace Center sites, to permit the proposed mix of uses and to allow the proposed FAR, lot coverage and parking. Table 3 and Table 4, below compare the current requirements of the Zoning Ordinance to the proposed requirements.

**Table 3**  
**Bulk and Dimensional Controls for Sites of 10 Acres or More in the CB District  
and 4 acres or more in the GC District**

	Existing CBD Zoning	Existing GCD Zoning	Proposed CBD Zoning	Proposed GCD Zoning
Max. Coverage	90%	90%	100%	100%
Max. Height	50 feet	100 feet	400 feet	220 feet
Max. FAR	5.0	6.0	6.0	6.0

**Table 4**  
**Existing and Proposed Parking Ratios**

Use	Existing Ratio	Proposed Ratio
Personal Services	1:200 s.f.	1:350 s.f.
Offices	1:300 s.f.	1:500 s.f.
Retail	1:200 s.f.	1:350 s.f.
Movies	1:each 3 seats	1:each 3 seats
Apartments	1:dwelling unit + 0.33 per bedroom	1:01
Stadiums	1:4 seats	same
Hotels	0.75: hotel room + accessory uses	0.75: hotel room
Restaurants	1:100 s.f.	1:150 s.f.
Health Clubs	1:200 s.f.	1:350 s.f.
Eating and Drinking	1:150 s.f.	same

Although the dimensions and proposed uses are different from those contemplated in the decades-old Getty Square Urban Renewal Plan, history has shown that the limits and criteria in the existing plan have not been conducive to the redevelopment of the area. The proposed uses and dimensional limits better reflect current development practices and opportunities. Accordingly, the City Council finds that the

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

amendments to the Getty Square Urban Renewal Plan required for the Project will be consistent with that plan's overall purpose, which is to promote the redevelopment and economic growth of the Getty Square area of Yonkers.

With regard to zoning at the River Park Center (including the Palisade Avenue Office Building) and Cacace Center sites, both the use and dimensional regulations of the CB and GC Districts will have to be amended. The amendments will newly allow for entertainment and multifamily residential uses, and, for qualifying sites, will increase permitted building heights and density. It is important to note, however, that these increased height and density provisions will be limited to parcels in the downtown having a land area of 10 acres or more in the CB District and 4 acres or more in the GC District. As a result, the proposed amendments will have limited applicability in the overall downtown area. That is, the height and density increases reflected in the proposed zoning changes will likely impact only the development called for in the Project. The City Council further notes that the existing CB and GC zoning for the area already permits a considerable amount of office and commercial development. Specifically, 500,000 square feet of retail space and another 500,000 square feet of office development could be built at River Park Center and Cacace Center without any changes to the zoning or the Getty Square Urban Renewal Plan. It has been the City's experience, however, that despite this large development potential, no viable proposals, other than the Project, have emerged over the course of several decades. The City Council believes that, while the Project involves taller buildings than currently could be permitted in the Getty Square Urban Renewal area, the proposed buildings and their broader mix of uses will have a positive impact on the area by introducing a critical mass of development to a long-underutilized section of Yonkers.

The Project is consistent with the County's *Patterns for Westchester* plan in terms of floor area ratio and density of development. It is also consistent with the *Patterns* recommendation for mixed-use redevelopment in "Major Centers." Map 6 in *Patterns for Westchester* calls for a maximum recommended floor area ratio of 6.4 for this area of the City. In contrast, the zoning amendments for the CB District will permit an FAR of 6.0. River Park Center and Cacace Center will have a floor area ratio of 5.7 and 4.1 respectively. Map 6 in *Patterns for Westchester* also calls for a maximum recommended gross residential density of 205 dwelling units per acre for this area of the City. The residential density at River Park Center will be 72 units per acre.

### **PALISADES POINT**

At Parcels H and I, residential uses are already permitted, although not in the density proposed by the Applicant. The 1998 Waterfront Master Plan specifically contemplates residential development on the Yonkers waterfront, building upon the 1980s Scrimshaw House development just north of Parcels H and I. Hudson Park was developed to the north of Scrimshaw House following the adoption of the 1998 Waterfront Master Plan. While the uses proposed for Palisades Point will present a different character from the existing land use to the south, the Project will expand upon the housing and restaurant uses recently developed along the waterfront to the north, thus representing a continuation of the emerging pattern of multi-family housing and publicly accessible open space between the Metro-North tracks and the Hudson River. Also, the City of Yonkers has expended considerable resources and effort in remediating historic contamination along the waterfront to facilitate further development consistent with the plan, including on Parcels H and I. The City Council therefore finds that the Palisades Point portion of the Project is consistent with the trend of land use development along that Hudson River waterfront which the City has been actively fostering for more than a decade. With regard to the greater density for Palisades Point relative to current limits, as explained in the FEIS, the extraordinary costs of building on Parcels H&I, among other factors, necessitate a relatively large number of units.

Palisades Point will be approved as a PUR. Amendments to the PUR regulations are needed to: clarify that a PUR may be established in current and former zoning districts of the City, including the PDR District, since that is the last district classification of record for the site, but is not currently a zoning

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

district of the City; clarify that none of the use or dimensional regulations of the Zoning Ordinance apply to a PUR; and clarify that uses established and buildings lawfully constructed as a PUR can be considered to be conforming under all provisions of the Zoning Ordinance. The use, bulk, dimensional and parking requirements of the PUR would be established as part of the special permit approval to be issued by the City Council with input from the Yonkers Planning Board. Because the Palisades Point portion of the Project is not consistent with the heights and number of units proposed in the Waterfront Master Plan, the plan will need to be amended to include the proposed PUR plan for Palisades Point.

With regard to *Patterns for Westchester*, Map 6 in *Patterns* recommends a maximum recommended floor area ratio of 3.2. The proposed floor area ratio for Palisades Point is 2.4. Further, Map 6 in *Patterns* for Westchester recommends a maximum gross residential density of 102 dwelling units per acre for the Palisades Point site, where 67 units per acres are proposed. Each of these proposed densities is lower than those recommended in *Patterns*.

The Palisades Point portion of the Project is not consistent with the height recommendations of the Waterfront Master Plan. The Waterfront Master Plan recommends a maximum of 80 feet (8 stories). However, as explained in more detail in later sections of this Findings Statement, the height of the proposed Palisades Point construction is in part a function of the need to spread the extraordinary costs anticipated for construction on Parcels H and I over a minimum number of units. It is also worth noting that, as discussed above, the floor area ratios and residential densities of the Project are within the recommended maximums for Parcels H and I as outlined in *Patterns for Westchester*. Lastly, as discussed more fully below, the increased density required for the buildings at Palisades Point and the correspondingly greater height of the buildings will minimize (although not entirely eliminate) interference with upland views of the Hudson River and the New Jersey Palisades, as well as permit more open space at this riverfront location.

American Sugar Refining, Inc. (ASR) has expressed the concern that an influx of residents to Parcels H and I, as contemplated with the residential zoning under the proposed PUR, will adversely affect its ability to conduct business at its plant just to the south. Accordingly, ASR has proposed, among other things, that the Council adopt findings which would require the execution of certain recordable instruments that would run with the land at Parcels H and I. While the City Council is mindful of ASR's concerns, it believes that the effect, if any, of the Project on ASR's business operations should be addressed in the City Council's consideration of the LDA because the LDA is the document that will govern the terms of the transfer of Parcels H and I to the Applicant.

### *Construction Impacts on Land Use, Zoning, and Public Policy*

The City Council recognizes that during the construction of the Project, there will be temporary disruptions and impacts to land uses surrounding construction areas. The construction areas include the actual Project sites, areas associated with utility improvements, and areas associated with traffic improvements. The construction will unavoidably affect residences and businesses by creating dust and noise and by causing traffic disruptions. As detailed in the DEIS and FEIS, the Project may result in street or lane closures that affect access to businesses and general increases in delays as a result of disruptions to the roadway network. There will also be temporary disruptions as a result of increased truck traffic which may affect neighborhoods outside of the immediate construction areas if those neighborhoods are along truck routes. Many land uses will also be affected by the relocation of parking and use of temporary parking during construction of new parking facilities and demolition of existing parking facilities. While the City Council recognizes that construction activity will adversely affect existing land uses, these impacts will be temporary in nature and they are an unavoidable consequence of the Project which will on balance have long term benefits.

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

### *ADDITIONAL REQUIRED MITIGATIONS AND PROJECT ELEMENTS*

To further mitigate any land use impacts associated with the Project, the following project elements and mitigation measures will be required:

1. A detailed landscaping design program will be provided during the site plan approval process;
2. The site plan will detail a design treatment for roadways and edges of the development to be approved by the City of Yonkers Planning Board.
3. The Project will include publicly accessible open space as detailed in section III.J.2.e of the DEIS. Specifically, the Project will provide 6.3 acres of publicly accessible open space at the River Park Center, Cacace Center and Palisades Point sites. At River Park Center the majority of the open space will be provided along daylighted portions of the Saw Mill River. Approximately 1 acre of public open space will be provided at Cacace Center. At Palisades Point, public open space will be provided along the Hudson River to continue the existing esplanade north of the site, and other publicly accessible open space will be provided on-site. Public access to the esplanade and public space at Cacace Center will be subject to City laws and regulations governing use of City parkland. Rules governing publicly accessible open space in private ownership will be prepared by the Applicant and approved by the City Department of Parks, Recreation & Conservation in accordance with terms to be detailed in the LDA.
4. The Project will provide new off-street parking to be detailed during the site plan approval process.
5. At Palisades Point, there will be a 10 foot wide buffer along the ASR property line, and the Palisades Point building will be set back 65± feet from the property line, as discussed in section III.A of the DEIS. The buffer strip will be landscaped, and will include trees and other vegetation to provide screening between the refinery and the Palisades Point site
6. The River Park Center component of the Project will incorporate street level retail that provides access from sidewalks to allow the Project to integrate into the surrounding neighborhoods.
7. The Prospect Street Bridge proposed and discussed in the DEIS will not be constructed in order to prevent impacts to the daycare center and Scrimshaw House.

### *CONCLUSION*

The City Council finds that any adverse zoning or land use impacts associated with the Project will be more than offset by the benefits that will flow from it. The density, mass and height of the River Park Center and Cacace Center structures have been criticized as excessive. However, in the view of the City Council, the density and broad mix of uses that they will provide (residential, retail, ballpark, movie theatre, offices, restaurants, open spaces, landscaped areas, and a riverwalk) will provide a critical mass that is expected to transform the underutilized Chicken Island area into a mixed-use urban center that the Council anticipates will be a destination for residents and visitors to Yonkers. The Council finds that the Project will complement the existing downtown and waterfront districts, including Getty Square and the City Hall areas. Further, the Council finds that the Project will benefit the City of Yonkers by adding to the consumer base for both existing and proposed commercial, retail and entertainment uses in downtown Yonkers.

Similarly, the City Council finds that, while the proposed construction at Parcels H&I will involve greater density and height than currently would be allowed, Palisades Point will have a positive effect by advancing the residential development of the City of Yonkers' waterfront. Zoning, land use and public policy concerns with regard to the location of a high-density residential development adjacent to the existing ASR industrial use were considered and reflected in the City's adopted of the Waterfront Master Plan. (Specific concerns with regard to possible noise, air, and traffic impacts of the Project in relation to the ASR facility are dealt with in the appropriate sections below.) In the view of the City Council, with the general revitalization of the downtown and waterfront areas anticipated to ensue from the Project, it

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

will serve the overarching zoning and land use policy objectives of improving the public health safety and welfare of the City.

The City Council recognizes the Project's effects on land use and finds that the Project, with the mitigation measures described herein, avoids adverse land use impacts to the maximum extent practicable. The City Council finds that the Project will result in changes to the land use pattern in downtown Yonkers but concludes that the changes, on balance will represent a beneficial revitalization of the downtown area.

In view of the City Council's anticipation that the Project would stimulate the economy of the Yonkers downtown and waterfront districts, and insofar as the City Council wishes to promote further redevelopment activities to revitalize the City, the City Council looks forward to entertaining additional applications for downtown rezoning and revitalization projects. The City Council further recognizes that such applications would be subject to all applicable and appropriate environmental reviews that will be undertaken at the time of application.

### **VISUAL IMPACTS AND COMMUNITY CHARACTER**

Each of the development sites currently contains vacant and underutilized land, contributing to the sense that downtown Yonkers is in need of revitalization. The Project will upgrade strategic portions of the downtown area with new uses and activity, highlighted by the publicly accessible open space along the Hudson River, and with the riverwalk and its open spaces, restaurants and shops along the daylighted Saw Mill River.

#### *VISUAL IMPACTS*

##### *Palisades Point*

The 25 story towers at Palisades Point will be visible from numerous vantage points in Yonkers, as well as the Hudson River and New Jersey, and will be among the tallest buildings along the Yonkers waterfront. With regard to views from the west, Figure II-18 of the FEIS indicates the height of the Palisades Point towers as well as the potential height of buildings under the conceptual Alexander Street Master Plan. According to some commenters, views of the Palisades Point buildings from the west will be a negative impact per se. The City Council disagrees. It is the City Council's view that the Palisades Point buildings will be an attractive and distinctive feature of the Yonkers waterfront when viewed from the west. Further, as discussed above, the proposed height will allow the Palisades Point construction to achieve minimum necessary density for project feasibility, while leaving approximately half of the site for publicly accessible open space. This greater area of open space will not only provide a recreational amenity to both Palisades Point residents and the public, it will provide visual relief relative to the mass of the buildings in contrast to the more wall-like effect that would result from shorter buildings.

The towers at Palisades Point will be sited perpendicular to the Hudson River, thereby maintaining important view corridors from the east and minimizing, but not entirely eliminating the interruption of views of the Hudson River from upland areas to the east. Regarding the eastern view corridors, it is noted that buildings as short as eight-stories consistent with the 1998 Waterfront Master Plan would substantially block views from Buena Vista Avenue (elevation approximately 45 feet), Hawthorne Avenue (elevation approximately 85 feet), Riverdale Avenue (elevation approximately 55 feet) and Broadway (elevation approximately 85 feet). As shown in Exhibit III.B-2e of the DEIS, the Prospect Street view corridor will remain unobstructed by the perpendicular placement of the buildings relative to the Hudson River.

##### *River Park Center*

The high-rise towers at River Park Center will create a new skyline for downtown Yonkers as part of the mixed-use development. At street level, the buildings will have retail shops and restaurants with entrances and windows to create a lively neighborhood consistent with the historic pattern of mixed-use

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

development in the downtown. River Park Center will be the tallest building in Yonkers and will be visible from vantage points throughout the City and beyond, including several sensitive receptors as discussed in the FEIS.

The Project will result in the construction of new parking garages at River Park Center, and Government Center. At River Park Center, the parking garage will have frontage on Palisade Avenue. The Applicant will be required to submit for site plan approval detailed designs of the garage frontage along Palisade Avenue. The Government Center garage will have frontage along New Main Street and Nepperhan Avenue. The garage will incorporate street-level retail along both streets to shield the street from the garage parking areas.

Some commenters throughout the SEQRA process have argued that the River Park Center component of the Project will both be out of scale with the historic pattern of development in downtown Yonkers and will be an imposing visual presence from virtually all locations in Yonkers. For these reasons the City Council has determined that, in order to mitigate the potential visual impacts of the River Park Center, the height of the two residential towers at River Park Center will be limited to 40 stories or no more than 400 feet above street level measured in accordance with the Zoning Ordinance. However, the Council finds that the number of residential units proposed for River Park Center should not be reduced. The Council finds that the planned residential units are necessary and appropriate to support the primary goal of the residential component of River Park Center to bring a sufficient new population to downtown Yonkers to ensure a self-sustaining and vibrant mixed use community. The City Council recognizes the potential for adverse impacts related to ballpark lighting. To mitigate any such potential effects, a lighting plan for the ballpark and the overall Project will be developed as part of the site plan review process. Based on analyses in the DEIS and FEIS as well the lighting plan to be submitted as part of site plan approval process and the proposed fixtures to be installed, no significant adverse impacts are expected from light spillover. To further minimize potential effects, ballpark lighting will only be permitted during scheduled ballgames and events and for one hour before and after games and events in order to reduce potential visual impacts to nearby residents. Based on this, the Council finds that impacts resulting from ballpark lighting have been mitigated to the maximum extent practicable.

The rooftop ballpark, however, is only a part of the proposed program for River Park Center. Retail, restaurant, cinema, office, and housing uses, along with the riverwalk, will be prominent design features. Therefore, while the ballpark may have potentially adverse effects related to lighting, the overall mix of uses proposed is expected to result in a vibrant downtown with activity at various times of day.

### *Cacace Center*

The Cacace Center will include a distinctive hotel/office building at the corner of South Broadway and Nepperhan Avenue, across from City Hall, marking an entry to the downtown and waterfront at Prospect Street. The Cacace Center office/hotel building will have a height of approximately 190 feet as measured under the Zoning Ordinance. While the Cacace Center building will not be as tall as the River Park Center towers, the Cacace Center building will be taller than any existing structures in the area and will be visible from several locations as outlined in the DEIS.

### *Visual Impacts to Historic Structures*

As discussed in the DEIS and FEIS, and as summarized under Historic and Archaeological Resources, below, within a 500 foot radius from the Project area there are 243 structures that have been determined to have either local or national significance. The Project will be visible from 126 such structures, thereby changing their historical context and resulting in visual impact. Of these, 78 historic structures will be visually impacted by the construction of River Park Center, and 48 historic structures will be visually impacted by the construction of Palisades Point. The reduction of height of the Project's residential buildings at River Park Center would be expected to reduce the number of affected structures.

