

## **III.D Stormwater Management**

## D. Stormwater Management

### Comment III.D-1:

Specifically, what streets will be affected by the new separated storm sewers? What will the cost be?

*(Deane Prouty, Resident, Letter, 5/15/2008)*

### Response III.D-1:

The streets to be affected by the new separated storm sewers are shown on Exhibit III.H-5 of the DEIS. The costs have been estimated by the Applicant and the City's third-party consultants have developed their own estimates. The final costs will be determined by the public improvements the City determines is required and detailed in the Findings Statement. Exhibit III.H-5 of the DEIS shows that the proposed combined sewer mitigation area is generally located east of North Broadway and South Broadway, and as such does not in any way encompass Hawthorne Avenue and Buena Vista Avenue or other surrounding streets located within approximately 1,000 feet thereof. Exhibit III.H-2 of the DEIS illustrates the existing sewer and drainage lines in the aforementioned sections of Hawthorne Avenue and Buena Vista Avenue and their proximity to the proposed combined sewer mitigation area located well to the east. A review of Exhibits III.H-2 and III.H-5 of the DEIS further demonstrates the significant distance and physical separation between the Hawthorne Avenue/Buena Vista Avenue area and the proposed combined sewer mitigation area. As such, no impacts are anticipated to the sewer lines in Hawthorne Avenue or Buena Vista Avenue as a result of constructing the separated sewers.

It is anticipated that construction management for installation of the new stormwater mains within the proposed combined sewer mitigation area will be undertaken by the Applicant in close consultation and coordination with the City. In the unlikely event that the contractor inadvertently damages an existing utility line during construction, be it within or outside the proposed mitigation area, the contractor will be responsible for remedying the damage in a timely manner. Further, as discussed under Response LA-16, the Applicant has prepared, in conjunction with the City, a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to existing vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS.

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### Comment III.D-2:

8. How much will the new separated storm sewers cost and where will they be installed. Specifically, what streets will be affected?

*(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)*

### Response III.D-2:

See Response III.D-1.

**Comment III.D-3:**

[Parcels] H&I already absorb a considerable amount of rainwater. The building footprint and the parking will create enormous amounts of impervious surface. At the very least, the parking should be pervious and the public spaces should be grass/lawn/shrubs, not pavement of any sort. How much will the new separated storm sewers cost and where will they be installed? Specifically, what streets will be affected?

*(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)*

**Response III.D-3:**

Currently, Parcels H & I consist of asphalt parking lot (1.7 acres) and mostly unvegetated earth and stockpiles of building debris (2.2 acres) that provide minimal absorption of stormwater. The proposed development includes public spaces that will be predominantly lawn and planted areas, except for public walkways and the river esplanade. Pervious areas will consist of managed landscape providing improved stormwater absorption over current conditions. The building will include green roofs to provide additional pervious area within the building and parking areas.

The streets to be impacted by the new separated storm sewers are shown on Exhibit III.H-5 of the DEIS. For costs estimates, see Response III.D-1.

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**Comment III.D-4:**

Many of our interests and potential concerns cannot be addressed or evaluated with the current available information. For example, it is in the interest of the city and the county to be able to ensure that flooding mitigation and stormwater quality and quantity management measures are fully incorporated in the project and infrastructure development plans; no plan details are now provided.

*(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))*

**Response III.D-4:**

Stormwater issues are addressed in the preliminary SWPPP and Saw Mill River Study. Specific details will be provided and approved during the City Site Plan Approval and the permitting process for the work for the Saw Mill River and for the proposed development along the Hudson River.

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**Comment III.D-5:**

The proposed daylighting project is an ambitious proposal which may present a number of engineering challenges and other concerns which we recommend be addressed in the EIS: 1. Flooding potential. The concept of channeling a river underground, opening it up again, then putting it back underground, then opening it up again and then putting it back underground can create a situation where flooding can occur in the areas where the water is released above ground. The use of the proposed dam in Larkin Plaza appears to be an attempt to keep water in the daylighted sections of the river during times of low water volume. However, will this dam also cause problems during large storm events? The draft EIS states that "during any 100-year

flood event, the river could be partially diverted through a concrete culvert that runs through the site to the north of the river." However, what are the impacts for a larger event?

*(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))*

**Response III.D-5:**

The Saw Mill River has been channeled and modified extensively during the last 150+ years. Within River Park Center, the river will be "opened up" within the area of the existing City parking lot. The balance of the river within River Park Center will consist of reconstruction and improvement of the existing river bed. The engineering analysis will maintain existing flood elevation upstream and downstream of the project after completion.

The use of a low dam in Larkin Plaza is to provide a variety of flow conditions to expand to public experience and add to the aesthetics of the project. The height of the dam will not cause back-up of upstream flooding conditions.

Use of the diversion during higher flood flows will potentially reduce the flow and velocity through River Park Center. This will minimize potential erosive impacts during extreme events.

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**Comment III.D-6:**

2. Impact of sewage flows. The draft EIS states that sewer overflow pipes, "will need to be rerouted to the daylighted/open section of the river. To minimize the impact of the overflow sewers on the new Larkin Plaza Park, the overflow pipes should be rerouted to discharge directly into the enclosed section of the Saw Mill River at the western end of the park. This will minimize the visual and potential odor impacts of the discharge." However, we note that given that the western portion of Larkin Plaza will be a marine environment dominated by tidal flows, there should be a concern about the possibility that sewer overflows will be washed back into the Larkin Plaza Park during high-tide. This should be addressed.

*(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))*

**Response III.D-6:**

The final design of the Larkin Plaza daylighting will include a survey of all existing storm drains flowing to the river. It is anticipated that new inlets will be constructed on the adjacent streets and discharges to the River. Other drains will be constructed in accordance with all applicable regulations. The condition within the tidal portion of Larkin Plaza will be similar to the current outlet west of the train station. Constant inflow of fresh water from the Saw Mill River will provide a flushing action and minimize any impact from back-wash conditions.

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**Comment III.D-7:**

3. Filter maintenance. The city should be concerned about what must be done to filter the river to remove floatables and sediment which would normally flow down the river and would cause problems in this reconfigured river environment. If screens are located upstream of the site to

filter these objects out of the water, who will maintain this operation and regularly clean the screens? This is a substantial expense which must be addressed and assigned.

*(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))*

**Response III.D-7:**

The onsite filters at River Park Center will be maintained by the Applicant. These filters will collect floatables and sediment which will then be removed from the Saw Mill River and discarded appropriately. The Applicant has entered discussions with the City's Department of Public Works to further develop strategies that support Yonkers efforts to address floatables and sediment that enter the River offsite as well as ensure the Applicants efforts at river maintenance are consistent with those pursued in general by the City.

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**Comment III.D-8:**

4. Funding sources. Funding sources for the daylighting projects should be clarified beyond the general statement that outside funding sources will be sought. Design and construction responsibilities should also be clarified for all aspects of the river daylighting project. For example, who will obtain permits for construction? Who constructs the parkland and pedestrian bridges? Who implements the stormwater and sewer work that must be done to accommodate the daylighting? Who will remediate any contaminated Saw Mill River sediments?

*(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))*

**Response III.D-8:**

The daylighting projects are municipal improvements to be coordinated by the City of Yonkers. The Applicant will support the City's efforts to seek funding from Westchester County, State of New York, and other outside funding sources. The City has already received State grants commitments totaling \$34 million to date. The Applicant has agreed to assume responsibilities for the design, permitting, construction, etc., as well as the implementation of the related improvements including publicly-accessible open space, pedestrian bridges, and stormwater and sewer work. The remediation of the river at River Park Center will be completed by the Applicant as part of the New York State's Brownfield Cleanup Program; the site has been accepted into the program.

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**Comment III.D-9:**

Specifically which streets will be affected by the new separated storm sewers and what the cost will be.

*(Deane Prouty, Resident, Public Hearing, 5/13/2008, Page 37)*

**Response III.D-9:**

See Response III.D-1.

**Comment III.D-10:**

The DEIS repeatedly suggests the highly plausible conclusion that storm water runoff from all these new buildings is not going to contribute to storm water problems and flooding, and they are not planning any mitigation or detention whatsoever. They are just going to carry the water and put it into the Hudson. I mean, it's negligent to accept a convenient calculation that lead the applicant to conclude the discharge into the Saw Mill don't need any flood bank control, so there are many other things too. The turf field, we brought that up before. It has not been responded to. That is not a pervious surface. Whether it's a natural turf or a synthetic turf, the water has to go somewhere. It's eleven stories up in the air, so they are not mitigating it. We are on the hook for all of the infrastructure.

*(Barbara Howard, Public Hearing, 5/13/2008, Page 61-62)*

**Response III.D-10:**

Chapter 9.5.3, "Alternative Stormwater Management Practices, Green Roofs" of the NYSDEC Stormwater Management Design Manual states that green roofs consist of a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation captures rainwater allowing evaporation and evapotranspiration processes to reduce the amount of runoff entering downstream systems, effectively reducing stormwater runoff volumes and attenuating peak flows. The Manual further states that green roofs can be counted as pervious area that can be applied towards meeting the total impervious cover reduction target for redevelopment sites that can be accepted as a deviation from the technical standards.

The proposed project will be in conformance with the New York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPEDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01 (General Permit). Site design and subsequent permitting requires conformance with the technical standards for a stormwater quantity and quality controls presented in the New York State Stormwater Management Design Manual. The final SWPPP will be approved by the City and submitted to the NYSDEC prior to the start of construction in accordance with the Notice of Intent (NOI) requirements for Permit No. GP-0-08-001.

**Comment III.D-11:**

There is an insufficient exploration of the storm water management solutions, as Barbara Howard pointed out.

*(Terry Joshi, Yonkers Green Policy Task Force, Public Hearing, 5/13/2008, Page 103)*

**Response III.D-11:**

Stormwater issues are addressed in the Preliminary Stormwater Pollution Prevention Plan and Saw Mill River Study included in Appendix 3C of the DEIS. All stormwater facilities will be in accordance with the City requirements and the New York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPEDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01 (General Permit). Specific details will be addressed during the City Site Plan Approval.

**Comment III.D-12:**

Please ensure, though, that the money already earmarked for this effort is used solely for the daylighting and not for any other purpose.