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

### *COMMUNITY CHARACTER*

The buildings will create a new skyline for Yonkers, clearly identifying the revitalized downtown area. The City Council believes that increased height compared to existing development conditions is appropriate for downtown Yonkers. In addition, the creation of new residential retail shopping, restaurant, and commercial office uses in and adjacent to Yonkers' downtown and waterfront districts will result in positive changes to the character of these districts. Additional residential and retail uses are expected to stimulate the existing business environment, and spur additional improvements that are anticipated to further support the City's goal of revitalizing and reinvigorating the downtown and waterfront areas.

Further, the Project will facilitate the creation of significant areas of publicly accessible open space, both along the Hudson River and the daylighted Saw Mill River at River Park Center. The open space program including the daylighting of the Saw Mill River, the extension of the Hudson River esplanade, the expansion and enhancement of the City "sculpture park" and the 9/11 memorial, at Palisades Point and the conversion of existing parking lots at River Park Center in part into publicly accessible open space will enhance the character of the public/quasi public use environment.

Building orientation and materials will help to mitigate acknowledged visual impacts. Building materials, where feasible, will be consistent with the architectural character of historic downtown. The selection of materials will be finalized as part of the site plan review. The mixed-use development programs at River Park Center, Palisades Point, and Cacace Center will strengthen the urban fabric of the downtown by providing street level uses along primary pedestrian and vehicular thoroughfares.

An extensive landscape design program will complement the architecture for Palisades Point, River Park Center, and Cacace Center. The City Council finds that the landscape design and inclusion of appropriate ornamental lighting, plant materials, lawns and decorative pavement, as well as "street furniture," such as benches, are important elements of the Project, including the design of the riverwalk at River Park Center and of the publicly accessible open spaces along the Hudson River at Palisades Point. Detailed landscape plans with specifications of materials will be included in the Applicant's site plan review submissions and will not materially deviate in concept or anticipated quality from the illustrations, renderings, and photo-simulations presented to the City Council and the public before and during the review and development of the DEIS and FEIS.

### *SHADOWS*

The buildings at Palisades Point, Cacace Center, and River Park Center will be taller than existing buildings in the area. The buildings will therefore cast shadows and will affect certain sensitive features. Adverse shadow impact may occur if shadows are cast on publicly accessible open space, on important natural features, if they affect a historic resource's use or obscure important details significant to the resource's historic value, and/or if important landscaping and vegetation that are part of the resource is detrimentally affected by shadows. When taller buildings are constructed in an urban area, shadows on public spaces are an unavoidable consequence.

Numerous existing properties/resources in and around the Project area (as listed below) were identified for shadow impact analysis based on their alignment and topographic relationship to various components of the Project. This list includes open space and historic resources listed on the National Historic Register, as well as those eligible for the Register.

- Philipse Manor Historic District
- War Memorial Park
- Pitkin Park
- Philipse Manor House and Manor House Park
- Larkin Plaza Park
- Getty Square
- Bell Place-Locust Avenue Historic District
- Mott Mill
- John Copcutt Mansion
- 103 Elm Street
- Yonkers Railroad Station
- Yonkers Main Post Office



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- 50, 52, 55-57 Main Street
- Yonkers Recreation Pier
- Yonkers Trolley Barn Building
- 16-18, 20-24, 30-38, 53, 87, 95, 104, 130 South Broadway
- Philipsburg Building
- St. John's Protestant Episcopal Church
- Yonkers City Hall and Washington Park
- Yonkers Esplanade and Sculpture Garden
- Buena Vista Community Gardens
- Buena Vista Pride Park
- Waring Park
- 50-54 Hudson Street
- 95, 104, 108, 116, 152-54, 155-56 Buena Vista Avenue
- Yonkers Public Library Riverfront Branch

The City Council recognizes that, at various times of day over the course of a year as discussed in the DEIS, the tall buildings of the Project will cast shadows on the sensitive open space and historic resources listed above. Recognizing that shadows are an unavoidable consequence of high-rise development, the City Council finds that, on balance, the shadow impacts detailed in the DEIS will be an acceptable impact when weighed against the positive impacts that will flow to the City from the revitalization of long underutilized portions of downtown Yonkers.

### *CONCLUSION*

Based on the analyses provided in the DEIS and FEIS, the City Council finds that, with the proposed mitigation and design features discussed in the DEIS, FEIS and above, the Project will avoid adverse visual impacts to the maximum extent practicable consistent with other essential social and economic considerations. While some changes to the viewshed, some shadow impacts, and project visibility from historic structures are unavoidable in connection with high-rise buildings, the Council finds that, overall, the Project will create a desirable scale and mix of uses consistent with the character of a highly urbanized downtown area. The Project will help to bring about the revitalization that the City has been attempting to foster for many years.

### **NATURAL RESOURCES**

The City Council finds that the most significant natural resource in downtown Yonkers likely to be affected by the Project are the Hudson River and the Saw Mill River, which is channelized and mostly contained in an underground flume in the vicinity of River Park Center and at Larkin Plaza.

Given the fact that shadows will only affect the Hudson River, and daylighted portions of the Saw Mill River for short periods of time, the Council finds that building shadows will not have any thermal effects on waterways or fish or other aquatic resources in the water.

There are many locations where debris has collected within the Saw Mill River flume. This ranges from large cobbles and stones to portions of trees and garbage. In order to restore full hydraulic capacity to the flume, the debris must regularly be cleared from the flume in the vicinity of River Park Center. The Applicant will be responsible for inspecting and clearing the open segment of the Saw Mill River at River Park Center to keep it clear of debris on a regular basis.

The daylighting of 400 linear feet of the Saw Mill River at River Park Center (and an additional 800 linear feet at Larkin Plaza, if the City decides to pursue that improvement project) together with the landscaping proposed for along the river's course will have social and environmental benefits. This element of the Project will provide open space and an attractive water feature that will be enjoyed by all visitors to downtown Yonkers.

The aquatic and riverine species located within the portion of the Saw Mill River that is within the River Park Center site will be temporarily displaced during the construction activities. Most of the existing vegetation will be removed during this construction period and subsequently replaced with the built environment and landscaping materials in accordance with site development and landscaping plans subject to site plan approval. The diversion of the Saw Mill River during the construction period is expected to result in a minimal loss of aquatic species (amphibians, invertebrates and fish) that are not

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

able to relocate to the diversion channel or elsewhere in the river. It is noted that, although mitigated to the maximum extent practicable, the construction period will result in unavoidable impacts to aquatic and terrestrial species currently on the Project sites.

Upon completion of construction, the portion of the Saw Mill River at River Park Center is expected to support the species of urban wildlife that currently reside there. Project elements intended to enhance stormwater management will improve the quality of water entering the Saw Mill River from the site as compared to the existing conditions. However, the water quality from upstream sources will remain unchanged and is beyond the scope of the Project.

The only construction activities proposed within the Hudson River are associated with the Palisades Point project, and include the placement of riprap, or other shoreline stabilization measures, as required. These construction activities are expected to be minor and any impacts are expected to be limited to benthic invertebrates, such as clams, crustaceans and worms, and aquatic insect larvae that are in the immediate footprint of the affected areas. The City Council finds that there will be no significant adverse construction related impacts to amphibians, mammals, reptiles and birds.

After the initial placement of the supplemental riprap or other shoreline stabilization measures, as required, colonization by epibenthic prey species is anticipated to occur quickly by larval recruitment and immigration of mobile demersal and pelagic species from adjacent areas. The epibenthic community that will be established on the perimeter of shoreline stabilization measures (i.e., barnacles, tunicates and mussels) will be expected in turn to provide habitat and enhanced food resources for any juvenile fish, including all listed essential fish habitat (EFH) species that utilize the waters at the Palisades Point site, as discussed in the DEIS. It is expected that EFH fish prey species, including grass shrimp, silversides, and mummichogs, will be able to utilize the interstitial spaces between the riprap, or other shoreline stabilization measures as habitat and also provide an enhanced food resource for the listed EFH species.

### *STORMWATER MANAGEMENT*

The Applicant will be responsible for construction management of the installation of the new stormwater mains in close consultation and coordination with the City.

Since the Project will result in the disturbance of more than one acre of total land area, the stormwater management and erosion control measures must comply with the NYSDEC State Pollution Discharge Elimination System (SPDES) for Discharges from Construction Activity, General Permit No. GP-0-08-001 (General Permit). Site design and subsequent permitting requires conformance with the technical standards for stormwater quantity and quality controls presented in the New York State Stormwater Management Design Manual.

The General Permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). The Applicant has prepared a preliminary SWPPP, and will prepare a final SWPPP; the final SWPPP will be approved by the City and submitted to the NYSDEC prior to the start of construction. The SWPPP requires certification by a licensed/certified professional and will include a number of stormwater management controls that will apply both during and after construction.

The General Permit includes the following provisions:

- The owner or operator shall inspect the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times.
- For construction sites where soil disturbance activities are on going, the qualified inspector shall conduct a site inspection at least once every seven calendar days.
- For construction sites where soil disturbance activities are on going and the owner or operator has received authorization to disturb greater than five acres of soil at any one time, the qualified inspector

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shall conduct at least two site inspections every seven calendar days, which shall be separated by a minimum of two full calendar days.

As a Municipal Separate Storm Sewer System (MS4), the City has developed a Stormwater Management Program (SWMP). The SWMP includes a listing of the Best Management Practices (BMPs) that will be implemented by the City to achieve the regulatory standard of reducing pollutants in the City's stormwater to the maximum extent possible. With respect to construction activities, the BMPs include implementation of education and training of construction site operators; implementation of site plan review, which includes ensuring that sediment and erosion control are part of the construction process; and conducting site inspections and enforcing compliance with the issued building permits, approved site plans and the City Erosion and Sediment Control Code. The Applicant will meet these BMP objectives through compliance with the General Permit.

As discussed in Section III-D of the DEIS, an approved Soil Erosion and Sediment Control Plan will be implemented prior to and during construction to properly manage the on-site soils and sediments related to the improvements of the Saw Mill River. Onsite and downstream surface water bodies will be protected by the use of best management practices to protect them from sedimentation. The construction of a new channel for the Saw Mill River presents a unique construction challenge for the River Park Center project. One of the first actions on-site will be the installation of sediment and erosion control measures along the exposed portion of the river. No construction work will occur in the current riverbed until the river is diverted. With the proper implementation of the approved Soil Erosion and Sediment Control Plan, and proper approval and monitoring the City Council Finds that all potential adverse impacts resulting from sediment flows will be mitigated to the extent practicable.

### **SURFACE AND SUBSURFACE CONDITIONS/HAZARDOUS MATERIALS**

The Applicant has undertaken various subsurface surveys to determine bedrock depth, groundwater levels and other conditions at the four development sites. In addition, subsurface investigation and historic research have been conducted to assess potential contamination from prior on-site and surrounding uses. The findings from these studies and resulting regulatory involvement, if any, are summarized as follows:

#### *River Park Center*

Findings from a Remedial Investigation and supplemental soil and groundwater sampling conducted in 2007 under the NYSDEC Brownfield Cleanup Program (BCP) indicate that soil, groundwater, and sediment at the site have been contaminated by previous on-site uses, which included a hat factory, a brewery, a bottling facility, a tannery, and a chemical dye factory. Contaminants of concern include petroleum-based compounds, chlorinated solvents, semi-volatile organic compounds, metals (most notably, mercury), polychlorinated biphenyls, and pesticides. Based on these results, a Remedial Action Work Plan (RAWP) was developed for the site to specify remedial measures for protecting human health and the environment from the site-related contamination. The RAWP was submitted to the NYSDEC and NYSDOH in December 2007 and was approved by both agencies in June 2008.

#### *Cacace Center*

A review of historic fire insurance maps conducted as part of a Phase I Environmental Site Assessment (ESA) identified previous site uses that could have resulted in on-site contamination, including a copper and brass works, an auto painting facility, an electronics manufacturing facility, and an auto shop and machine/metal working shop associated with the Saunders Trade School. However, a subsequent Phase II investigation conducted by S&W Redevelopment, did not reveal any areas of concern or significant contaminant levels at the site, and based on NYSDEC review of the Phase II data, the site did not qualify for the BCP.

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

### *Palisades Point*

Previous investigations of this site conducted between 1997 and 1999 under the NYSDEC Bond Act Environmental Restoration Program (ERP) identified contamination related to dumping of uncontrolled fill materials from adjacent, industrial-use parcels. The primary contaminants of concern included the pesticide dieldrin, and soil contaminated with lead at hazardous levels. The site was remediated in 2000 in accordance with Record of Decision (ROD) issued by the NYSDEC, which specified “hot spot” removal and placement of a two-foot clean soil cover in vegetated areas of the site. The NYSDEC has not yet issued a Certificate of Completion (COC) for the site remediation, due to the presence of on-site soil stockpiles originating from adjacent development parcels; however, the Department reportedly has committed to issuing a COC following removal of the stockpiles.

### *Larkin Plaza*

A review of historic fire insurance maps indicated several former industrial uses that could have resulted in on-site contamination, including machine shops, auto repair shops, metal-working facilities, a chemical plant, and various underground storage tanks. In addition, a gas holder and gas works facility, presumably a manufactured gas plant, were historically located immediately south of the site. This site is expected to remain in the City’s possession; therefore, additional investigation and remediation would be conducted by the City as warranted based on future development plans.

### *REMEDIATION/MITIGATION*

Based on the various contamination issues identified at the four development sites, the City Council finds that differing degrees of remediation/mitigation measures will be required to be undertaken by the Applicant to prevent impacts from the Project during and after construction, as summarized below:

### *River Park Center*

Remediation of the River Park Center site will be conducted in accordance with all requirements in the NYSDEC-approved RAWP. These requirements include, but are not necessarily limited to: removal of hot-spot contamination in soil and sediments; installation of vapor mitigation systems under all on-site buildings; prohibition of on-site use of groundwater; sediment and erosion controls during all soil disturbing activities; and implementation of a Community Air Monitoring Plan (CAMP) during remediation/construction activities to prevent off-site migration of fugitive dust, VOCs, and odors. The Applicant will provide a copy of the NYSDEC-approved RAWP to the City Council, and to include the City Council on the project BCP mailing list.

The RAWP for River Park Center cited above includes a number of plans that outline specific control measures designed to protect the public during the remediation of that site. These include a Soil Management Plan, Quality Assurance Project Control Plan, Construction Quality Assurance Plan, Storm Water Pollution Prevention Plan, Community Air Monitoring Plan, Contractors Site Operation Plan, and Community Participation Plan. These plans will be implemented by the Applicant during the site remediation efforts and monitored by the NYSDEC.

Overall, the environmental remediation plan to be implemented by the Applicant at River Park Center includes the following components:

- Removal and off-site disposal of all major source areas of soil and groundwater contamination, any grossly contaminated soil existing in areas to be excavated during redevelopment, as well as any underground storage tanks and content.
- Installation of a site capping system that utilizes either hardscape materials or two feet of clean soil cover and incorporates a sub-slab venting system to prevent potential migration of volatilized contaminants entering the proposed buildings.
- Removal of contaminated sediment in the Saw Mill River, and subsequent relocation and restoration, to prevent migration of contaminants to the surface water.

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- Restricting the use of groundwater at the site, controlling storm water, and instituting a program to monitor the natural attenuation of contaminants.
- Erosion and sedimentation control measures will be constructed and maintained in the decontamination areas in accordance with a Stormwater Pollution Prevention Plan in accordance with City and NYSDEC requirements.

The remediation and construction contractors will be required to implement a number of measures to control airborne particulates at the site, which include dust as well as exhaust emissions from construction equipment. These measures include the following:

- The remediation contractor will construct a stabilized construction entrance and exit area comprised of a clean gravel roadway. The public roadways surrounding the site will be cleaned periodically, and on an as-needed basis, with a street sweeper and water truck. A truck wash/decontamination pad will be constructed at the access area for the site; the undercarriage and tires of all trucks and equipment leaving the site will be pressure washed on the pad, and all washwater properly disposed of.
- Remediation and construction activities will be monitored for dust generation, and dust prevention and suppression measures will be implemented as required. Dust prevention and suppression measures include maintaining a stabilized construction entrance and truck wash area, covering soil stockpiles, limiting vehicle speeds, and engineering controls.
- Fixed air monitoring stations will be established along the site perimeter to monitor for particulates (i.e. dust) and volatile organics using direct-reading and recordable instruments. The air monitoring stations will be operated in accordance with the approved Community Air Monitoring Plan.

The environmental remediation program for River Park Center includes three types of compliance monitoring: protection monitoring to confirm that human health and the environment are adequately protected during the construction period of the cleanup; performance monitoring to confirm that performance standards have been attained; and confirmation monitoring to confirm the long-term effectiveness of the cleanup action once performance standards have been attained. All of the protection measures outlined above are specified in the RAWP for River Park Center and will be specified in a construction management plan to be approved by the City of Yonkers for the other sites unless these sites enter a State remedial program, in which case the NYSDEC will require these forms of monitoring in a RAWP.