*(John Larkin, Representative, Nepera Park Grey Oaks Neighborhood Association, Public Hearing, 5/13/2008, Page 122)*

**Response III.D-12:**

The monies “earmarked” for daylighting were provided to the City of Yonkers in two grants: (1) \$10 million from the Empire State Development Corporation, and (2) \$24 million from the New York State Legislature in its 2006-2007 budget. The ESDC grant was announced in September 2006 and was given for “Yonkers downtown initiatives”; these monies have already been provided to the City. The grant from the Legislature has not actually been received by the City, which is responsible for the use of the funds. It is the Applicant’s expectation that all \$34 million in grants will be used solely for the daylighting project of the Saw Mill River but the final authority for the funds use is the City of Yonkers.

**Comment III.D-13:**

It's also probably appropriate to include the potential environmental impact of the daylighting of the river and Larkin Plaza as part of this whole downtown development, but I think it should be emphasized that this is not part of the applicant's project.

*(Gail Averill, President, Park Hill Land Conservancy, Inc., Public Hearing, 5/13/2008, Page 190)*

**Response III.D-13:**

Comment noted. Larkin Plaza is a municipal project.

**Comment III.D-14:**

I will just say quickly to wrap up, we support the daylighting of the Saw Mill River.

*(Jeff Anzevino, Senior Regional Planner, Scenic Hudson, Public Hearing, 5/13/2008, Page 213)*

**Response III.D-14:**

Comment Noted.

**Comment III.D-15:**

Daylighting is something that was mentioned and I have been interested in for years, and I have never seen a total cost of the daylighting project. How is that broken out? We received 34 million dollars from the State of New York to do the daylighting. I have never seen that incorporated in the total cost of the project, and the accounting for that 34 million, is it going to be used for

daylighting, or will it be used to employ property just for landscaping along the river? We need an accounting of that 34 million dollars.

*(Robert Walters, Yonkers Green Policy Task Force, Public Hearing, 5/13/2008, Page 217)*

**Response III.D-15:**

The estimated cost for the daylighting of the Saw Mill River at River Park Center is \$41,252,189, and is an estimated \$23,662,589 for Larkin Plaza daylighting. These estimates were developed by Ellana Inc/Bluestone Developers – Construction Cost Consultants for the City of Yonkers.

The Applicant suggests delaying the daylighting of Larkin Plaza and utilize available governmental funding (\$34 million) to daylight River Park Center only. The Applicant will work with the City to help them receive grant and loan funding from any County, State, or Federal agency in order to advance the daylighting at Larkin Plaza.

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**Comment III.D-16:**

In the EIS, you know, all the years that I did work on the Saw Mill River, we were always working with the Army Corps. of Engineers on flood control projects, you know, up river, down river, and they were always interested in the flume, but they always said that they would never go in there because it was too dangerous, so-- and it is a creepy place down there, but I haven't seen mention of the Army Corps or the permits.

*(Robert Walters, Yonkers Green Policy Task Force, Public Hearing, 5/13/2008, Page 217)*

**Response III.D-16:**

The inspection of the underground portion of the Saw Mill River was performed by a team comprised of a 4-man, OSHA trained and certified crew. The team was supervised by a registered Professional Engineer/Diver. Three different locations were used as entry points into the culvert/flume from which the inspection team conducted its operations.

As noted in the DEIS, the work within the Saw Mill River will require the approval by the Army Corps of Engineers.

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**Comment III.D-17:**

On the Saw Mill with the daylighting, there is a certain amount of money that is available, and how I interpret this thing is, that the developers are using the money to buy buildings. If we have the 35 million or 24 million dollars, we need to buy the rear yards of some of these buildings on Main Street and daylight along Larkin Plaza which we already own, so if we use the 24 million, we can do this before development happens or it doesn't happen, so, in other words, we shouldn't be giving that state money to the developer, it's supposed to be used for opening the Saw Mill and daylighting this which we can do, we don't need the developer for that part.

*(Joseph Kozlowski, Board Member, Friends of the Old Croton Aqueduct, Public Hearing, 5/13/2008, Page 248-249)*

**Response III.D-17:**

Comment noted. The Applicant will not utilize any grant money designated for daylighting to acquire properties. See Response III.D-12.

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**Comment III.D-18:**

SFC has promised bifurcation (separation) of sewer and storm run-off pipes. Unfortunately, this means many more run-off pipes will drain into our precious Hudson River. SFC also mentioned it will install "smart" run-off pipes that include an internal filtration system to avoid polluting the river. There must be an overseeing committee that checks that this installation takes place, and a knowledgeable DPW crew which will maintain the filtration apparatus. Otherwise in future, the river will be polluted when filtration system breaks down.

*(Terry Nagai, Resident, E-mail, 5/30/2008)*

**Response III.D-18:**

As part of the Site Plans to be submitted following the environmental review process, the City will require as-built drawing of all storm drain facilities in make sure they are installed correctly. Long term maintenance for all facilities will be specified in the Stormwater Pollution Prevention Plan and as determined by City approvals. All designs will be reviewed by the City Engineering Department and DPW.

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**Comment III.D-19:**

Special notes: 1) to offset the impending additional pollution of our precious Hudson River by the run-off pipes, I propose diverting the "smart" run-offs from the river and setting up an irrigation system for watering landscapes, parks, gardens, lawns in surrounding areas. This is in keeping with policies of LEED (leadership in energy, environmental design). This "green" proposal is a creative challenge in utilizing run-off as a valuable resource rather than a waste problem.

*(Terry Nagai, Resident, E-mail, 5/30/2008)*

**Response III.D-19:**

It is not anticipated that runoff will be collected and used for irrigation. Other sustainable elements will be incorporated into the project. In addition, there will be improvements to the stormwater quality. With the implementation of the Project, stormwater runoff will pass through water quality facilities sized to capture and treat 90% of the average annual stormwater runoff volume. Runoff from buildings, pedestrian plazas, walkways, etc. will be captured and diverted through the water quality structures in accordance with NYSDEC requirements and not directly discharged to the Saw Mill River and Hudson River.

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**Comment III.D-20:**

Saw Mill River daylighting compromised by developer high jacking funds for building acquisitions along with river realignment proposal to accommodate developer not to restore & protect the river along chicken island area.

*(Joseph Kozlowski, Board Member, Friends of the Old Croton Aqueduct, E-mail, 5/30/2008)*

**Response III.D-20:**

Comment noted. See Response III.D-12.

**Comment III.D-21:**

There should be installations of trash racks at various points along the Saw Mill River to control any litter or tree related debris in the river. It is understood that the DPW will not be responsible for the maintenance of the racks therefore no additional personnel will be required for DPW concerning this maintenance item. In addition, when a storm event occurs additional debris will be entering the waterway and may be caught at various points. The maintenance to ensure clean water is paramount not only in the visible aspect of the daylighting effort but in all aspects. Also, the flume from the waterway that travels or is controlled by private entities is a major concern. The Flume Study currently identifies that portions of the flume have trees and garbage which will be removed as part of this project. Once the project is complete how will this be stopped going forward to ensure that this does not occur? It is clearly stated that the ownership by private entities of various parts of the flume will be kept after the project.

*(Martin Bellew, Deputy Commissioner, DPW, City of Yonkers, Letter, Not Dated)*

**Response III.D-21:**

See Responses III.D-7, III.D-23.

**Comment III.D-22:**

Should the plan include aeration station in the daylighting section to ensure proper oxygen levels in the water as it is flowing? The current plan includes step downs to control hydraulic velocities, what will the maintenance plan be after major storm events to repair and deterioration that may have occurred in the channel?

*(Martin Bellew, Deputy Commissioner, DPW, City of Yonkers, E-mail, Not Dated)*

**Response III.D-22:**

The design of the "Rapids" section of the daylighting at River Park Center will provide conditions that will provide aeration of the water. This will be similar to conditions along portions of the existing River where the stone and cobble bottom promotes cascading water, small waterfalls and spillways.

A maintenance schedule will be established to provide for inspection of the channel after major storm events. It is anticipated that the maintenance schedule will be developed as part of site plan approval given the more specific details required as part of that process. It is anticipated that appropriate City departments (Recreation, DPW) would be involved in site plan reviews. Areas

of erosion or deterioration within the River Park Center site will be repaired. The City and the Applicant will coordinate the responsibility for this repair and maintenance on a case-by-case basis.

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**Comment III.D-23:**

There should be access points included in the daylighting effort to ensure the placement of equipment to remove items that may have entered the river area. In addition, equipment will be needed to maintain the entire channel. In order to ensure that blockages can only occur in visible sections of the waterway, barriers must be installed to ensure that no debris can collect in the flume areas that are not exposed.

*(Martin Bellew, Deputy Commissioner, DPW, City of Yonkers, E-mail, Not Dated)*

**Response III.D-23:**

The design of the daylighting will provide access for personnel to enter, inspect and repair the channel. Location and design of barriers will be accessible and access for cleaning will be considered. The intent of the barriers is to protect the facilities within River Park Center and improve conditions within the existing flume to the extent possible. It is anticipated that most cleaning and repair will be done by hand. Material to perform preventative maintenance as well as needed repairs can be supplied to the open sections from Nepperhan Avenue, Elm Street or the plaza area next to Main Street.

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**Comment III.D-24:**

All services that will be required to perform maintenance of the waterway on a daily basis should be identified inclusive of the equipment required. Once this is completed calculations should be included identifying the estimated costs for the maintenance personnel and equipment needed to maintain the waterway so this can be compensated in the new budget.

*(Martin Bellew, Deputy Commissioner, DPW, City of Yonkers, E-mail, Not Dated)*

**Response III.D-24:**

On a short term basis, the River will be cleaned of trash and debris. This will be especially important after a rainfall event. As the owner of the riverbed, the City will be responsible for long-term maintenance of the daylighted Saw Mill River at River Park Center. Given that the Larkin Plaza daylighting is a City sponsored action, it is anticipated that the City would be responsible for that component. See Response III.D-7.

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**Comment III.D-25:**

Are all storm water connections attached to the river? If so will there be retention basins located to time the delivery of additional stormwater into the channel to control the flow rate? What is the rate of sediment build-up that will occur and the corresponding removal time frames with a full description of the proposed disposal of material?