### *Cacace Center*

While a Phase II investigation of the Cacace Center parcel did not identify measurable contamination, due to the historic uses at the site, it is still possible that contamination or underground storage tanks may be discovered during excavation. Therefore, the City will require the Applicant to develop a Construction Health and Safety Plan (CHASP) and/or construction specifications to prevent potential impacts to construction workers and the community during site redevelopment. The CHASP/specifications will address management of soil/fill imported to and exported from the site, and should include a contingency plan to address areas of unknown contamination and/or underground storage tanks potentially encountered during construction activities, including appropriate health and safety monitoring, erosion and sediment controls, recordkeeping, and any other contingency remediation requirements. The Applicant will be required to inform the City if underground storage tanks or other contamination are encountered during site redevelopment, and to provide documentation of spill reporting or other agency notifications, as appropriate.

### *Palisades Point*

Prior to the start of site redevelopment, temporarily stockpiled fill/soil will be removed from the site to obtain a COC from the NYSDEC for the site remediation conducted under the ERP. Removal and disposal of the soil stockpiles and any future soil disturbance at the site will be conducted in accordance with the requirements of the ROD and other applicable NYSDEC regulations. In addition to these requirements, , even though this site was remediated under NYSDEC oversight and no contamination or

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

underground storage tanks should be encountered, the City will require the Applicant to develop a CHASP and/or construction specifications to prevent potential impacts from any residual contamination unexpectedly discovered to construction workers and the surrounding community. The CHASP/specifications will address management of soil/fill imported to the site and the Beneficial Reuse approval received by the NYSDEC for reuse of the onsite fill material will address management of the soil/fill and exported from the site. The CHASP will include a contingency plan to address areas of unknown contamination and/or underground storage tanks potentially encountered during construction activities, including appropriate health and safety monitoring, erosion and sediment controls, recordkeeping, and any other contingency remediation requirements. The Applicant will be required to inform the City if underground storage tanks or other contamination are encountered during site redevelopment, and to provide documentation of spill reporting or other agency notifications, as appropriate.

### *Larkin Plaza*

Should the City elect to perform the daylighting of the Saw Mill River at Larkin Plaza, the City or its agents will be responsible for undertaking subsurface investigation of Larkin Plaza to determine the nature and extent of subsurface contamination that could affect future site development and to assess whether it would qualify for or warrant entry into one of the NYSDEC remedial programs. Regardless, a Construction Health and Safety Plan and/or Remedial Action Work Plan would be prepared and implemented to address management of soil/fill imported to and exported from the site, provide a contingency plan to address areas of unknown contamination or storage tanks encountered during construction activities, and outline appropriate health and safety monitoring, appropriate erosion and sediment controls, recordkeeping, and any other remediation requirements.

## **TRAFFIC AND TRANSPORTATION**

The traffic study prepared by the Applicant examined existing, “No Build” and future conditions (with the Project) at 60 intersections for the AM, PM and Saturday peak hours. It also considered the ballpark separately as a special event condition. Separate analyses of pedestrian traffic, mass transit, and parking were also included.

The construction of the Project in downtown Yonkers will result in the elimination of several streets within the Project area. The streets include a portion of Guion Street; a portion of (New) School Street; Ann Street; Henry Herz Street; James Street; John Street; and Engine Place. Given the current traffic flow pattern and the capacity restrictions at Getty Square, New Main Street will be directed away from Getty Square (towards Nepperhan Avenue). In conjunction with this, the section of Elm Street between Nepperhan Avenue and Palisade Avenue as well as Palisade Avenue between Elm Street and Getty Square will be reversed in direction. The reversal of these one-way streets will provide both additional capacity and better distribution of traffic within the area.

The adverse effects of the closure of a portion of Guion Street will be mitigated by improvements to the existing roadway. The newly configured section of Guion Street will be improved between South Broadway and the proposed turnaround, which will allow for two-way traffic flow. As part of this improvement plan, existing water, sanitary sewer, and storm drain lines will likely require adjustments to provide the necessary connections and maintain existing service between Guion Street and New Main Street.

The Project will increase traffic volumes and result in increased congestion on many area roadways. The modified traffic pattern described above, combined with the improvement measures described below and shown in Table 5 will reduce the impacts of the Project. However, even with the improvement measures, certain intersections will experience decreased levels of service. The impacts of the Project are detailed in the DEIS and FEIS. The following table summarizes improvement measures by intersection:

**Table 5**  
**Intersection Improvements**

<b>Intersection</b>	<b>Improvements</b>
Nepperhan Avenue & Elm Street	Reverse direction of Elm Street Construct right turn lane on southbound Nepperhan Avenue, Modify signal phasing/timing as required
Nepperhan Avenue & New School Street	Eliminate New School Street north of Nepperhan Avenue Keep existing signal for pedestrian movement
Nepperhan Avenue & New Main Street	Reverse Direction of New Main Street Eliminate northbound left turn lane on Nepperhan Avenue, Eliminate southbound right turn lane on Nepperhan Avenue; modify signal phasing/timing as required
Nepperhan Avenue & South Broadway	Construct northbound left turn lane on South Broadway
South Broadway & Hudson Street	Upgrade existing flashing signal to full operation and connect to the City's computerized traffic signal system
South Broadway & Main Street	Upgrade signal and connect to the City's computerized traffic signal system
Main Street & Palisade Avenue	Reverse direction of Palisade Avenue Upgrade signal and connect to the City's computerized traffic signal system
Palisade Avenue & Locust Hill Avenue	Reverse direction of Palisade Avenue
Palisade Avenue/Elm Street/New School Street	Reverse Direction of Palisade Avenue/Elm Street Eliminate New School Street south of Palisade Avenue and provide a driveway to the site Upgrade signal and connect to the City's computerized traffic signal system
Ashburton Avenue & Warburton Avenue	Change in signal timing
Ashburton Avenue & North Broadway	Change in signal timing
Ashburton Avenue & Palisade Avenue	Change in signal timing
Ashburton Avenue & Nepperhan Avenue	Change in signal timing
Ashburton Avenue & NYS Route 9A/Walnut Street	Change in signal timing
Yonkers Avenue & Walnut Street	Construction of a median along Nepperhan Avenue Removal of parking along Yonkers Avenue Connection of signals to the City's computerized traffic signal system
Yonkers Avenue & Prescott Street	Construction of a median along Nepperhan Avenue Removal of parking along Yonkers Avenue Connection of signals to the City's computerized traffic signal system
Yonkers Avenue & Ashburton Avenue	Construction of a median along Nepperhan Avenue Removal of parking along Yonkers Avenue Connection of signals to the City's computerized traffic signal system
Yonkers Avenue & Saw Mill River Parkway southbound ramp	Construct a two lane exit ramp from the Saw Mill River Parkway Install a traffic signal and connect it to the City's computerized traffic signal system
Yonkers Avenue & Saw Mill River Parkway	Provide a dual right turn lane from the Sawmill River Parkway northbound exit ramp Update signal as required

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northbound ramp	
Riverdale Avenue & Nepperhan Avenue/Prospect Street	Restripe the westbound Nepperhan Avenue right turn lane to provide through and right turn movements Upgrade signal and connect to the City's computerized traffic signal system.

Construction of all of the above improvement measures will be managed by the Applicant and funded by TIF bonds. The improvements at the intersection of Nepperhan Avenue and South Broadway and the intersection of South Broadway and Hudson Street are required to be made in connection with the development of Palisades Point and those improvements shall be completed prior to issuance of a certificate of occupancy for Palisades Point. All other improvements identified above are required to be made in connection with River Park Center, and shall be completed prior to issuance of a certificate of occupancy for River Park Center. Construction of all improvements will be coordinated with the City's Traffic Engineering Department.

Parking will be eliminated along the Yonkers Avenue/Nepperhan Avenue corridor from the Saw Mill River Parkway to the downtown area. This displaced parking will be replaced by and at the expense of the Applicant through the provision of no less than 100 parking spaces in off-street parking areas available for the residents and merchants fronting Yonkers Avenue/Nepperhan Avenue. Parking in these replacement lots would be metered only during the day, and parking would be available without charge at other times. The parking areas may include sites on the north side and the south side of Yonkers Avenue. Most of the existing businesses and residents who currently use on-street parking would have access to a replacement off-street lot that is not more than two blocks from their current location. However, the City Council recognizes that some replacement parking lots would be further than this for some business locations.

Parking will also be eliminated along Palisade Avenue, Elm Street and New Main Street adjacent to River Park Center. Users of this existing on-street parking will be able to use the new River Park Center, Palisade Avenue Office Building, and Government Center garages.

The Saw Mill River Parkway southbound exit ramp at Yonkers Avenue will be widened to provide two lanes. A traffic signal is proposed to handle traffic off the ramp onto Yonkers Avenue. Geometric improvements to the Saw Mill River Parkway northbound ramp at Yonkers Avenue will also be implemented to improve traffic flow.

The entire signal system along the Yonkers/Nepperhan Avenue corridor extending from the Saw Mill River Parkway into the downtown area will be upgraded and made part of the City's computerized traffic signal system. This will allow for "real time" management of traffic within the corridor. Other signals, as identified in the Table above, will also be made part of the City's computerized traffic signal system.

A driveway to River Park Center will be constructed on Nepperhan Avenue across from Waverly Street. A separate left turn lane and a separate right turn lane will be developed for traffic entering the site. This intersection will be signal controlled and will be made part of the City's computerized traffic signal system along the Yonkers Avenue/Nepperhan Avenue Corridor. The driveways to the proposed parking structures at River Park Center and Cacace Center will be designed to provide access to/from multiple streets to improve circulation.

The flashing traffic signal at the intersection of South Broadway/Hudson Street will be activated and will become a standard traffic signal.

A bus drop-off lane will be provided on Nepperhan Avenue westbound between Elm Street and New Main Street for the discharge and boarding of passengers visiting River Park Center.

Variable message signs will be installed in the Project area to direct patrons to the ballpark parking areas. In addition, uniform police officers or traffic control personnel will be assigned to direct traffic in the area



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for ballgames and special events at the ballpark. Uniform police officers utilized for events will be paid for by the Applicant or ballpark operator.

A trolley system will be implemented in conjunction with the Downtown Waterfront Business Improvement District to interconnect the existing mass transit facilities with each other as well as with the residential, office and retail components of the Project. The trolley is expected to provide continuous service during normal hours of operation, running between the railroad station and the River Park Center. Intermediate stops will be provided on North Broadway and Nepperhan Avenue as well as in the Getty Square area to provide for a link between the development and the train station. Trolley users will make a nominal payment to partially cover the operating costs. The capacity of the trolley will be based on the vehicle used but should be in the order of 30 to 40 seats. The trolley system will be funded and operated by the BID. As discussed elsewhere in this Findings Statement, the Applicant will also make an annual contribution to the BID to help defray the cost of operating the trolley system.

### *OTHER INTERSECTION IMPROVEMENTS*

In addition to the improvements identified and discussed above, there are several other intersections where additional improvements may be necessary to further mitigate Project related impacts. These improvements would be undertaken exclusively by the City, at its option.

The potential need for additional improvements was identified through an alternate route analysis conducted as part of the DEIS. The route analysis evaluated access to the River Park Center site from the Saw Mill River Parkway via Rumsey Road, Lockwood Avenue, Palmer Road, and Executive Boulevard/Nepperhan Avenue. The analysis identified the potential need for new traffic signals at the Saw Mill River Parkway southbound ramp to Lockwood Avenue (Lockwood Avenue and Manning Avenue) and at the Saw Mill River Parkway northbound ramp at Palmer Road. In addition, the existing traffic signals at the Rumsey Road/Saw Mill River Parkway ramp/Cross County Parkway ramp; Rumsey Road and Spruce Street; Elm Street and Walnut Street; and Nepperhan Avenue and Executive Boulevard may require timing changes to optimize the operation of the signal. If these improvements are determined to be required, they would be undertaken and funded by City.

### *CONSTRUCTION TRAFFIC*

The Project will result in increased vehicular traffic to the Project sites during construction of the various buildings and Project components. The Project will result in increased traffic from construction workers as well as from construction trucks and other equipment.

Construction workers will park in several temporary lots as identified in Exhibit III.M-18 of the DEIS and the FEIS. The Applicant will also be required to prepare a construction management plan to be approved by the City's Building and Police Departments. The management plan will address each department's concerns and mitigate parking and traffic impacts resulting from construction workers and vehicles. The construction management plan will specify specific areas where construction workers will park and will identify specific penalties for deviating from the plan.

### *Temporary Traffic Disruptions during the Construction Period*

During construction, vehicular and pedestrian activity will be interrupted on numerous streets within the vicinity of the Project area, as roadway, intersection and utility improvements are undertaken. The construction phasing plan for the Project provides that utility infrastructure upgrades and improvements within the streets surrounding the River Park Center and Cacace Center sites will begin at approximately month 8. As the underground utility construction is completed, the reconstruction of the surrounding streets and sidewalks will begin.

### *Maintenance of American Sugar Refining, Inc.'s Easement over Eastern Edge of Parcels H and I.*

The Project will involve construction of a new public street across the eastern portion of the Palisades Point site which is generally over the ASR easement. This easement runs along the Metro North tracks at

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the eastern edges of the Palisades Point site. The new roadway will provide vehicle access to ASR that is at least equivalent to the access currently provided by the easement. The roadway will have a “curb-cut” allowing access to the ASR site and will therefore be consistent with, and serve the same purpose as, the easement. As noted below, the City will require the Applicant to prepare a construction management plan for each project site that is consistent with the construction phasing and staging information provided in the DEIS. The plan for Palisades Point will be required to maintain ASR’s use of the easement during construction.

### *Construction Traffic Related to Utility Improvements*

There are a number of utility improvements that will be instituted as part of the Project resulting in temporary disruptions to vehicular and pedestrian traffic. At the River Park Center site, there are several selected areas along the perimeter of the site where utility improvements will be necessary. These include:

1. New water and sanitary sewer lines will be provided in the streets that abut the site, including New Main Street, Nepperhan Avenue, Palisade Avenue, Elm Street, Waverly Street and Maple Street.
2. New storm drains will be provided in the streets mentioned above and others, including Yonkers Avenue.
3. The diversion of the Saw Mill River—which is necessary to permit the new channel to be constructed and remediation of the river bed —will require partial phased closings of Palisade Avenue, relocating existing utilities as required, and construction of a new river channel and diversion chambers at each end of the channel. While temporary disruptions to the businesses and residences along a portion of Palisades Avenue will occur, the construction management plan will include provisions to ensure that appropriate measures are taken to maintain access and utility provision to these properties throughout the construction process.

These improvements will involve excavation and other activities that will require the closure or partial closure of roadways or lanes in the immediate vicinity of the Project for short periods of time. Such roadway and lane closures will likely result in decreases in LOS and temporary adverse effects on traffic flow in the surrounding area. Short term construction related impacts to abutting businesses on streets such as New Main Street, Elm Street and Palisade Avenue will occur.

To mitigate these adverse effects, the Applicant will develop and implement a detailed construction management plan, as well as a Maintenance and Protection of Traffic Plan (MPTP) for Yonkers Avenue/Nepperhan Avenue, to be reviewed and approved by the City and New York State Department of Transportation (NYSDOT) prior to construction. The construction management plan and MPTP will maintain safety and ensure traffic flow by limiting the necessary roadway and lane closures to the shortest duration practicable, and requiring the use of metal plates with flagmen and/or police assistance to be provided at the Applicant’s expense. The construction management plan will include measures to minimize the adverse effects on nearby businesses, including provisions to ensure that at least one traffic lane and one side-walk or pedestrian walkway is open at all times on streets where businesses are located, to maintain vehicular and pedestrian traffic flow.

### *Road and Intersection Improvements*

There are a number of road and intersection improvements that will be instituted as part of the Project that will result in temporary disruptions to vehicular and pedestrian traffic. These include:

1. Several streets within the boundaries of the River Park Center site will be permanently closed, including (New) School Street between Palisades Avenue and Nepperhan Avenue, Ann Street, Henry Herz Street, James Street, John Street, and Engine Place. Traffic using these streets will be redistributed to the adjoining street system. In conjunction with these closures, the section of Elm Street between Nepperhan Avenue and Palisade Avenue as well as Palisade Avenue between Elm Street and Getty Square

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will be reversed in direction. The reversal of the streets will provide additional capacity and better distribution of traffic within the area.

Elm Street will be converted to a two-way street instead of the current one-way, at the initiation of construction. This modification will enable construction vehicles to enter and exit the River Park Center site via Elm Street to Nepperhan Avenue, and improve access by and response times of the fire companies that will be temporarily located at the facility at the corner of Columbus Place and St. Casimir Avenue. This modification will require eliminating curb parking (this will occur regardless, due to Project-related construction staging and access), changing signage, modifying the traffic signal at Nepperhan Avenue and Elm Street, and adding line striping.

Construction activities at the Government Center site will require partial temporary street closure at New Main Street when the demolition of the existing Government Center garage occurs at month 18. The Government Center garage is approximately 10 feet from the street, and the temporary closure of a portion of New Main Street will be required as the structural components of the garage are disassembled. The street closure will occur just south of several retail establishments. The construction management plan will ensure that adequate access is provided to these establishments throughout the construction process.

The construction management plan will include provisions to ensure that only minor temporary disruptions to vehicular and pedestrian traffic will occur as a result of these changes, including adequate notification to businesses and residents in the vicinity and adequate means of directing traffic to new routes (i.e. signage, traffic controllers, etc). The construction management plan will also require coordination with the Westchester County DOT regarding temporary bus routes and service during construction as it relates to one way designations and temporary lane closures during construction.