*(Martin Bellew, Deputy Commissioner, DPW, City of Yonkers, E-mail, Not Dated)*

**Response III.D-25:**

All storm water connections will either discharge to the River or the new storm drains in the adjacent streets, which will discharge to the River. The Preliminary SWPPP, included in Appendix 3.C of the DEIS, addresses the peak flows to the Saw Mill River, before and after construction. The velocity within the channel for the new design is similar to the existing River section, therefore it is not anticipated that there will be significant sediment build-up within the channel. Any material removed will be disposed in a legal manner. For additional information, see Response III.D-7.

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**Comment III.D-26:**

SFC appears to be committed to ensuring the integrity of the Saw Mill River as regards in-situ contamination via its use of a geotextile membrane underlying the riverbed. Riverkeeper does not object to this proposal but urges SFC to develop a plan to monitor the river to ensure that the membrane is intact and its integrity is maintained. Otherwise, the soil underlying the riverbed should be remediated to a point where there is no risk of contamination.

*(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)*

**Response III.D-26:**

Long term inspection and maintenance procedures will be developed as part of the detailed plans for the Saw Mill River design to ensure the long term integrity of the component of the waterway. This will be included with Site Plans and permit applications. As the owner of the riverbed, the City will be responsible for long-term maintenance of the daylighted Saw Mill River.

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**Comment III.D-27:**

Riverkeeper supports SFC's promise to build spillways and dams in a manner that does not restrict the upstream migration of indigenous fish species by implementing features such as fish ladders. However, the DEIS does not address this issue in sufficient detail. It must specify the types of structures that will be implemented to avoid disruption of fish migration. Riverkeeper urges the use of fish ladders or fish elevators of proven design and effectiveness to ensure that there will be no disruption caused by such features of the proposed development.

*(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)*

**Response III.D-27:**

Fish ladders will be provided at spillways or other obstruction constructed within the river. The facilities will consider migration of indigenous fish species. One of the key species noted is the American Eel.

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**Comment III.D-28:**

An element of this project that presents the possibility of significant risks to the environment is the diversion of the Saw Mill River to facilitate the construction of the new riverbed. Riverkeeper urges SFC to seek out all necessary Article 15 Stream Diversion Permits and to pledge strict compliance with those permits. This will minimize the short term impact of the diversion as any deviation from these permits has the potential to threaten downstream habitats and water quality.

*(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)*

**Response III.D-28:**

All required permits will be obtained for the work within the Saw Mill River. Within the River Park Center, an Article 15 Permit from the NYSDEC will not be required. (See response from NYSDEC contained in DEIS Appendix 3.C.).

**Comment III.D-29:**

Riverkeeper advocates a no net increase in stormwater policy for all development and commends SFC for embracing similar goals. However, SFC can and should go further to implement these practices in an effort to maximize sustainable stormwater management practices.

*(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)*

**Response III.D-29:**

The proposed project will be in conformance with the New York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPEDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01 (General Permit). Site design and subsequent permitting requires conformance with the technical standards for a stormwater quantity and quality controls presented in the New York State Stormwater Management Design Manual. The final SWPPP will be submitted to the NYSDEC prior to the start of construction in accordance with the Notice of Intent (NOI) requirements for Permit No. GP-0-08-001.

**Comment III.D-30:**

Riverkeeper believes that there is no reason for the project as proposed to increase the amount of impervious surfaces in the area to be developed. In particular, the Daylighting Project in River Park Center calls for a total increase of 1.2 to 1.5 acres of impervious area. Despite this increase, the DEIS states that there will be no net increase in stormwater discharge because the calculated flow discharge of pre and post development flows results in no net increase. It is unclear how this is possible and there is insufficient explanation of how these results were achieved.

*(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)*

**Response III.D-30:**

The stormwater management studies included in Chapter III.D of the DEIS (III.D 2. a) note that:

"The Project is located proximate to the Saw Mill River and the runoff from the Project will enter the river very quickly. This peak discharge from the Project will occur at approximately 12 hours after the beginning of the rain event or within 10 to 20 minutes after the peak rainfall. When considering the project discharge combined with the upstream flow from the Saw Mill River, there will only be an increase of approximately 19 cfs during a 100-year storm. This nominal increase (1% +/-) will result in less than 0.1 change to the water surface elevation and less than 0.1 feet per second change in the River velocity downstream of the project. Therefore, the minor increase in impervious area as a result of the Project and the diversion of runoff to the Saw Mill River will not have an impact on the drainage conditions downstream or adjacent to the Project."

**Comment III.D-31:**

While it is clear that SFC is committed to implementing the "latest stormwater treatment" before the runoff enters the Saw Mill River, the use of green building practices should be used to reduce the amount of stormwater that requires treatment. Through the use of pervious surfaces for streets and sidewalks as well as green roofs SFC can take steps to reduce impervious surfaces in the area, thereby reducing the total amount of stormwater that must be treated before it enters the Saw Mill River.

*(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)*

**Response III.D-31:**

The areas of pervious surface have been maximized to the extent possible given the building program required on the project sites. As final design of project components is completed, opportunities to increase landscaping will be increased if possible. The baseball stadium will have natural turf which is considered a green roof under NYSDEC stormwater criteria.