2. Installation of a landscape median along Nepperhan Avenue in the vicinity of both the Cacace Center and River Park Center sites. This may result in the temporary loss of traffic lanes during construction activity, but is not expected to result in any significant disruption of traffic.

3. Provision of additional turning lanes at certain intersections, such as at Nepperhan Avenue and Elm Street and Nepperhan Avenue with Broadway and re-striping along Nepperhan Avenue at the intersection of Riverdale Avenue and Prospect Street/Nepperhan Avenue, to allow both through and right turn movements. This may result in the temporary loss of traffic lanes during construction activity, but is not expected to result in any significant disruption of traffic.

4. Realignment of the intersection of Waverly Avenue and Nepperhan Avenue as part of the major access to River Park Center. The realignment will require coordination with both NYSDOT and the Polish Center. The land area involved is presently vacant and will not affect operations of nearby facilities.

5. Improvements to the Saw Mill River Parkway ramps, including widening, regrading and modifying the curves for better visibility and safety. All work will be performed in a manner that avoids to the maximum extent practicable any extended shutdowns. Temporary shutdowns (no more than a few minutes at any given time) may be required during rock removal or barrier relocations.

6. In connection with the Cacace Center construction, a small portion of Guion Street, near its intersection with New Main Street, will be closed and improvements will be made, resulting in the creation of a dead-end cul-du-sac on Guion Street near the proposed access for the new Fire Department Headquarters. The newly configured section of Guion Street between South Broadway and the proposed turnaround will allow for two-way traffic flow, which will require the elimination of the existing on-street parking spaces on Guion Street. These improvements are necessary to accommodate emergency vehicle ingress and egress from the new Fire Department Headquarters. In connection with these improvements, existing water, sanitary sewer and storm drain lines may be modified to maintain existing service between Guion Street and New Main Street. While temporary disruptions to the existing residential uses along this portion of Guion Street may occur, the construction management plan will include provisions to ensure

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that appropriate measures are taken to maintain access and utility provision to these properties throughout the construction process.

*SUMMARY*

Traffic will increase as a result of the Project and improvements will be necessary to maintain acceptable levels of service. With the implementation of the above plans and improvements, the City Council finds that potential increased congestion and decreased levels of service at affected intersections will be acceptable and adverse impacts will be mitigated to the maximum extent practicable. The City Council recognizes that additional improvements may also be necessary to for the alternate route intersections, as described above.

**PARKING**

The Project will result in the displacement of 1,359 existing parking spaces as a direct result of construction activity at Government Center, River Park Center, and Cacace Center (see Table 6, below). The Project will displace the 184 existing parking spaces at the Palisades Point site that are maintained by the City for the benefit of Scrimshaw House and displace parking spaces along Yonkers Avenue, Nepperhan Avenue, New Main Street, Elm Street and Palisade Avenue as discussed above.

**Table 6  
Parking to be Displaced as Part of Project**

<b>Location</b>	<b>Total Spaces</b>	<b>Current Space Utilization (Weekday/Saturday)</b>	<b>Current Users</b>	<b>Where Spaces Will be Replaced</b>
<b>Government Center Garage</b>	543	500/100	Government employees, Those with government business, and 20 and 30 South Broadway tenants and visitors	Government Center
<b>Cacace Justice Center</b>	250	290/50	Police personnel, Courts	Cacace Center
<b>Chicken Island</b>	386	130/130	Local retail users, Those with government business	River Park Center
<b>Private Church Parking</b>	35	<5/<5	Church members	River Park Center
<b>Behind Firehouse</b>	45	45/45	Fire Department personnel	Cacace Center
<b>On-Street Parking</b>	100	80/80	Local commercial/retail users	River Park Center Government Center Cacace Center Palisade Avenue Office Building Off-street parking as shown in DEIS Exhibits II-49, II-49A, II-49B and II-49C.
<b>1,359 total off-street spaces to be removed, excluding spaces displaced from Yonkers Avenue.</b>				

The displaced parking would be replaced with new parking facilities as shown in Table 7 below. As discussed in the DEIS and FEIS, the new parking facilities will serve as replacement parking for the displaced parking and will also serve the Project. Based on the analysis and discussion of shared parking

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presented in the DEIS and FEIS, it is anticipated that the newly constructed parking garages will have sufficient capacity for existing and proposed development at all portions of the day.

The parking structure at Palisades Point will be owned, operated, and maintained by the Applicant and will include a total of 670 parking spaces. In that structure, 184 parking spaces will be reserved for the Scrimshaw House. The terms of use for the parking facilities are as stated in the lease between the CDA and the Board of Managers of Pierpont on the Hudson Condominium I (a.k.a., Scrimshaw House) dated January 31, 2001 and the lease between Yonkers Waterfront Associates, the CDA’s predecessor in title, and Pierpont on the Hudson dated September 29, 1988 (as amended). Section 10 of the 2001 lease (“Relocation to Future Parking Facility”) provides for a 50 year term for a future parking facility for Scrimshaw House residents, and that rents or permit fees can be charged for use as well as costs for operations and maintenance of the facility. The Palisades Point site is currently being utilized by residents of the Scrimshaw House for loading and unloading. This activity will be precluded by the development of the Palisades Point project. During the site plan approval process, alternative means of access to the Scrimshaw House building for loading shall be explored.

The 475 residential parking spaces at River Park Center and the 475 residential parking spaces at Government Center will be owned, operated, and maintained by the Applicant.

**Table 7**  
**New Parking Facilities to be constructed as part of the Project**

<b>Location</b>	<b>Total Spaces</b>	<b>Intended Use</b>	<b>Private Spaces</b>	<b>Ownership/ Maintenance</b>
River Park Center	2,550	Retail/Theater users – public RPC unit owners - private	475	City of Yonkers/Applicant
Government Center	1,523	Retail/Theater/Ballpark users – public RPC unit owners - private	475	City of Yonkers/Applicant
Palisade Avenue Office Building	435	Office uses, Retail/Theater/Ballpark users	0	City of Yonkers
Cacace Center	1,135	Police, Fire, City Office, Courts, Hotel, Retail/Theater/Ballpark users	0	City of Yonkers
Palisades Point – Structured	670	Palisades Point unit owners Scrimshaw House replacement parking	670	Applicant
Palisades Point – On-Street	57	Recreational Users of Waterfront	0	City of Yonkers
<b>Note:</b> Table does not include parking to be provided as mitigation for removal of parking along Yonkers Avenue				

If the City elects to go forward with improvements to Larkin Plaza, additional parking would be needed to replace the 120 existing parking spaces, which could be relocated to a site either adjacent to the plaza or at a nearby off-site location to be determined by the City. One alternative would relocate the spaces to a parking structure located at Wells and Woodworth Avenues, one block north of Larkin Plaza.

*Removal of On-street Parking*

In order to improve traffic flows, on-street parking will be eliminated from sections of the following streets: Palisade Avenue, Elm Street, New Main Street, Nepperhan Avenue and Yonkers Avenue. The impacts of the removal of parking will be mitigated by the provision of off-street parking. Parking lost on Palisade Avenue and Elm Street will be provided in the Government Center or River Park Center garages.

Parking displaced from Yonkers Avenue will be provided in replacement off-street lots between the Saw Mill River Parkway and Nepperhan Avenue. This loss of parking could adversely affect many small

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businesses and residents along Yonkers Avenue that currently have on-street parking near their respective business or residences. Some residents and business patrons will be required to walk several hundred feet to the parking lots. The off-street lots will be completed prior to the removal of street parking along Yonkers Avenue.

With the above stated mitigation measures, and the analysis provided in the DEIS and FEIS, the City Council finds that adverse impacts of the Project to traffic and parking will be mitigated to the maximum extent practicable consistent with other essential social and economic considerations.

### *PARKING DURING THE CONSTRUCTION PERIOD*

#### *Temporary Parking Displacement*

A temporary parking plan has been prepared by the Applicant to address the temporary displacement of parking facilities that will occur as a result of construction activities associated with the Project. As discussed below, the temporary parking plan will ensure that construction-related parking impacts on the Cacace Justice Center, Government Center garage, or the Scrimshaw House parking will be mitigated to the maximum extent practicable. While the temporary parking plan includes provision of replacement parking facilities to serve the merchants and other users of the Chicken Island parking and on-street parking that will be displaced during construction, an unavoidable temporary adverse parking impact on the retail and other users of this existing parking will result.

#### *Cacace Justice Center*

Approximately 300 spaces will be displaced from the Cacace Justice Center parking facility. Approximately 75 temporary spaces will be located across South Broadway from the Cacace Justice Center in a parking structure associated with St. Joseph's Hospital. An additional 310 spaces will be provided for Cacace Justice Center employees and visitors in a lot on Downing Street, approximately ¼ mile away. A dedicated shuttle service, to be provided at the Applicant's expense, will run during the day between the Cacace Justice Center and the Downing Street lot. Shuttle service will be required to run on an approximately 15-minute cycle, beginning one hour prior to, and ending one hour after the typical hours of operation of the Cacace Justice Center. Prior to construction, the Applicant will prepare a detailed shuttle schedule and route, to be reviewed and approved by the appropriate City agencies.

During the off-peak hours, employees and visitors will be able to park in a 50-space lot located near the Cacace Justice Center, at Nepperhan Avenue and New Main Street. It is expected that the 125 total spaces (including the 75 spaces at St. Joseph's Hospital) will be sufficient to serve the off-peak parking demand for the Cacace Justice Center. Access between the Nepperhan Avenue and New Main Street lot and the Cacace Justice Center will be provided via the Nepperhan Avenue pedestrian bridge that will remain open throughout construction process. Once the new Cacace Center garage is opened at month 10, all of the parking displaced from the Cacace Justice Center parking facility will be relocated into the new garage. With the provision of temporary parking facilities and shuttle services, temporary parking impacts to this facility will be minimized to the maximum extent practicable.

#### *Government Center Garage*

The existing Government Center garage will be closed at month 18 of the construction schedule, at which time the new Cacace Center garage will be open. All of the parking for the Government Center garage will be accommodated at the new Cacace Center garage facility; therefore, no temporary parking impacts to this facility would occur.

#### *Chicken Island*

While the Chicken Island parking facility contains 386 spaces, based on information provided by the Yonkers Parking Authority, only approximately 130 spaces are utilized. These spaces are primarily used by residents, the merchants and shoppers of local businesses, as well as churches, in the vicinity of the

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River Park Center site. During construction, these parking spaces will be displaced, along with the existing on-street parking along New Main Street, Palisades Avenue, and Elm Street. Temporary replacement parking for these users, to accommodate 136 vehicles, will be provided in two lots—one lot with approximately 50 spaces is located at the corner of Nepperhan Avenue and New Main Street (which will be shared with off-peak parking for the Cacace Justice Center), and another lot with approximately 86 spaces is located on the westerly side of Palisade Avenue just before the intersection with Elm Street. In addition, merchants and shoppers may utilize the existing Government Center parking (paid parking) until month 18, when it is demolished. While this 543-space garage is almost fully utilized during weekdays, it is underutilized on weekends, with almost 400 spaces available.

Several additional lots, containing a total of 280 spaces, will provide temporary replacement parking for the remainder of the retail parking and on-street parking displaced during construction. Two of these lots, containing approximately 179 spaces, are located in close proximity to the displaced on-street parking, two lots containing approximately 136 spaces are proposed to replace existing off-street merchant related parking as identified on Exhibit III.M-18 in the DEIS. Additional lots are located along Yonkers Avenue and are intended to replace existing on-street parking being removed as part of the improvements to Yonkers Avenue. Thus, as a result of construction, retail uses in the vicinity of the Project may experience temporary economic effects, as retail employees and shoppers will have to utilize various parking lots, some of which are located further away than existing parking. However, as noted in the EIS, there would be temporary positive economic benefits to downtown merchants related to construction workers patronizing local establishments.

### *Scrimshaw House*

There are currently 184 parking spaces located on the Palisades Point project site, which are used by the Scrimshaw House, the adjacent residential building. During construction, these spaces will be replaced by the City in-kind with temporary parking facilities located to the west and south of the Palisades Point construction site. A new access road will be developed to service the temporary parking facilities; to provide access for elderly persons and persons with disabilities, a pedestrian access consistent with ADA requirements will be provided from the temporary parking facilities as close to the Scrimshaw House as is practicable. The temporary parking facilities will be constructed and opened in the first month of construction at the Palisades Point site. It is anticipated that the temporary lots will be used for approximately 21 months, until the new Palisades Point parking garage is complete, which will provide replacement parking for the Scrimshaw House. With the provision of temporary parking facilities, temporary parking impacts to this facility will be mitigated to the maximum extent practicable.

### *Larkin Plaza*

Larkin Plaza currently contains approximately 120 public parking spaces. The DEIS discusses two design alternatives for replacement parking facilities that may be constructed if the City elects to redevelop Larkin Plaza with a new public park, including daylighting approximately 800 feet of the Saw Mill River. The two possible replacement parking facilities include a 163-space parking structure located approximately 300-feet away from Larkin Plaza at Wells Avenue at the Metro-North Railroad tracks, and a 164-space parking structure located at the corner of Nepperhan Street and Market Place, immediately south of Larkin Plaza. In the event that the Larkin Plaza project proceeds, a replacement parking facility is expected to be constructed prior to the start of construction activities within Larkin Plaza. Based on the above, temporary parking impacts to this facility would be minimized to the maximum extent practicable.

### *Construction Worker Parking*

The Project will have a gradual buildup of workers throughout the construction process and will peak at approximately month 20 with about 1,500 workers. Since the adjacent streets and building sites cannot accommodate that many worker's vehicles, temporary construction worker parking has been identified (as outlined below), where construction workers will park and be shuttled to and from the jobsites. These

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shuttle buses will have short durations of peak operation, when the workers arrive around 7:00 AM and when they depart around 3:30 PM.

A total of approximately 1,322 parking spaces have been identified in five temporary construction worker parking facilities. The largest of these is the underutilized parking structure at Cromwell Towers, which can accommodate 750 vehicles per day. Since this facility is located in close proximity to the River Park Center site, it will primarily serve that site and will not require shuttle service. Other temporary off-street parking facilities for construction worker parking have been identified along Nepperhan Avenue (182 total spaces), ATI-Alexander Street (260 spaces), and Ravine Street (130 spaces). It is anticipated that 90 percent of the construction workers will park at the designated remote parking facilities, while 10 percent could park at the jobsites. Construction workers assigned to designated remote parking facilities will be required to park in these locations.

As part of the site plan approval process, a construction management plan will be instituted to address any issues that arise related to construction worker parking. Issues may include: identifying additional construction worker parking spaces (if necessary); making adjustments to shuttle bus service frequency or routing as necessary; monitoring to ensure construction workers are parking in the designated locations; and addressing any traffic control or safety issues with the designated locations (e.g., any potential conflicts with school bus traffic). The construction management plan will be developed in consultation with the City's Traffic Engineering Department, the Building Department, and the Police Department, which shall each have authority to enforce compliance with such plan. With the construction management plan in place, parking impacts associated with the construction worker parking will be mitigated to the maximum extent practicable.

### **AIR QUALITY**

#### *Traffic-Related*

Based on the NYSDOT Environmental Procedures Manual (EPM), a three-step screening analysis was performed to identify which of the 60 studied intersections should be considered for a more detailed analysis of CO emissions. For those intersections further analyzed for CO emissions, it was determined that the modeled CO concentrations plus background concentrations are less than the applicable National and National Ambient Air Quality Standards (NAAQS).

For traffic-related emissions of fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), the three highest volume intersections were identified and analyzed, in accordance with the NYSDOT EPM. The results of the microscale analysis concluded that the increases in PM<sub>10</sub> and PM<sub>2.5</sub> concentrations do not exceed the 24-hour and annual average significant impact thresholds listed in the NYSDOT EPM.

Emissions from the Project's parking facilities were also evaluated. The largest parking facility, at River Park Center, was analyzed to determine potential CO concentrations near the garage. These concentrations were determined to not exceed the NAAQS of 35 parts per million (ppm) and 9 ppm for the maximum 1-hour and 8-hour CO concentrations, respectively.

Therefore, with the traffic improvements measures stated above, the emissions associated with the Project with and without ballpark traffic will not have a significant impact on air quality.

#### *Stationary Sources*

Stationary emission sources associated with various Project components will include combustion equipment such as boilers, emergency generators and heating units. This equipment will be used for heating, ventilation and air conditioning, and emergency services to support various components of the Project. Appropriate air permits for these stationary sources will be obtained. Based on preliminary design of this equipment, no equipment will be classified as a "major source" in accordance with NYSDEC standards.



## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

The only major source within 1,000 feet of any of the Project sites is the American Sugar Refining Inc. (ASR) plant (NYSDEC ID 3551800214). The Applicant's preliminary screening modeling indicated that there is potential for interactions of emissions from the plant and the Palisades Point structures. Therefore, atmospheric dispersion modeling was performed using the EPA AERMOD model. The results of the Applicant's analysis determined that for criteria pollutants other than sulfur dioxide (SO<sub>2</sub>), maximum concentrations when added to ambient concentrations would be below National Ambient Air Quality Standards (NAAQS). However, the Applicant's analysis indicated that maximum concentrations of SO<sub>2</sub> were predicted to exceed the 24-hour NAAQS. However, with regard to SO<sub>2</sub> emissions, the City Council notes that there is an extremely low probability of the confluence of the specific meteorological condition and ASR operating condition that could result in elevated concentrations of SO<sub>2</sub> at Palisades Point Point, such that the NAAQS for SO<sub>2</sub> would be exceeded. SO<sub>2</sub> concentrations potentially exceeding the 24-hour NAAQS at Palisades Point would occur only when the wind is from the south and all combustion sources at the facility are operating continuously during that period, at full capacity, burning No. 2 fuel oil. In general, the ASR facility burns gas instead of oil except when gas is not available to commercial consumers in winter. Therefore it was determined that the potential for high, worst case, SO<sub>2</sub> levels at Palisades Point would be less than 4 percent at a number of locations on the proposed Palisades Point structures. Based on an examination of recent ASR operating records, the ASR facility has used less than 1 percent of the amount of fuel it is permitted to use, making the potential for worst-case SO<sub>2</sub> impacts extremely unlikely to occur.

The City Council recognizes that this analysis differs from analyses submitted by ASR representatives. The City Council also acknowledges that ASR and the Applicant have been discussing potential ways to minimize potential air emissions impacts of the ASR facility on Palisades Point residents, and that the Applicant has offered to: (i) design Palisades Point so that all windows, terrace/balcony doors (if applicable), and other potential openings are non-operable on both the southern face of the southern Palisades Point tower, and on the southern face of the 5-story residential/retail building that is connected to the southern Palisades Point tower; (ii) jointly with ASR engage a qualified professional consultant (the "Joint Consultant") to perform "wind tunnel modeling" of the potential interaction of the emission discharge plume(s) from the ASR facility and the Palisades Point structures to determine the best location for all Palisades Point tower air intake vents so as to minimize the impact of refinery emissions on Palisades Point, and if the modeling shows potential adverse interaction, recommend measures, to be considered in the site plan review process, which might be incorporated into the design of Palisades Point structures to mitigate adverse impacts of such interaction; and (iii) locate the air intake vents where recommended by the Joint Consultant and approved as a feature of the site plan.

To minimize potential air quality impacts to future residents of the Palisades Point residential tower resulting from ASR facility emissions, the City Council therefore requires that all windows, terrace/balcony doors (if applicable), and other potential openings be non-operable on both the southern face of the southern Palisades Point tower, and on the southern face of the 5-story residential/retail building that is connected to the southern Palisades Point tower. The City Council further requires that (i) the air intake vents for the central heating, ventilation, and air conditioning (HVAC) system for the Palisades Point building be located where potential interaction with ASR emission discharge plumes will be minimized, as determined by the Joint Consultant in consultation with the City and its consultants and as reflected in the approved site plan for Palisades Point, and (ii) the HVAC system be designed and installed to provide fresh and conditioned air to the residential units and a positive flow of air to all living spaces. As part of site plan review, additional measures to address and mitigate potential air quality impacts, shall be explored by the Applicant's consultants in consultation with the City and its consultants, and if determined to be warranted and practicable shall be incorporated into the Palisades Point building and HVAC designs.

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### *Construction*

Construction equipment for the Project may include mobile cranes, jackhammers, trucks, concrete cutters, bulldozers, graders, asphalt pavers, rollers etc. The City Council finds that the following mitigation measures will minimize construction related emissions:

- Utilize tarps over open-body trucks transporting materials to and within the site.
- Utilize temporary vegetative cover such as annual grasses on soil stockpiles and disturbed areas awaiting additional construction.
- Apply water or other dust suppressant on-site dirt roads and dirt piles during construction to mitigate dust.
- Prohibit on-site burning of construction wastes.
- Prohibit unnecessary idling of internal combustion engines.
- Keep equipment well maintained.
- Use ultra-low sulfur diesel to reduce emissions from non-road equipment.

## **NOISE**

### *Palisades Point*

The DEIS and FEIS indicate that the design and materials of construction to be used on the Palisades Point towers including the south face of the south tower will provide a sound transmission loss of at least 30 to 50 dB which will attenuate the expected outdoor sound levels to an acceptable interior noise level (45 dBA or less) in the residences. This conclusion is based in part on the assumption that levels of noise from the ASR plant will comply with the current City Noise Code. Under the City Noise Code, ASR is presently obligated to control noise generated by the facility.

The City Council finds that, as further mitigation of potential noise impacts from the ASR plant over and above the sound attenuation measures described in the DEIS and FEIS, the Applicant will be required to design Palisades Point so that all windows, terrace/balcony doors (if applicable), and other potential openings are non-operable on both the southern face of the southern Palisades Point tower, and on the southern face of the 5-story residential/retail building that is connected to the southern Palisades Point tower.

The City Council recognizes that ASR has been operating the plant at its current location to the south of Parcels H and I for many years. At the same time, ASR has also been subject to the restrictions of the City Noise Code for many years. The City Council notes that there are presently residences and other sensitive sound receptors within a short distance of the ASR facility. The City Council further notes that, according to the FEIS, the ASR facility may currently be in violation of the City Noise Code. The City Council notes that, in the event it is confirmed that the ASR facility is currently violating the City Noise Code, there are potentially measures which ASR could undertake on its part to reduce sound levels from its facility. Since the publication of the FEIS, ASR has proposed an amendment to the City Noise Code that would exempt the ASR facility from current or potentially applicable City Noise Code requirements, specifically by allowing a noise level of 70dBA at the ASR property line twenty-four hours per day. In view of ASR's long history in the City of Yonkers, the City Council will entertain such proposed legislation subsequent to this SEQRA review, at which time the Council will evaluate, among other things, the potential environmental impacts, if any, of the proposed special exemption, as such exemption may affect both the Project and other surrounding land uses.

### *Traffic Noise*

Based on data presented in the DEIS and FEIS, the projected noise due to Project related traffic will not significantly increase ambient noise levels. At 57 of the 60 intersections analyzed in the DEIS and FEIS, noise levels are expected to be comparable to noise levels in the future without the Project. At three of the 60 intersection analyzed in the DEIS, noise levels with the Project are expected to increase over future

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conditions without the Project by a range of 1.1 to 2.3 dBA (depending on the intersection examined). A maximum increase in noise levels of 2.3 dBA is considered barely perceptible, and will not be a significant noise impact (see Table III.F-2 in the FEIS).

### *River Park Center Stadium*

Baseball games and special events at the ballpark will generate noise. Ambient noise during baseball games will vary based on receptor location in relation to the stadium and particular noise sources (i.e., crowd, loudspeakers, etc.). The nearest residential receptors will be the residences located within the east and west towers of River Park Center, that will rise directly above and will flank the stadium. The public announcement system design for the stadium will include a system of speakers, located around each section of the park to focus sound into the park and minimize the need for extra-loud high-mounted units. The potential noise from baseball game events will be primarily from crowd noise from within the proposed stadium. Therefore, crowd noise is expected to result in the greatest source of noise from baseball events. As stated in the FEIS, the maximum noise levels from a ballpark event at the residential receptors located just beyond the outfield (around 450 feet from the center of the diamond) are projected to be approximately 62 dBA  $L_{eq}$  (game event) and 70 dBA  $L_{max}$ . The estimated peak noise levels are lower than the existing peak noise levels from other existing sources such as vehicular noise and overhead aircraft and thus are not be considered a significant noise source on sensitive receptors.

Based on the analysis, the greatest potential for noise impacts from non-baseball special events is anticipated to be upon the two proposed residential towers at River Park Center. The residents of these buildings will likely expect that there will be noise from baseball and non-baseball events at the ballpark. The anticipated materials and construction to be used for the towers will provide a level of sound attenuation to mitigate most outdoor to indoor noise and especially as related to ballpark events.

However, some of the new residential units of River Park Center facing the ballpark may have outdoor balconies that may be subject to unabated noise from the ballpark. The Applicant will disclose the potential for these units to experience increased noise levels during games and special events. As part of site plan review, it will be determined if these units will have fixed-glass or operable windows. However, all units will be designed to have sufficient window/wall attenuation and alternative ventilation (i.e., air conditioning) to enable residents to close windows during potential noise impact events to achieve acceptable interior noise levels.

Because there is the potential for noise impacts on surrounding uses during special events, as part of the site plan approval, a noise management plan will be required. The noise management plan will consider the design of the River Park Center towers and use of building materials to attenuate outdoor to indoor sound levels, and will limit sound levels from special events so that a 45 dBA  $L_{dn}$  interior sound level is not exceeded in the towers. The plan will also address potential mitigation measures such as use of line array speaker systems, optimum speaker aiming, etc.

### *Mechanical Systems*

Potential noise impacts of mechanical systems on nearby residences in the area and on the River Park Center east and west residential towers will be mitigated by measures such as mechanical equipment placement within an acoustically treated area (i.e., screening around HVAC systems, generators in enclosures, etc.), use of HVAC units that are as small as feasible, and design considerations such as mechanical systems “sunken” into the roof level of the towers. Specific mitigation measures will be identified as part of the site plan review process. The Project mechanical systems will be designed to avoid any significant adverse noise impacts and will comply with the City Noise Code.

### *Construction Noise*

Noise and vibration associated with construction activities will be generated primarily by heavy equipment operation such as pile drivers and blasting during the excavation phase of the Project.

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Construction activities for the Project are expected to result in an increase of existing noise levels and may have the potential to create nuisance conditions at some nearby sensitive receptors. Construction operations will be limited to the hours and days permitted under the City Noise Code.

Construction noise will be temporary in duration, and will vary with the types of construction and the types of equipment used for the different stages of construction, and the location of the construction activity on a site. Most construction equipment is equipped with engine noise control devices, such as exhaust mufflers and acoustic casing enclosures, in accordance with federal and State regulations.

The most sensitive receptor near a Project site boundary is Mt Carmel Baptist Church, located adjacent to Nepperhan Avenue, which is anticipated to experience significant noise impacts due to its close proximity to the River Park Center site. Noise mitigation will be required for this sensitive receptor. A noise and vibration mitigation work plan will be included as part of the construction management plan required to be prepared by the Applicant prior to the commencement of construction activities. This plan will specifically address potential noise and vibration impacts from possible pile driving and blasting activities, if any, at all Project locations, including without limitation River Park Center and Palisades Point.

### **UTILITIES**

The Project will require the upgrade of, or installation of, the following systems: storm drainage and sanitary sewers; domestic water and fire protection systems; and electric, telephone, cable TV, and natural gas. New systems will be placed underground and obsolete systems will be abandoned. Some of the existing combined storm and sanitary sewer flows in the vicinity of River Park Center will be separated and sanitary sewer flows from the Project will not be directed into the combined sewer, a beneficial impact of the Project.

#### *WATER SUPPLY SERVICE*

The City of Yonkers maintains high-pressure water mains north and east of the River Park Center site, in Van Cortland Park Avenue and High Street. All of the Project sites are in the vicinity of existing water main sources. The projected water demand of the Project, with consideration for the use of water conservation measures, is estimated to be approximately 543,665 gallons per day (gpd) with a peak flow rate of 1,038 gallons per minute (gpm). With the improvements described below, the system will be able to handle 3,500 gpm to the hydrants and building sprinkler systems for both River Park Center and Cacace Center and over 5,000 gpm at Palisades Point.

#### *WATER DISTRIBUTION SYSTEM*

To provide adequate fire flow and domestic supply to the new buildings at River Park Center and Cacace Center without significantly impacting existing water flow in the area, various improvements to the existing water system in the area will be required. One required improvement is the replacement of five 12-inch water mains with 16-inch mains as follows:

- Replace 12-inch main in Palisade Avenue with a 16-inch main from New Main Street to Elm Street.
- Replace 12-inch main in New Main Street with a 16-inch main from Nepperhan Avenue to Getty Square.
- Replace 12-inch main in Nepperhan Avenue with a 16-inch main from Elm Street to New Main Street.
- Replace existing 12-inch main in Elm Street with a new 12-inch main from Palisade Avenue to Nepperhan Avenue
- Install a new 16-inch main in Prospect Street from the Riverdale Avenue transmission main to existing 12-inch main in Nepperhan Avenue.

In addition, a dual source of supply for the area west of the railroad tracks will be created by constructing a redundant connection to the waterfront in one of two ways:

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- The construction of a utility bridge in the vicinity of Prospect Street and connection to the existing 12-inch main in Hawthorne Avenue to provide a second source of supply to the site. This option would eliminate a portion of the dead end main for the site, but still requires a loop around the site.
- Connect to the existing 12-inch water main in Hawthorne Avenue and install a water main from Buena Vista Avenue under the railroad tracks utilizing the “pipejacking” technique to the southern end of the site, which would provide a source of supply from both ends of the site eliminating the need for a loop around the site.

The improvements listed above will be funded with the proceeds of TIF bonds. However, there are other improvements that will be undertaken by the City which will not be funded with the proceeds of TIF bonds. In testimony provided to the City Council on September 23, 2008, City of Yonkers Department of Public Works Commissioner John A. Liszewski indicated that, while the above improvements will provide positive benefits to the Yonkers water main system, there are areas of existing concern on Ashburton Avenue, Rumsey Road and Southwest Yonkers that will need to be addressed by the City due to the age and limited flow capacity of the system in these areas. Commissioner Liszewski also indicated that the City has been aware that additional efforts to improve the system will be required in these vulnerable areas. The Commissioner reported that these areas of vulnerability had been previously identified by the City, and that necessary repair and upgrades to address these concerns have been a pre-existing matter of the Department’s capital improvement program planning. Both the cost and timing of these improvements will be the responsibility of the City.

All water supply construction work will be phased so domestic and fire service will be maintained to the existing buildings that are occupied during construction. The final design and construction sequencing will be developed during the site plan review of the Project. In addition, the Applicant will coordinate all improvements with the Department of Public Works and Water Bureau to ensure that service is maintained to existing customers. The Applicant has also prepared a Construction Water Remedial Plan that has been reviewed and approved by the Commissioner of Public Works and will be enforced by the City during the construction period.

The replacement of water mains in the adjacent streets with pipe adequately sized to accommodate the water flow will mitigate the effects of the increased water demand in the distribution system and improve flow and reliability of the City system to the downtown area.

The City of Yonkers will receive payments from the Applicant for water consumption based on water metering readings recording the Project’s actual demands. As noted in a letter to the Applicant’s Engineer presented in Appendix D of the FEIS, the increased water usage may result in increased charges from the NYC Department of Environmental Protection.

Although the increase in the number of residents and commercial establishments by the Project will increase total water usage by the City of Yonkers, it will also generate additional revenue for Yonkers from water re-sale to the Project. The estimated water usage of 543,665 gallons per day will generate \$923.07 per day using the current Yonkers water rate of \$1.27 per 100 cubic feet of water. Under conditions where the base allocation amount is not exceeded, Yonkers would pay NYC \$486.97 per day with revenue of \$436.10 per day. The payments received by the City will compensate the City for increased operational costs incurred as a result of the Project.

In addition to the above improvements, several measures for conserving water resources (by approximately 20 percent) are included as part of the Project. These include the use of water saving fixtures within the Project such as reduced flow plumbing fixtures, reduced flow shower heads, drip irrigation where feasible, limiting irrigation to early morning hours, and air-cooled condensing units where possible.

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### *STORMWATER AND SANITARY SEWERS*

The existing stormwater runoff within the Project area (with the exception of Palisades Point) is collected by the City of Yonkers combined storm and sanitary sewer collection system and the NYSDOT storm drain system within Nepperhan Avenue as well as direct runoff to the Saw Mill River.

Drainage from Palisades Point will discharge directly into the Hudson River. Drainage from the other Project site will discharge to the Saw Mill River. In both cases, drainage will avoid the City's combined sewer. Based on the building program for the Project, an analysis of the stormwater runoff conditions was performed to determine the impact of River Park Center and Cacace Center on the existing City combined sewer system and to the Saw Mill River. The diversion of runoff from the City's combined sewer and the increase in impervious area will increase discharge to the Saw Mill River. However, the Applicant's analysis finds that there is sufficient capacity to accommodate the localized increase in stormwater flows to the Saw Mill River, and therefore no stormwater detention is proposed (only stormwater quality treatment). To address stormwater quality issues and pollution removal goals, underground filtration devices will be provided on all discharges from the parking garages and site roads. Runoff from buildings, pedestrian plazas, walkways, etc. will be directed to hydrodynamic systems prior to discharge to the Saw Mill River and the Hudson River. Due to the additional development on the Project sites, there will be a net increase of approximately 452,750 gallons per day in wastewater loading to the City and County wastewater collection and treatment systems.

The removal of stormwater from the sanitary sewer system will remove a considerable amount of excess water from the City collection system and the County sewage treatment plant. In addition to collecting surface water (inflow), some sections of the City stormwater catchment system also removes base flow (infiltration) due to groundwater entering old structures and pipes. The City Council requires that the Applicant undertake inflow and infiltration (I&I) removal at a ratio of 1:1, and storm/sewer separation at a ratio of 2:1 for a combined ratio of 3:1 removal. The Applicant will make best efforts to perform all required I&I mitigation prior to issuance of certificates of occupancy. However, the Applicant will be given a 60-day period to cure any such default on this condition at which time the City may require a performance bond to secure the timely performance of such mitigation.

The Applicant will coordinate with the City's Department of Engineering to identify all locations for I&I removal based on the Sewer System Evaluation Survey (Appendix 3.H of the DEIS) during site plan review. The City's Department of Engineering has indicated that the preferred inflow/infiltration remediation is diversion of stormwater from the existing combined sewer system through the construction of the new stormwater drainage facilities in the Project area. Upon completion of the above improvements, there will be a positive impact on the City sanitary system and the County sewage treatment plant. Primary responsibility for construction management of the recommended utility improvements will be undertaken by the Applicant in consultation with the City. The cost of the improvements are anticipated to be funded with the proceeds of TIF bonds.