**Comment III.D-32:**

As a general matter, Riverkeeper is supportive of the plans to route stormwater through the proposed underground treatment facilities described in the DEIS. Such practices are truly on the cutting edge and SFC deserves to be commended for its commitment to reducing CSOs by keeping stormwater out of the combined sewers. That said, we cannot agree with the position articulated in the DEIS that impermeable surfaces are preferred over permeable ones. In stormwater management, the emphasis should first be placed on street trees, green streets and vegetation and the routing of stormwater into these locations.

*(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)*

**Response III.D-32:**

See Response III.D-31.

**Comment III.D-33:**

What is the total cost of the Daylighting and what funding source do we have in place besides the grant given by the State? Has any of that money been spent on any other than this project; if so, how much and why?

*(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)*

**Response III.D-33:**

The total cost of the daylighting as been estimated to be \$41.25 million for River Park Center and \$23.7 million for Larkin Plaza. These estimates were developed by Ellana Inc./Bluestone Developers, construction cost consultants for the City. Currently only \$34 million has been pledged towards the project. The Applicant is not aware of the use of these funds to date as they are controlled by the City of Yonkers. Also see Response III.D-12.

**Comment III.D-34:**

Who will be responsible for the upkeep of the daylighting at each site (Larkin & Getty Square)

*(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)*

**Response III.D-34:**

See Response III.D-7.

**Comment III.D-35:**

Engineering wise, what is the best starting point to begin opening up the Saw Mill for Daylighting?

*(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)*

**Response III.D-35:**

The two daylighting projects are independent of one another and do not need to be completed sequentially. The remediation and rehabilitation of River Park Center's daylighting will not have impacts on Larkin Plaza during construction. Post-construction, the conditions should be the same. Sewer line separation from stormwater is included in the public improvements proposed to be completed in conjunction with the Project; this work is the responsibility of the City and will be completed in conjunction with the Applicant during the construction of the Project. The impact of the Project on the treatment plant is analyzed in the DEIS and concludes that any incremental waste generated from the Project will be adequately handled by the existing plant.

**Comment III.D-36:**

I would like to see a walking tour along the proposed Riverwalk route to assess the properties located at Palisades and North Broadway (Harry Shoe store area) to determine what effects, if any, the daylighting will have on these structures and what will be done to ensure that we will

not have any mishaps. I would like to see a detailed report from the Army Corps of Engineers prior to construction.

*(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)*

**Response III.D-36:**

Comment noted. The Applicant's analyses conclude that the project construction will not impact portions of the existing Saw Mill River flume outside of the project area. All portions within the project site will either be reconstructed as noted or inspected and their structural stability ensured. Since the project will not impact the flow conditions upstream or downstream along the River, no impact to the flume, outside of the project limits is anticipated. All construction will be in accordance with all applicable building codes and ordinances and all necessary permit conditions. There is no walking tour scheduled as part of the FEIS process by the Applicant, although the City could at its discretion conduct its own tour. The Applicant would be pleased to help the Council secure City approvals for such a tour.

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**Comment III.D-37:**

Can SFC work with Bezack to develop an environmental and historical marine environmental as described as occurring in the lower section of the daylighting project?

*(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)*

**Response III.D-37:**

The Applicant has been a financial supporter of Beczak and other environmental groups (Groundwork Yonkers, etc.). SFC will continue such community outreach with environmental/education groups as financially feasible.

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**Comment III.D-38:**

Will this Saw Mill River at the River Park Center project area be enhanced as well?

*(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)*

**Response III.D-38:**

Yes.

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**Comment III.D-39:**

This project could incorporate some of the Better Site Design principles that are new NY State standard for stormwater management. Through our US EPA grant and state DEC grant, we will be looking for demonstration models and would recommend that these very public sites incorporate such models. Specifically, the erosion and sediment control plan calls for weekly inspections of the stormwater management controls during construction, including an inspection within 24-hours after a storm. We would request that there are such an inspection 24-hours before a predicted major storm to allow repair of critical sediment control elements on the site. This is a major construction project with primarily major impacts of sediment if control elements

fail. There is an indication that we have fisheries below the River Park site. Sediment is potentially deadly to fish.

*(Ann-Marie Mitroff, Director of River Programs, Saw Mill River Coalition, Letter, 5/30/2008)*

**Response III.D-39:**

The York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01, adopted May 1, 2008 included 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 (7) 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 (5) acres of soil at any one time, the qualified inspector shall conduct at least two (2) site inspections every seven (7) calendar days. When performing just two (2) inspections every seven (7) calendar days, the inspections shall be separated by a minimum of two (2) full calendar days.

Additionally, the Applicant's LEED assessment of the approved site plan will include an analysis of the stormwater management practices of the Project. Means of improving the efficiency and decreasing the environment impacts of the development related to stormwater will be considered and the availability of grants (such as those available from the U.S. EPA and New York State DEC) will be explored. To date, the Applicant has had ongoing dialogue with the Saw Mill River Coalition which it intends to continue.

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**Comment III.D-40:**

We have been advised in a municipal operations meeting runoff management is an administrative function for residential development. The permit requires that 2" rainfall, an average rainfall, be contained on the owner's property. Incredulously, not even this bare minimum of retention is required of SFC while it is required of any residential builder. SFC states that retention is not required because of the nature of this project and proximity to certain bodies of water. SFC dangerously glosses over the effect of increased runoff (which is underestimated at least by several acres) at an increased velocity especially in a floodway area. It does not seem that you would need an expert to tell you that this is a flawed idea, still I urge you to get one.