### *ELECTRICITY INFRASTRUCTURE*

The new electric and gas infrastructure by Con Edison will be constructed in accordance with the requirements of Con Edison, the City of Yonkers Department of Public Works, and City of Engineering Department as appropriate. The Applicant will coordinate with Con Edison and City Departments as appropriate to ensure that service is maintained to existing customers in the area.

The Applicant will also coordinate with Con Edison and City Departments as appropriate to ensure minimal disruption during installation of Con Edison's M29 transmission line. The M29 feeder is to extend along Nepperhan Avenue and Riverdale Avenue. Construction is anticipated to start by February 2009 and require approximately two years to complete work within the public rights-of-way. The Applicant will continue to monitor the M29 feeder project as part of the construction planning of the

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Project. When meetings are held, it is anticipated that both the Applicant and City representatives will be involved, making certain that construction activity is coordinated.

### *COMMUNICATIONS INFRASTRUCTURE*

The telephone and cable services to each building will be coordinated with the respective utility company and coordinated with other infrastructure work that will be undertaken so as to minimize the construction impacts to the surrounding street systems and businesses. This may require the installation of temporary services.

The existing Fire Department Headquarters and City operations at the Health Center Building will be relocated prior to the move of the MIS department from the Health Center Building to the Cacace Center building and the Fire Department Headquarters to the new facility in order to ensure that operational and emergency communications are maintained at all times. In order to minimize disruption of these services, the exact location of the lines is being determined and a schematic relocation plan will be prepared for City review and approval prior to any construction. The City's MIS department will approve any communications infrastructure servicing City operations. The relocation plan and the timing of this work will be finalized as part of the detailed construction management plan to be provided to the City prior to the start of work in these areas. A similar plan will be developed with Verizon and Cablevision to minimize disruption to the public communications systems. The Applicant will fund all communications infrastructure projects that are not being paid for by respective utilities.

### *Effects on Utilities during the Construction Period*

The Project will have the long term benefit of improving the capacity of utility infrastructure in the area. In order to make the necessary utility improvements, there will be some construction activity that may result in temporary disruptions to utility services. The City Council recognizes that some disruptions will be necessary while utility lines are relocated and while new connections are made. Any disruptions will be temporary in nature. However, the Applicant will be required to get approval from appropriate City departments or utilities in instances where temporary disruptions are necessary.

Utility work will potentially result in temporary service shutdowns, although this will be a rare occurrence, as most utility facilities in the vicinity of the Project sites are constructed to allow for tie-ins to adjacent facilities. Any necessary utility service shutdowns will be coordinated with adjacent property owners to minimize short term impacts and the duration of loss of service. During installation of new water mains, there may be some localized discoloration and temporary shutdown of water service in the vicinity of the Project sites.

To mitigate these impacts, the Applicant will prepare a construction management plan, with provisions to ensure that appropriate measures are taken to maintain access and utility provision to local businesses throughout the construction process. The construction management plan will minimize disruptions to local businesses, including the provision of temporary vehicular and pedestrian access to businesses, and adequate notification to local businesses and residents about changes in service or anticipated service disruption.

In addition to the access and utility disruptions described above, construction activities associated with the Project will result in an increase of existing noise levels and could potentially create nuisance conditions at local businesses in the immediate vicinity of the Project sites. Construction activities will also temporarily affect ambient air quality, but these effects will be temporary and will not be significant.

## **SOCIO-ECONOMIC FACTORS**

### *EMPLOYMENT OPPORTUNITIES*

The Applicant estimates the number of jobs at businesses currently on the Project site is 175, including both full-time and part-time positions. The Applicant estimates number of permanent jobs to be generated

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by the Project to be over 5,300 jobs of all types in the proposed office, hotel, residential, retail, restaurant and entertainment uses. In addition, the Applicant estimates that there will be an estimated 13,000 construction period jobs resulting from the Project. The City Council recognizes that these estimates are inexact, however the Applicant's estimates and the City Council's consultants indicate that employment opportunities of these approximate magnitudes are likely to result, and therefore the City Council finds that the Project is an important economic development initiative that will be expected to bring vital new employment opportunities to downtown Yonkers, benefiting residents and businesses.

### *Employment Training Programs*

In addition to creating direct employment opportunities, the Applicant will create an employment initiative for local tradesmen, focusing on pre-apprenticeship training and permanent employment. This program, to be known as the "Yonkers Development Employment Initiative," will be designed to prioritize resident participation in various aspects of the construction of the Project. The program will be designed and implemented as a joint effort between the City, the Applicant, and the Westchester-Putnam Consortium for Training, along with the Westchester Putnam Building Trades Council. Prospective workers will receive training and become union workers as a result of this program. The Applicant's similar program in New Rochelle employed only 15 persons. The Applicant expects and will make a good faith effort to recruit a significantly greater number of trainees in this Project, based on the availability of funds and community interest. Total enrollment will be determined based on the aggregate amount of money raised by the Applicant, the County, and the State, and based on the participation commitment by the Building Trades Council. Further, the Applicant will utilize a "first choice" employment policy, which will prioritize current Yonkers residents and use best efforts to hire qualified Yonkers residents for jobs associated with the Project.

### *Women- and Minority-Owned Businesses*

The Applicant will use good faith efforts to promote the use of and direction of business to local minority and women owned businesses in connection with the construction and post-construction business activities generated by the Project.

The Applicant will make good faith efforts to recruit women and minority businesses to lease space in the commercial spaces provided by the Project. These efforts should include, but not be limited to, identifying potential women and minority owned businesses in order to create a directory of these businesses. This directory will be used for outreach efforts to inform listed businesses of leasing opportunities. The Applicant will consult with local organizations, including the Hispanic Chamber of Commerce, and will advertise in women- and minority-targeted publications in order to achieve this goal.

Similar to the construction training, the Applicant will work with a yet-to-be identified organization that provides recruitment services for office, retail and service employers. County trained residents will form a pool of potential employees for project businesses, which the Applicant will provide to each of its tenants. The Applicant will also retain a specialized firm to assist with minority recruitment. As a result of the above, it is fully anticipated that the majority of construction jobs and permanent jobs will be filled by Yonkers residents.

## ***DIRECT DISPLACEMENT***

### *Residential Displacement*

The Project will result in the direct displacement of 22 residential units, all of which are assumed to be occupied, as a result of acquisition and clearance of properties comprising the River Park Center site. As mitigation, the Applicant will provide all residential tenants with relocation assistance in the form of assistance in finding a new apartment, relocation stipends to cover the costs of moving, utility disconnect and reconnection costs, and possible rent increases for comparable space in accordance with applicable New York Division of Housing and Community Renewal guidelines and regulations.



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### *Commercial Displacement*

In total, there are 32 existing private sector businesses occupying approximately 110,000 square feet of space located on the River Park Center project site. These 32 commercial uses will be directly displaced as a result of the Project. The commercial uses represent a small percentage of the total retail and office type uses within downtown Yonkers. Many of the retailers are “owner-occupants” who have voluntarily entered into agreements with the Applicant to sell their property (and vacant store space) to the Applicant. Many of the current commercial tenants, as part of their purchase contracts with the Applicant, will receive relocation assistance from the Applicant at the time of purchase. The Applicant will assist displaced commercial tenants in finding new space for rent for their businesses. Broker’s listings will be compiled and shared with commercial tenants wishing to remain in the downtown area. The Applicant will provide initial funding for business retention efforts. The details of the Applicant’s initial funding of the business retention efforts and downtown revitalization initiatives shall be specified in the LDA.

### *INDIRECT RESIDENTIAL DISPLACEMENT*

The City Council recognizes that some indirect residential displacement may occur as a result of the Project based on the analyses in the DEIS and FEIS. However the City Council finds that any indirect displacement resulting from the Project will be addressed to the extent practicable through the provision of affordable housing, as discussed in the Project Description above.

### *TAXATION, FINANCING OF PUBLIC IMPROVEMENTS, AND FISCAL IMPACTS TO THE CITY*

Currently, there is no real property tax generating development at Palisades Point or on the Cacace Center site. The existing retail uses on the properties that comprise the River Park Center site yield approximately \$325,000 per year in property taxes for the City of Yonkers and the Yonkers School District. Upon completion of the Project, the Applicant estimates that the City of Yonkers will receive \$4.2 million per year in sales tax, plus \$2 million per year in income and other taxes. The Applicant estimates that the City’s real property tax levy on the Project at project stabilization will be \$9.9 million. Under the Applicant’s proposed “full tax agreement” with the IDA, the amount that would otherwise have been paid as real property tax will be collected, with approximately 75 percent of the increment – the additional amount in excess of \$325,000, the “base” amount - or approximately \$7.2 Million allocated to bond debt service, and the remaining amount available to the City as general revenue funds. The City Council recognizes that the actual amounts of real property tax revenues or tax revenue equivalents will be established by the City of Yonkers Assessor based on the increase in assessed value resulting from the Project.

The public improvements associated with the Project include replacement of obsolete water and sewer lines, construction of new storm sewers and a number of major road and intersection improvements, including the provision of an additional exit lane for the Saw Mill River Parkway at Yonkers Avenue as well as the construction of over 4,800 public parking spaces on the River Park Center and Cacace Center sites. The Applicant estimates the direct capital cost for these public improvements at approximately \$160 million. As noted earlier, the City’s financial consultant estimates that these capital costs will be approximately \$212 million.

The Applicant has proposed that either the City or the IDA issue bonds to cover the direct capital costs of construction of the public improvements, as well as costs associated with bond issuance and related financing costs, including capitalized interest and a reserve fund, in a total amount of approximately \$216 million. The Applicant’s initial proposal called for the issuance of TIF bonds; the Applicant has recently proposed that the IDA issue bonds to be paid for under the “full tax agreement.” In either case, the City Council finds the analysis presented in the DEIS and FEIS sufficient to evaluate the effects of a bonding scenario. However, the actual sizing of the bonds is subject to conditions further discussed in the following sections.

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

Whether TIF bonds are issued, or bonds are issued by the IDA, the Applicant estimates that the total tax revenue accruing to the City after project stabilization, from all sources, will be \$16 million per year. With approximately \$7 million allocated for annual debt service on the bonds, \$9 million per year will remain for general revenue purposes. As discussed below, under Community Services, the Applicant estimates that the Project would result in approximately \$3.4 million of increased costs to the City to provide community services to the Project, including police, fire, and schools. To the extent that the Applicant estimates general revenues above bond debt service of \$7 million, the City Council finds that the incremental increase in tax-related general revenues resulting from the Project will offset the increased costs to the City for community services. The City Council recognizes, however, that the Applicant's cost estimates are conservative, as in the case of school related expenses, and have been subject to adjustment by the City Council, in the case of Fire Department expenses. Nonetheless, and subject to conditions that are more fully discussed below, the City Council finds that on balance, the revenues will be sufficient to offset the increased service costs in view of the wide range of benefits the City anticipates receiving as a result of the Project.

The City Council notes that the Applicant has proposed that the County of Westchester participate in the Project by contributing approximately 75 percent of the County's incremental additional tax revenues from the Project to the repayment of the City's TIF bonds or, if the IDA issues bonds instead of the City, then by entering into the "full tax agreement" with the IDA pursuant to which approximately 75 percent of the County's increment will be contributed to bond debt service. The City Council makes no findings regarding potential fiscal impacts of the proposed financing on the County, which, as an involved agency, will make its own findings under SEQRA.

### *Construction Period Socioeconomic Effects*

Construction activities associated with the Project could result in short-term adverse impacts on the local businesses in downtown Yonkers. As described above, businesses in the vicinity of the River Park Center and Cacace Center sites will experience temporary disruptions in vehicular and pedestrian access, as a result of road closures and redirection of traffic. Temporary road closures and redirection of traffic is anticipated along sections of Palisades Avenue, Elm Street, Nepperhan Avenue, New Main Street, the section of Main Street generally between Buena Vista Avenue and North Broadway, and the section of Prospect Street generally between the railroad tracks and Hawthorne Avenue. Local businesses will also experience temporary parking impacts, as the existing Chicken Island parking and other on-street parking is displaced, and replacement parking facilities are at scattered locations, some of which are more than a half mile away.

To mitigate the adverse impacts on local businesses during construction, the Applicant will work with the BID to help ensure that area businesses are properly positioned to benefit from increased activity in the revitalized downtown. The Applicant will prepare a study or hold seminars, in conjunction with the BID, that outlines recommended business marketing and management strategies and techniques to help existing retail and service establishments capture the potential increase in business activity—both during and after construction—as a result of their proximity to the Project. Construction activity associated with the Project is also expected to have a positive effect on some local businesses—particularly food establishments—which will likely experience an increase in daytime business due to the influx of construction workers to the area.

### *Construction Employment Training Initiative*

During the construction period, the Applicant will sponsor a pre-apprenticeship employment initiative for local tradesmen, which would prioritize residents' participation in various aspects of the construction activities associated with the Project. This program will have the following objectives: 1) train and prepare qualified candidates for positions in the various building trades; 2) assist in placing individuals who complete the requirements of the pre-apprenticeship program in a State Certified Apprenticeship Program or permanent union jobs; and 3) provide a mechanism for the local residents to benefit from

**Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

construction jobs throughout the county. The Applicant will also use best efforts to hire qualified Yonkers residents for Project-generated construction jobs. The pre-apprenticeship program will involve a coordinating entity, which may be a non-profit, or a private consultant, as well as partnerships with the Building and Construction Trades Council and the Construction Industry Council, among others.

**COMMUNITY SERVICES AND FACILITIES**

Table 8 below summarizes the Applicant’s estimate of increased community service costs resulting from the Project. As discussed above, the Applicant estimates total additional costs to City agencies of approximately \$3.387 million, as further discussed below.

**Table 8  
Incremental Increases to Community Service Costs**

<b>Service Provider</b>	<b>Anticipated Cost Attributed to Proposed Action (millions)</b>
Schools	±\$ 0.672
Fire	±\$ 1.19
Police	±\$ 1.204
DPW	±\$ 0.23
Recreation	±\$ 0.091
<b>Total</b>	<b>±\$ 3.387</b>

*SCHOOLS*

According to the Applicant, the anticipated occupants of the residences are projected to include mostly empty nesters and young professionals, seeking a downtown living environment, with an easy commute to work. The Applicant anticipates that there will be relatively few families with children and even fewer with school age children.

It should be noted that the Applicant’s estimate is based in part on the Applicant’s experience with other development projects. Based on the Applicant’s analysis as presented in the DEIS, the anticipated population from the 1,386 dwelling units is approximately 2,000 persons, including 196 school age children of which approximately 162 are expected to attend public schools. This is a modest increase for a school system with an enrollment of 25,000 students. The net amount of local taxes needed to educate the students (excluding outside aid and district-wide costs) is approximately \$700,000 per year.

The City Council recognizes that a more conservative approach to this estimation is outlined in a study by the Rutgers University Center for Urban Policy Research titled *Residential Demographic Multipliers, Estimates of the Occupancy of New Housing*, June 2006. By this analysis, the Project may yield as many as 459 school age children. The City Council accepts the Applicant’s analysis, but recognizes that an increase in the number of school age children beyond what is identified by the DEIS and FEIS analyses would result in additional expenditures, more than double the amount projected by the Applicant.

The capacity of the Yonkers schools is being continuously evaluated by the Board of Education. The City Council recognizes that the increase in school age children resulting from the Project may require a range of school improvements and enhancements including but not limited to the potential need for new classroom space or new equipment.

*POLICE*

The Project is expected to result in the influx of new residents, workers, tourists and shoppers, as well as crowds attending sports and other stadium events, and will therefore will generate demand for additional police presence in the downtown. To supplement City police services, and to mitigate this increased demand for additional police protection, the Applicant will provide a private security staff on-site at River

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Park Center. The River Park Center security staff will consist of several elements including: a River Park Center management team consisting of a Director of Security and two supervisors; 10 Life Safety Managers; and a daily security force of approximately 36 individuals who will be assigned to the various parking levels, and the riverwalk. The River Park Center security staff will be private employees of River Park Center. Further, during stadium events, the Applicant will utilize and pay for off-duty uniformed City of Yonkers police officers to assist in traffic control at the various entrances and exits to the site.

In conjunction with the proposed police “substation” described below, River Park Center will have its own security command center. The command center is contemplated to be on the ground floor level adjacent to or visible from the proposed police substation. Closed circuit television cameras will be installed throughout the various levels of the facility.

The Applicant will provide 1,200 square feet of space for a City of Yonkers police “substation” at River Park Center. For special events and sporting events, private security will augment police service. It is noted that the other anticipated expenses such as those related to ball park events will be paid for by the Applicant, or the operator of the ball park, or special event sponsor and will not be an expense incurred by the City of Yonkers.

The City Council also recognizes that this Project and all of the other planned and/or proposed development in the downtown will eventually warrant the establishment a fifth downtown precinct. The Police Department has indicated that serving the downtown with one precinct would permit a single precinct commander to better utilize resources.

### *FIRE*

#### *Temporary City of Yonkers Fire Department Headquarters*

The City of Yonkers Fire Department Headquarters is currently located at the River Park Center site. The existing Fire Department Headquarters building and the underlying land will be conveyed to the Applicant under the terms of a LDA, and the building will be demolished. Prior to demolition, the Applicant will undertake at its sole expense the renovation and improvement of an existing City-owned building located on the corner of Columbus Place and St. Casmir Avenue that will serve as a temporary headquarters for the Fire Department. The renovation will be to specifications set forth in the LDA. The Fire Department will relocate from its existing headquarters to the temporary headquarters upon completion of the necessary renovations and improvements, and prior to the demolition of its existing headquarters. The cost of relocating the Fire Department into the temporary fire house will be funded by the Applicant. The ownership of the temporary fire headquarters building and all improvements, including renovations undertaken as required herein, will be specified in the LDA.

The Fire Department will occupy the temporary facility during the time required for the Applicant to construct a new “like-kind” fire headquarters and station facility on New Main Street. The construction of this new facility will take approximately 12 months, and upon completion of construction the Fire Department will relocate from the temporary facility into the new facility. As discussed above, the Applicant will post a performance bond or equivalent form of security to ensure that the construction of the Fire Department Headquarters will be completed within 12 months, with a three-month cure period. The amount and terms of such bond or security will be detailed in the LDA. The new facility will be of a similar size and function to the existing Fire Department Headquarters building on School Street. The City Council recognizes that design and construction details may change as plans are finalized. The City Council requires the Applicant to construct a facility as described in the DEIS, as follows: the first floor of the building will contain a minimum 65’-0” site apron, 6-bay apparatus floor, operations storage, kitchen, day room, and house watch. The second story of the building will provide the living quarters for the officers and personnel, an exercise room, locker rooms and lavatory/shower facilities, and additional storage rooms. The second floor will also provide approximately 2,500 square feet of space for Uniformed Fire Officers Association union offices. The third floor will contain a fire prevention office,

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

headquarters staff office, training classroom, business office, and EMS storage and supplies. The new Fire Department Headquarters will be owned by the City.

If the City elects to require a new facility that exceeds “like-kind” (e.g., greater size or functionality), then the differential cost would be paid for by the City under terms to be included in the LDA between the Applicant and the City Council.

The temporary facility on St. Casmir Avenue will result in temporary noise impacts on surrounding land uses from sirens. With regard to functionality, the Fire Department has evaluated the temporary facility, and has concluded that it will not impede its ability to effectively serve the community nor will it negatively affect response times. To address concerns about traffic flow in the area surrounding the temporary facility, the City Council recognizes that the Police Department must strictly enforce parking and traffic movement regulations in the area.

### *Additional Service Needs*

The Project will result in the need for additional fire protection in the area. The Fire Department requires an additional engine and ladder company to serve the Project and other area projects. The staffing costs on an annual basis for the two additional companies would be approximately \$4,761,413, including benefits. In addition, as noted in the DEIS there will be a projected one-time capital cost for the two companies of \$1.8 million. Although the Fire Department attributes 25 percent of these incremental costs to direct Project-related demands, the City Council finds that 33 percent of the costs are attributable to the Project. Annual tax (or tax equivalency) revenues to the City from the Project are anticipated to be sufficient to cover the Applicant’s share of the annual operating costs of the two new companies. The Applicant will fund 33 percent of the \$1.8 million one-time capital/equipment cost associated with setting up the two new companies.

In addition to the above, the City Council finds that, in view of the concerns regarding fire fighting capabilities expressed by the Fire Fighters’ Union, the City of Yonkers shall perform an evaluation to determine future needs for fire protection unrelated to this Project, which may include the addition of another fire company to the City’s fire fighting force.

The Project would introduce high-rise development into the City. Fire fighting in high-rise buildings requires different tactics than low rise buildings. The Fire Department has a comprehensive training program to continually educate fire fighting personnel, and has advised the City Council that its personnel will be properly trained with regard to fire-fighting techniques for high-rise buildings. While the building is being constructed, the Fire Department and Buildings Department will perform inspections at their discretion to ensure that all fire codes are met. These inspections will be funded by the Applicant through building department fees, as discussed below.

The Fire Department also expressed a need for improvements to the obsolete water supply system, particularly with respect to pressure problems often experienced during summer months in nearby Nodine Hill. The Project will include improvements to the water supply system to increase water pressure, as previously discussed.

### *OTHER EMERGENCY SERVICES*

The Project will create an additional demand for emergency services. Ambulance service is provided by Empress Emergency Medical Services, a private for-profit company. Empress is expected to perform its own analysis to determine if additional service is necessary. However, state law requires that on-site ambulance coverage be provided when gatherings are larger than 5,000 people. The Applicant or the ballpark operator will fund the necessary ambulance coverage for ballpark events.

As a result of the Project, the Chicken Island parking lot will no longer be able to serve as a helicopter landing pad for emergency service helicopters. However, other areas in the City including roadways and parks such as JFK Marina Park or Sutherland Park can potentially serve as helicopter landing pads.

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The two hospitals most likely to serve the Project are St. Joseph's Medical Center and St. Johns Riverside Hospital. St. Joseph's Hospital has indicated that it has the capacity to serve the additional demands generated by the Project. Based on the number beds at St. John's relative to St. Joseph's, it is anticipated that St. John's Riverside will have the necessary capacity to serve the Project.

### *DEPARTMENT OF PUBLIC WORKS*

The City will be responsible for snowplowing and maintenance of public streets and public parking garages. Trash will be collected by a private carter at the expense of the Applicant. Litter clean-up at River Park Center, including clean-up after games and other events, will be the responsibility of the Applicant and operator of the ballpark. The "riverwalk" at River Park Center will be maintained by the Applicant. The publicly accessible open space at Palisades Point will be maintained by the Applicant. The Applicant will be responsible for upkeep and maintenance of the publicly accessible open space areas including the areas surrounding and within the channel of the daylighted section of the Saw Mill River at River Park Center.

The Department of Public Works Commissioner suggested that the City might need one additional truck to provide service to the Project. The estimated cost of a truck is \$160,000. Each truck requires three staff people. The salary of each staff person is anticipated to be \$57,000 per year plus 35 percent in benefits, for a total estimated annual personnel cost of approximately \$231,000. The Department of Public Works, however, indicated that, for the most part, its existing manpower and facilities will be able to service the Project with little or no additional cost.

### *CITY HALL OPERATIONS*

The Project includes, at the Applicant's expense, the demolition of 87 Nepperhan Avenue and the existing Government Center garage. The City will be responsible for the costs of relocating its offices now located at 87 Nepperhan Avenue to the 100,000 square feet of new office space to be constructed at the Cacace Center. The City will also be responsible the costs of interior fit out and for paying for the office space as a condominium unit. Specific financial details of the City's occupancy of the new space at the Cacace Center will be detailed in the LDA.

### *BUILDING DEPARTMENT*

It is anticipated that the Building Department will utilize the services of an outside consulting firm or hire two new dedicated staff positions to conduct inspections, including specific inspections related to fire safety pertaining to high-rise buildings, and perform development reviews of the Project. Such outside consulting services or new positions will be funded by the Applicant at a cost not to exceed \$350,000.

### *OPEN SPACE AND RECREATION*

The new residents resulting from the Project will utilize City of Yonkers' and other local recreation facilities. Some of their recreation needs will be addressed by on-site health and fitness facilities to be provided as part of each residential development. Many new residents will also utilize the new publicly accessible open space areas along the Hudson River and at the riverwalk at River Park Center. To encourage pedestrian and non-automobile use in the downtown area, the Applicant has committed to install bike racks within the parking structures. These publicly accessible areas will be shared by new residents and existing residents of the City. The new residents will likely also opt to utilize sidewalk cafés, bookstores and restaurants, as well as the passive open spaces included as part of the Project.

The Project will result in a total of approximately 6.3 acres of open space. The open space will be privately owned and publicly accessible (the River Park Center riverwalk and the landscaped lawn area at Palisades Point), or, in the case of the esplanade at Palisade Point, publicly owned. Approximately 1.03 acres of new parkland may also be created by the City at Larkin Plaza. The "at-grade" publicly accessible open space at the Cacace Center, River Park Center and Palisades Point sites totals  $\pm 6.3$  acres. This includes  $\pm 3.37$  acres at River Park Center (not including the ballpark, with over 2 acres of playing field),

## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

±1.0 acres at the Cacace Center and ±1.93 acres at Palisades Point. The Hudson River esplanade at Palisades Point and the open space at Cacace Center (except for open space immediately adjacent to the office/hotel building) would be public; the other spaces would be private but publicly accessible. Public accessibility and use would be assured through easements. Rooftop recreational open space totals 1.5 acres at Palisades Point and 2.0 acres at River Park Center; this open space will be for residents and their guests and not accessible to the general public. The City Council finds that the publicly accessible open space created by the Project will benefit all residents of Yonkers, and will expand opportunities for residents and visitors to better enjoy the City and waterfront and downtown districts.

The Applicant will be responsible for construction of all open space and related landscaping. Public access to the esplanade at Palisades Point and public space at Cacace Center will be subject to City laws and regulations governing use of City parkland. Rules governing publicly accessible open space in private ownership will be prepared by the Applicant subject to the approval of the City Department of Parks, Recreation & Conservation in accordance with terms to be detailed in the LDA.

### *Alienation of Parkland*

The Project also requires the alienation of certain dedicated parkland parcels that are owned by the City of Yonkers and the conveyance of these parcels to the Applicant. These parkland parcels comprise approximately 2.93 acres in total, and include the Government Center site, which is an approximately 2.08 acre portion of the 4.8-acre Washington Park on which the existing Government Center garage and the Health Center Building are situated; and three parcels comprising approximately 0.85 acres. These latter parcels include two parcels comprising Waring Park, on South Broadway, and a parcel that fronts on Guion Street, and a parcel formerly known as Block 486, Lots 1 and 4, and now known as Block 483, part of Lot 60, which is within the River Park Center site. While these parcels are officially designated as parkland, the City Council finds that the majority of designated areas to be alienated do not provide the passive or active recreation functions of a typical park.

In conjunction with the alienation of the above parcels, the City will dedicate two parcels of City-owned lands comprising a total of 8.25 acres. These parcels include 4.95 acres at 1061 North Broadway (Block 3515, Lot 115) and 3.30 acres at 101 Odell Avenue (Block 3515, Lot 100). The replacement parkland will be approximately 3 miles from the site of the Project. Given the nature of the parkland parcels to be alienated, the replacement parkland and the publicly accessible open space to be provided by the Project, the City Council finds that the loss of existing parkland associated with the Project will be sufficiently mitigated.

The State Legislature enacted special legislation authorizing the alienation of the City parkland on September 4, 2008.

### *Community Service Effects during Construction Period*

As discussed in further detail above, the Project will have temporary effects on community facilities and services during construction of the Project. The most notable change will be the relocation of the Fire Department Headquarters to a temporary facility as described above. Other potential effects include the potential need for increased police department presence to direct traffic and the increased staffing needs of the Department of Public Works and Building Department.

The Project will also temporarily affect government operations for departments located within 87 Nepperhan Avenue as staff transitions between the two office spaces.

### **COMMUNITY BENEFITS INITIATIVES**

The City Council encourages the Applicant to continue to support various community and non-profit groups, and, to the extent practicable and appropriate, to support the goals and objectives of the unincorporated organization known as the Yonkers Alliance for Community Benefits.

## **HISTORIC AND ARCHAEOLOGICAL RESOURCES**

A Phase 1A archaeological and cultural resources study was performed by Hartgen Archaeological Associates to address historic and archaeological resources in the area. The Phase 1A study recommends further archaeological investigation, in the form of Phase IB testing. The Project will result in the demolition of seven National Register-eligible historic resources located within the Project area. The City Council requires that the Applicant coordinate with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to develop the Phase IB scope of work, and to develop and implement appropriate mitigation measures to address any potential significant adverse impacts that the Project could potentially have on architectural resources.

### *ARCHAEOLOGICAL RESOURCES*

The Phase 1A archaeological and cultural resources study identified seven archeological sites located within a one mile radius of the Project sites. These include three historic sites, all located adjacent to Larkin Plaza site, and one pre-contact site, located directly south of the Palisades Point site.

Although numerous pre-contact archeological sites have been identified along the Hudson River, prior development in the Project area causes it to have a low sensitivity for intact pre-contact cultural resources. However, all of the Project sites are considered to have either a moderate or high sensitivity for historic period archeological resources.

The River Park Center site lies along the Saw Mill River. This area experienced development beginning during the 18th century and into the early 20th century, when several early saw mills and grist mills were constructed adjacent to the river. This was followed by increased industrial development as well as residential neighborhoods along the perimeter streets. By the early 20th century, most of the properties along New Main Street, Palisade Avenue, Elm Street and Nepperhan Avenue were fully developed. Several factories were located along the river including a brewery, leather works, and a hat factory. Hence, the River Park Center site is considered to have a high sensitivity for historic cultural resources relating to the industrial development of the area. Archeological resources that may be present within the River Park Center site include footprints of industrial as well as residential structures, privies and cisterns, and domestic and work-related artifact scatters.

The Government Center site is located southwest of the Saw Mill River. However, portions are considered sensitive for 19th century cultural resources associated with the residential development of the City.

The Cacace Center site is situated at the top of a hill. By the mid-19th century, two large estates, identified as belonging to the Honorable William Bradford and A. Baldwin, were located within the central portion of the site. Later maps show the Yonkers High School and a series of flats at the north end of the property within the Bradford parcel, and the Baldwin structure at the south end of the site. The site is considered to have a high sensitivity for historic cultural resources. Archeological resources that may be present include building footprints and domestic artifacts related to the Baldwin and Radford estates as well as the many apartment buildings formerly located within the site. The Applicant will place historical markers with interpretive signage in appropriate locations on the site to describe the significance of these estates.

The Larkin Plaza site is located within the earliest section of the City. The area lies along the Saw Mill River channel and is situated adjacent to the National Register-listed Philipse Manor House, which dates from the late-17th century. By the early 19th century, manufacturing and residential development encompassed the area. The Larkin Plaza area is considered to have a high sensitivity for historic cultural resources relating to the industrial and residential development of the City beginning during the 17th century. Archeological materials that might be located here include those that are associated with the outbuildings of Philipse Manor, early mill sites and dwellings.



## **Statement of Environmental Findings: Palisades Point, Cacace Center, River Park Center, and Larkin Plaza**

The Palisades Point site is located on the Hudson River to the west of the railroad tracks. According to the historic maps, the site is man-made land. Although historic development is absent within the site, the area may contain undocumented wooden bulkheads, piers and sunken vessels that were later covered with fill. The area is considered as having a moderate sensitivity for marine related historic cultural resources.

### *Effects on Archaeological Resources during Construction Period*

During the course of the initial site preparation at the Project sites, appropriate Phase IB investigations will be performed to determine the presence or absence of cultural resources and identify locations of intact archaeological deposits. Prior to the start of construction, the Applicant will prepare a detailed Phase IB scope of work that outlines the extent of recommended archaeological testing, to be reviewed and approved by OPRHP. Phase IB testing will involve backhoe trenching, and potential resources would be excavated to sterile soil whenever possible, photographed, and profiled. The archeological fieldwork will preserve, protect or document as many of the resources as possible.

Due to the past industrial activities at some of the Project sites, the presence of hazardous materials must be taken into account before any archeological fieldwork is conducted. The contamination levels for each section of the Project area will be considered in preparation of the Phase IB scope of work, and a site-specific health and safety plan would be prepared prior to conducting any Phase IB testing. At this time, the River Park Center site is the only Project site that is planned to undergo environmental remediation. The Applicant will develop the Phase IB testing plan in coordination with the environmental remediation plan under the Brownfield Cleanup Program and consult with OPRHP, NYSDEC, and Westchester County Department of Health as necessary.

### *ARCHITECTURAL RESOURCES*

Within the 500 foot radius from the Project area there are 243 structures that have been determined to have either local or national significance. The Project will have a direct adverse effect (by demolition) on seven structures that are National Register-eligible, one of which is also listed as a Yonkers Locally Significant Structure. These include 87 Nepperhan Avenue, 193 Nepperhan Avenue, 195 Nepperhan Avenue, 127-129 New Main Street, 5-7 New School Street (National Register eligible/Locally Significant Structure), New School Street Bridge, and the Saw Mill River Flume. All of these structures are located within the River Park Center site, with the exception of the Saw Mill River Flume located within Larkin Plaza.

In addition to the direct adverse effect that the Project will have on structures within the Project sites, the Project will have impacts on the historic structures adjacent to the Project sites. Adjacent to the Project sites, there are seven buildings listed on the State/National Register of Historic Places, and 27 additional properties that have been determined eligible for listing on the State/National Registers. The construction management plan to be prepared by the Applicant will contain a protection plan for any historic structure located within 90 feet of the edge of any area disturbed by construction.

Overall, the Project will result in visual impacts on 126 structures. Of these, 78 historic structures will be impacted by the construction of the River Park Center, and 48 historic structures will be impacted by the construction of Palisades Point.

The Project will result in significant adverse impacts on the seven National Register eligible resources located within the Project sites, and may result in significant adverse impacts to National Register-listed and National Register-eligible resources adjacent to the Project sites. The City Council finds it necessary for the Applicant to coordinate with the OPRHP to develop appropriate mitigation measures to reduce or otherwise mitigate any potential significant adverse impacts. Mitigation measures may include, but are not limited to, documentation of existing structures, including archival photography, and incorporation of design elements that refer to the history and architecture of the buildings to be demolished into the proposed design.