*(Barbara Howard, Memo, 5/30/2008)*

**Response III.D-40:**

The project will be subject to the review by the City of Yonkers and all permitting agencies. However, 24 hour detention is not required if stormwater discharge is to a tidal water or a fourth order stream. The Saw Mill River in Yonkers is greater than a fourth order stream and the Project will not require Channel Protection Volume. In addition, the analysis of the impact of runoff on

the Saw Mill River floodplain has indicated that there will be no downstream impact. See also Response III.D-11.

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**Comment III.D-41:**

The DEIS should have required a full disclosure of the total estimated cost of the daylighting project and an assessment of how the Project sponsors propose to fund the daylighting project in the event that the anticipated governmental funding does not materialize or if the governmental funding levels turn out to be lower than the total estimated cost.

*(Barry B. McGoey, Resident, Letter, 5/30/2008)*

**Response III.D-41:**

Daylighting at Larkin Plaza is the responsibility of the City of Yonkers. It is anticipated that adequate funding will be realized for the daylighting at River Park Center. See also Responses III.D-12, III.D-33.

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**Comment III.D-42:**

The river has a distinctive odor where it is encountered downtown. It is not a crystal clear mountain stream; unfortunately, the portions, which will be daylighted, both in Getty Square and Larkin Plaza, are its final legs before it empties into the Hudson. By this time it has accumulated various kinds of pollutants. As a matter of public health and safety, before the final green light is given to daylight either location, the water should be tested. Please bear in mind that on a hot, humid day, especially after precipitation, the river will be especially "fragrant." This may be disagreeable to people wishing to enjoy a snack (probably an expensive one) beside the daylighted river.

*(Bob Snyder, Letter, 5/28/2008)*

**Response III.D-42:**

The final New York State 2006 Section 303 (d) List of Impaired Waters, dated May 17, 2007 lists the cause/pollution of the Saw Mill River as the floatable debris from urban runoff and contaminated sediment from chlordane. The design of the site will provide water quality facilities to remove floatables from stormwater discharge. Also, site maintenance of public spaces will control trash from entering the River. The remediation of the River at River Park Center will be completed by the Applicant as a volunteer in the New York State's Brownfield Cleanup Program, which will address contaminated sediment.

The onsite filters at River Park Center will be maintained by the Applicant. These filters will collect floatables and sediment, which will then be removed from the Saw Mill River and discarded appropriately. The Applicant has entered discussions with the City's Department of Public Works to further develop strategies that support Yonkers' efforts to address floatables and sediment that enter the River offsite as well as ensure the Applicant's efforts at River maintenance are consistent with those pursued in general by the City.

Also, the River Park Center site will comply with water quality controls as stated within the New York State Stormwater Management Design Manual. Taken together, these measures will abate odors caused by potential contaminants in the Saw Mill River within the Project site. For a discussion of maintenance of the water quality structures, see Response III.D-7.

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**Comment III.D-43:**

However, when the river is daylighted, the rats will seek the shelter of its banks, and the foundations and basements of adjoining structures, The attractions of the ballpark and shopping, in newly daylighted areas, will provide rats not only with water and nearby hiding places, but with food.

*(Bob Snyder, Letter, 5/28/2008)*

**Response III.D-43:**

The operation of the ballpark and shopping areas of River Park Center will include a garbage collection and disposal program to minimize the presence of debris to support rodent life around the newly daylighted areas. This will be an improvement over existing conditions where there is no ongoing maintenance or debris removal along the River.

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**Comment III.D-44:**

Has SFC or COY hired a riparian engineering firm, not just an hydraulic engineer, to study the daylighting of the river? This is a complex endeavor that could have flow ramifications for the 14-mile length of the Saw Mill River.

*(Terry Joshi, Yonkers Green Policy Task Force, Letter, 5/30/2008)*

**Response III.D-44:**

The Project Engineer assigned to the daylighting aspects of the Project, M.G. McLaren, has extensive experience with matters similar to the Project in Yonkers.

The stream bed design will incorporate soil bioengineering systems in conjunction with structural measures to provide permanent protection, enhance aesthetics and create an environmentally acceptable improvement. Techniques will include design as USDA Chapter 16 Streambank and Shoreline Protection and USDA, National Engineering Handbook, Part 654, Stream Restoration Design.

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**Comment III.D-45:**

In the past, various Army Corp of Engineer projects have increased the speed and height of Saw Mill River flow down stream. Will the rerouting of the Saw Mill have this potential effect downstream in the SFC project?

*(Robert Walters, Yonkers Green Policy Task Force, Letter, Not Dated)*

**Response III.D-45:**

The proposed channel within the River Park Center project will provide an equal or greater cross section when compared to the existing channel. As outlined in the DEIS, the velocity and water surface elevation will be similar to existing conditions.

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**Comment III.D-46:**

The Saw Mill River has the potential to be returned to a spawning river for anadromous fish. Will fish ladders be incorporated into the various impoundments designed in the SFC project?