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As part of the OPRHP review process, the Applicant has committed to and the City Council is hereby requiring that distinctive building elements of the structure at 87 Nepperhan Avenue, be incorporated into the design and façade of Government Center, including the decorative limestone ornamentation. In addition, the City Council finds that the demolition of 87 Nepperhan Avenue would be further mitigated by an architectural design of the Government Center building and garage, including the frontage on Nepperhan Avenue and New Main Street, using the Art Deco characteristics and theme of the 87 Nepperhan building as shown in renderings presented to the City Council Real Estate Committee on October 16, 2008.

### *Effects on Architectural Resources during Construction Period*

If the City elects to redevelop Larkin Plaza, the required construction work would include activities that could be potentially damaging to the nearby Philipse Manor facility building (National Register-listed). Such construction activities include construction of a new Saw Mill River channel adjacent to the existing underground flume and extensive streetscape improvements, including new curbs and sidewalks and repaving the surrounding streets. Due to the proximity of the Philipse Manor facility to these construction activities, a pre-construction survey would be prepared and a construction monitoring program would be implemented. The construction manager for the Larkin Plaza improvements would coordinate before and during the construction process with the OPRHP representative for the Philipse Manor facility. In addition, a double height dust screen would be erected adjacent to Philipse Manor at the eastern end of the construction site to minimize the effects of fugitive dust on this historic resource. As the City of Yonkers would sponsor the Larkin Plaza improvements, this project component would be the responsibility of the City, rather than the Applicant.

## **ENVIRONMENTAL JUSTICE**

The analysis provided in the DEIS concludes that except for short-term construction impacts that will be borne to a greater extent by the surrounding community than by the study area as a whole, there are no adverse impacts of the Project that will be borne disproportionately by a minority and/or low income population.

The Draft and Final Environmental Impact Statement include an analysis of socio-economic concerns, including projected construction and permanent jobs, job training, tax generation and market factors for each project component. The studies identify impacts on the local community in Yonkers, noting beneficial impacts such as the provision of affordable housing, the creation of job opportunities and the removal of long-standing blighted conditions, with a project that will provide shopping, entertainment, and open space amenities for the existing neighborhood residents.

As part of its socio-economic studies, the DEIS includes an analysis of environmental justice to determine if the project would result in a disproportionate impact on the low income/minority community. The analysis examines project impacts and mitigation measures, focusing on traffic, air quality, noise, hazardous materials, natural resources, infrastructure and construction. The conclusion of the analysis is that no impact of the Project disproportionately affects an environmental justice community.

Notwithstanding this, the DEIS notes that construction of the project will result in short term impacts. Although the construction impacts will be mitigated to the maximum extent practicable, there will be some temporary impacts that will affect the downtown and surrounding community during the 3-year construction period. In addition to temporary construction impacts, the DEIS also notes that certain noise from special events at the ballpark could have an adverse impact on the local community.

Impacts associated with removal of parking along Yonkers Avenue are discussed in the DEIS and FEIS. This displaced parking will be replaced with nearby off-street parking lots, as discussed above. Removal of the on-street parking is intended to facilitate increased traffic flows, and will address inefficiencies of the existing roadway, where traffic flow is interrupted by double-parking and un-coordinated traffic signalization. Further, the roadway improvements will result in safer pedestrian crossing opportunities

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The Project will add 1,386 new units or 8.4 percent to the estimated housing stock in the study area. Of the four project locations, River Park Center is the only project site that contains existing residential units. At this project site, direct residential displacement will include a total of 22 residential units. These 22 households represent slightly more than 0.2 percent of the total study area households and statistically do not represent a significant portion of the population within the study area. As part of the Project, the Applicant will provide a total 14 percent affordable housing units (e.g., approximately 194 units based on 1,386 total units), of which 42 units will be provided at River Park Center; the balance will be created in the downtown area, as discussed above, thereby mitigating any impact due to direct residential displacement.

The potential for indirect residential displacement depends on whether the Project will result in rising property values and rents that would make it difficult for some existing residents to continue to afford their homes. The Project is estimated to add 1,957 new residents in the residential units at River Park Center and Palisades Point. Based on information provided in the DEIS, these new residents will have incomes that are significantly higher than the \$26,488 median annual income of study area residents. However, these new residents will represent only 7.8 percent of the study area's current population and therefore the overall area character will not shift significantly, especially in light of the minimal direct displacement caused by the Project.

Even in the absence of disproportionate adverse impacts on area residents (except for short-term construction impacts) and any adverse direct or indirect displacement impacts, the City Council is requiring that the Applicant provide affordable housing, as discussed earlier in this Statement of Findings.

The Council finds that the Yonkers Avenue and other roadway improvements and modifications, including the removal of on-street parking, are expected to result in overall improved traffic, social, and economic conditions for residents in the surrounding neighborhoods. The Council affirms that that these improvements and modifications – including removal of Yonkers Avenue on-street parking – are part of a larger development plan that is expected to revitalize and reinvigorate the downtown and waterfront districts and benefit all residents of Yonkers. On balance, and in consideration of other essential social and economic factors, the Council finds that the Project, and specifically the improvements along Yonkers Avenue, is not expected to result in a disproportionate impact on low income or minority populations.

### **C. ALTERNATIVES CONSIDERED**

In addition to the Project, a broad range of alternatives were described, analyzed, and assessed in the DEIS and FEIS. The City Council has reviewed the alternatives as presented in the DEIS and FEIS and summarized in Tables I-3 and I-4 of the FEIS. These tables describe the program changes under the different alternatives and summarize how the alternatives affect potential impacts.

#### **ALTERNATIVE A: THE NO BUILD ALTERNATIVE**

The City Council has considered the No-Build alternative which would not result in any development on any of the Project sites. The Council finds that this alternative is not preferred since it would not advance any of the long standing goals and objectives of the City to revitalize the downtown.

#### **ALTERNATIVE B: DEVELOPMENT UNDER EXISTING ZONING**

The City Council has reviewed the alternative consisting of potential development of the Chicken Island area under existing zoning. The Council notes that existing zoning would not permit residential development or principal entertainment uses. While the City Council recognizes that development under existing zoning could theoretically result in increased retail and office space and thus would achieve the City's goal of redeveloping a substantially underutilized site in the downtown, such a development could not include the residential development or the proposed entertainment uses included in the Project. The City Council believes that that the residential and entertainment components of the Project are critical to

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the City's objective of enlivening the downtown area. The Council believes that proposed combination of office, hotel, retail and entertainment attractions, along with the amenities these components would enable (such as the riverwalk and the ballpark), would introduce a critical mass of residents, shoppers, and workers to support the overall downtown economy and would transform the Chicken Island area into a destination. The City Council also notes in contrast that the existing zoning has been in place for many years and has failed to attract any significant development in the Chicken Island area. The Council therefore finds that the alternative consisting of development according to existing zoning would not achieve the City's objectives. The Council notes as well that the Applicant has indicated that development under the existing zoning would not achieve its objectives and that the Applicant therefore would not proceed with development of the area under existing zoning.

### **ALTERNATIVE C: DEVELOPMENT OF PREVIOUS PROPOSAL FOR BALLPARK**

The City Council has reviewed the previous proposal for development of a ballpark at the Chicken Island site. The Council finds that this proposal would not adequately meet the goals of the City based on the fact that the previous ballpark proposal would not introduce any new residential development. The Council feels that a successful revitalization of the downtown requires a mix of residential, retail, office, and hotel uses in addition to destination attractions such as the ballpark. While the Council believes that the ballpark would make downtown Yonkers a destination during ballgames, the ballpark alone, with limited retail, would not meet the goals of the City.

### **ALTERNATIVE D: NO BALLPARK (2 OPTIONS)**

The DEIS and FEIS evaluated two scenarios for development without a ballpark. Under one scenario, the development would be the same as the Project with the exception of the fact that the ballpark would be removed. A second scenario would result in the ballpark being replaced with additional retail space. The City Council finds that that neither alternative would sufficiently meet the City's goals. The Council believes that in addition to office, retail, hotel and residential components, the successful redevelopment of the downtown area requires the development of destination attractions, such as, the ballpark, in order to distinguish the area from other office-retail-residential hubs and to ensure its long-term success. The Council therefore finds that the scenarios for development without a ballpark would not achieve the City's objectives.

### **ALTERNATIVE E: DEVELOPMENT WITH HOTEL USE RELOCATED TO RIVER PARK CENTER**

Alternative E would relocate the hotel at the Cacace Center to River Park Center. The hotel would replace residential space at River Park Center and would result in a smaller building at the Cacace Center. As previously noted, the City Council believes that a hotel in downtown Yonkers would be part of a successful revitalization effort, but finds that the hotel should not replace, and thereby reduce, the amount of Project residential development. The Council believes that a significant infusion of residential development is needed to reverse the long-term decline of downtown Yonkers in general and of the Chicken Island area in particular. The Council further finds that the hotel location at the Cacace Center would result in improved traffic flows and that its location proximate to the Government Center would be appropriate in the downtown area.

### **ALTERNATIVE F: DEVELOPMENT OF ALTERNATIVE DESIGNS FOR PALISADES POINT (4 OPTIONS)**

The City Council has reviewed the alternative design options for the Palisades Point component of the Project. It has considered public input and concerns regarding building heights along the Hudson River. The Council recognizes that increased height along the waterfront will result in increased visibility of the Project, as well as the blockage of certain views, particularly from the north and east. However, based on the analyses in the DEIS and FEIS, the City Council finds that the increased height, together with the perpendicular placement of the buildings in relation to the river, would allow for view corridors to be

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maintained to the maximum extent practicable. In contrast, lower building heights would result in a “wall effect” that would actually block more upland views.

As explained in more detail below, the City Council further recognizes that the unique site characteristics require residential density greater than recommended in the Waterfront Master Plan in order for high development costs to be evenly distributed among a larger number of residential units, thereby reducing the cost burden per unit, as discussed in the FEIS at Response A-200.

In its May 29, 2008 comments, Scenic Hudson advanced a specific proposal for a less dense alternative at Palisades Point, and attempted to bolster its arguments in favor of that alternative by providing development pro-forma prepared by Black River Advisors. The Black River analysis purportedly shows that a commercially reasonable rate of return can be achieved for the suggested lower density scenario. However, according to analyses by consultants to both the City Council and the Applicant, the pro forma is based on generic financial assumptions that are overly optimistic for revenue generated, undervalue the construction and operating costs, and rely on terms of financing that are unattainable for such a project.

As explained in the AKRF Technical Memorandum, dated November 4, 2008 and attachments thereto (the “Technical Memorandum”), the projected rental income in the Black River pro forma is 15-20 percent higher than comparable buildings, including nearby luxury rental buildings in Yonkers. Further, according to the Technical Memorandum, the cost of constructing the development on the Yonkers waterfront will be substantially higher than the figures included in the Black River pro forma. The City Council is also advised that the per square foot average costs in the Black River analysis are 20-40 percent lower than costs from comparable projects developed by the constituent members of the Applicant and for other comparable projects in Westchester County. In addition, the use of generic published figures from RS Means and Engineering News Record (regardless of similarity) does not reflect the actual cost of construction for a project of this type on the Yonkers waterfront. Increased costs at Palisades Point include the costs to construct on piles (i.e., the site is all infill soil), to complete shoreline stabilization, to provide public access and a new street, and to mitigate potential noise and air quality impacts associated with the adjacent American Sugar Refining, Inc. plant. The site is also burdened with design constraints associated with a contractual obligation to provide 184 parking spaces for the Scrimshaw House condominium. As further explained in the Technical Memorandum, the operating costs in the Black River analysis range between 33-66 percent below the costs associated with operating similar luxury residential buildings in Westchester County.

Similarly, the Technical Memorandum notes that the pro forma financing assumptions are inconsistent with both the current market and the prevailing market conditions in May 2008 when the analysis was completed. Black River understates the capitalization rates for a project like Palisades Point. A higher, more appropriate cap rate would yield a significantly lower fair market value, and therefore lower profit on sale, than Black River assumes. The financial assumptions for bank debt are also out of line with typical loan terms for residential rental projects as further explained in the Technical Memorandum. Overall, the pro forma does not accurately reflect conditions in the current credit market.

In summary, according to the two analyses accompanying the Technical Memorandum, the Black River analysis completed for Scenic Hudson’s alternate development concept is seriously flawed both in its assumptions and conclusions. Based on assumptions consistent with the current market conditions, the Technical Memorandum concludes that the alternative lower density development concept advanced by Scenic Hudson could not be operated profitably, and would not yield a commercially acceptable investment return.

Finally, the Council notes that, given the need for relatively greater density at this location, the taller building profiles will allow relatively smaller footprints and thereby allow for the provision of more publicly available open space. In conclusion, the City Council finds that compared to the alternatives, the proposed two 25-story towers, containing 436 units and situated perpendicular to the Hudson River, would mitigate adverse impacts to the maximum extent practicable as required by SEQRA.

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The City Council therefore finds that Alternative F is not preferred.

### **ALTERNATIVE G: ALTERNATIVE PARKING SOLUTIONS FOR LARKIN PLAZA**

Alternative G is not a conventional alternative under SEQRA. The alternative provides two alternative parking scenarios to replace parking lost at Larkin Plaza if the City moves forward with plans for daylighting at Larkin Plaza. The City Council will evaluate and consider these plans for Larkin Plaza, including any additional SEQRA analyses as may be required, should that component of the Project under consideration move forward.

### **ALTERNATIVE H: NO TAX INCREMENT FINANCING FOR PUBLIC IMPROVEMENTS**

Based on the Applicant's analyses presented in the DEIS and FEIS, and upon the City Council's deliberations and expert advice, the City Council finds that a bond financing program – whether through the originally proposed TIF bonds or through IDA bonds supported by a “full tax agreement” – is necessary to enable the public infrastructure improvements needed to support the Project and to support and stimulate additional downtown and waterfront redevelopment activities. The TIF bonds will be limited obligation revenue bonds and, accordingly, will avoid the fiscal risk associated with general obligation bonds.

### **ALTERNATIVE I: INCREASED AFFORDABLE HOUSING**

This alternative calls for the consideration of an increase in the affordable housing component of the Project to 13.5 percent or 20 percent of the residential units to be provided by the Project. This alternative was included in the SEQRA analysis because of the City's concern, as supported by many commenters, that the Project may over time make it difficult for low income residents and work-force residents to live in the Project area.

In the DEIS the Applicant originally proposed 6 percent affordable housing. Subsequent to acceptance of the DEIS and as described in the FEIS, the Applicant proposed an increase in the amount of affordable housing from 6 percent to 10 percent. The Applicant has since agreed to provide affordable housing equal to 14 percent of the market-rate units as previously described in this Findings Statement. The City Council finds that the plan for affordable housing presented in this Findings Statement is adequate and appropriate, and will provide essential social and economic benefits to the City.

### **ALTERNATIVE J: ADAPTIVE RE-USE**

Chapter V of the DEIS included a detailed analysis of the process for the rehabilitation of 87 Nepperhan Avenue. The City Council received further information concerning the adaptive reuse of 87 Nepperhan in a public meeting at which representatives of the Applicant, including architects and engineers, detailed the elements and costs of this alternative. In short, retention and rehabilitation of 87 Nepperhan Avenue, would adversely impact the Project in several respects. First, it would cause the loss of approximately 800 parking spaces, which are necessary to support the development. In addition, the Project would also lose 20,000 square feet of proposed retail space at the grade level of the new Government Center garage on New Main Street and 21,000 square feet for the relocation of the Salvation Army. This alternative would also result in a loss of 90,000 square feet of occupied office space in the Cacace Center office building, since City staff would not relocate there. The loss of office use at the Cacace Center would materially and adversely impact the economic viability of the Project.

Moreover, based on a structural assessment prepared by its consultant, the Applicant has determined that rehabilitation and incorporation of the building into the new Government Center garage structure would add significant costs to the Project. Specifically, the rehabilitation of the 87 Nepperhan building is estimated to total \$17.0 – 18.7 million (i.e., \$250-275 per square foot for 68,000 square feet).

The viability of the Project would additionally be burdened by design constraints on the new Government Center Garage. To retain the full complement of parking required for the Project, the garage reconfiguration attributable to the reuse of 87 Nepperhan would require the construction of additional

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parking levels, thereby increasing the height of the garage. Increased garage height would negatively impact internal traffic flow, as well as resulting in a more visually intrusive parking structure due to its greater size and mass.

The City Council therefore finds that adaptive reuse of 87 Nepperhan Avenue is not a preferred alternative.

As mitigation for the destruction of this cultural resource, the Applicant will follow the consultation procedures with the OPRHP, as discussed above. In addition, the Applicant has committed to incorporating certain distinctive elements of the structure, including the decorative limestone ornamentation at the Nepperhan Avenue entry and other components as approved by the City Council. The site plan for the Project will include this incorporation of components of the existing building into one or more of the new structures.

### **D. CERTIFICATION OF FINDINGS TO APPROVE**

The City Council has considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS and has weighed and balanced relevant environmental impacts with social, economic and other essential considerations.

Having considered the DEIS and FEIS and the above written facts and conclusions relied upon to meet the requirements of 6 NYCRR § 617.11, Yonkers City Council certifies that (1) the requirements of 6 NYCRR Part 617 have been met; and (2) consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the Project is the one that avoids or minimizes adverse environmental effects to the maximum extent practicable by incorporating as conditions to this decision those mitigation measures that were identified as practicable.

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Chuck Lesnick, President  
Yonkers City Council

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