*(Robert Walters, Yonkers Green Policy Task Force, Letter, Not Dated)*

**Response III.D-46:**

See Response III.D-27.

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**Comment III.D-47:**

Climate change will increase the tidal range of the Hudson River Estuary at its confluence with the Saw Mill River. Will this affect the hydraulics of the proposed Sawmill project?

*(Robert Walters, Yonkers Green Policy Task Force, Letter, Not Dated)*

**Response III.D-47:**

The proposed rehabilitation of the Saw Mill River will be designed to address the requirements of various regulatory agencies. There are no anticipated impacts to the hydraulics for the elements of the Saw Mill River that will be improved over existing conditions. Design of Palisades Point and other components impacted by the Hudson River will be in accordance with all applicable regulations with respect to flood elevations and building floor elevations. See also Response III.C-21.

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**Comment III.D-48:**

Storm water runoff can be minimized by the use of pervious surfaces. Has the maximum use of pervious surface been incorporated into the project?

*(Robert Walters, Yonkers Green Policy Task Force, Letter, Not Dated)*

**Response III.D-48:**

The areas of pervious surface have been maximized to the extent practical given the building program required on the project sites. As final design of project components is completed, opportunities to increase landscaping will be increased if possible.

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**Comment III.D-49:**

Storm water and sewage lines will be separated in the project. Will changes be made to ensure their separation when they outflow to the existing City of Yonkers sewers?

*(Robert Walters, Yonkers Green Policy Task Force, Letter, Not Dated)*

**Response III.D-49:**

As discussed in Section III.H.1. of the DEIS, the Applicant has presented a plan to physically separate stormwater and sanitary sewer lines through the construction of new manholes and piping systems, which would ensure separation of flows. This recommendation and other potential mitigation measures to offset additional flows to the sanitary sewer system from the Project sites are currently under review by the Westchester County Department of Environmental Facilities.

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**Comment III.D-50:**

It is mandatory that any combined sewer systems within the Project, be separated.

*(Paul Wieland, Letter, Not Dated)*

**Response III.D-50:**

As discussed in Section III.H.1. of the DEIS, the Applicant has presented a plan to physically separate stormwater and sanitary sewer lines through the construction of new manholes and piping systems, which would ensure separation of flows.

The Westchester County Department of Environmental Facilities (DEF) has requested that additional flows to the sewer system from the Project sites be off-set by reductions in existing inflow/infiltration at a three for one ratio. The Applicant has identified potential mitigation methods in the DEIS to accomplish these reductions, and has requested that DEF in coordination with the City of Yonkers review the potential range of mitigation measures for further consideration. One potential mitigation measure discussed in the DEIS is to remove excess water from the sewer system by physically separating stormwater from the sanitary sewer in the area of the River Park Center site.

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**Comment III.D-51:**

As the daylighting of the Saw Mill River is not included in the developer's plans and is contingent on an outside funding source, what will the River Park Center project look like without the day lighted Saw Mill River? Will the center be surrounded by parkland of a different kind?

*(Molly Roffman, Letter, 5/30/2008)*

**Response III.D-51:**

The configuration of the river (the curve in particular) is currently an important determinant for the River Park Center's design and disposition on its site. This is evidenced by the location of the project on the site and the curve of the building following the river's course. If the daylighting portion of the project were to be removed from the project, it is likely that major modifications to the Project as presented in the DEIS would have to be considered. Under this scenario, it is likely that the open space would be oriented towards New Main Street (as a large portion of it is in the current configuration), and not along Nepperhan Avenue. In short, it is likely that the open space

would not follow the course of the river. With that said, building placement and open space on the site would be influenced by site engineering conditions related to enclosing the length of the river. Generally, these factors would influence building foundation placement. These conditions currently exist elsewhere in the downtown where the Saw Mill River runs underground. If the daylighting portion of the project was removed, the Applicant's architects would revisit the buildings' plan to determine if there are any functional, operational or aesthetic design modifications that can be improved. See also Response III.D-12.

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**Comment III.D-52:**

Have predictions regarding anticipated rise in sea level and the increase in frequency and severity of storm events been considered in the evaluation of flooding potential around the project sites?

*(Molly Roffman, Letter, 5/30/2008)*

**Response III.D-52:**

The proposed construction will meet or exceed the existing, applicable codes and regulations for development that have been promulgated by various regulatory agencies. See also Response III.C-21.

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**Comment III.D-53:**

Please describe "water quality structures" more specifically as to their specific function. Do these structures require maintenance and who is responsible for performing this maintenance?

*(Molly Roffman, Letter, 5/30/2008)*

**Response III.D-53:**

Section III.D.2.e(3) of the DEIS provided a description of the water quality structures that will be used within the project. The structures will include filters as well as hydrodynamic systems, which are designed to remove particulates from the water. Regarding maintenance, see Response III.D-7.

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**Comment III.D-54:**

Are natural filtering systems such as rain gardens and stormwater retention basins planned for the parking lots and buildings at Palisades Point?

*(Molly Roffman, Letter, 5/30/2008)*

**Response III.D-54:**

All stormwater facilities will be provided in accordance with the City of Yonkers requirements and the York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPEDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01 (General Permit). Since Palisades Point discharges directly to the Hudson River, a tidal water, stormwater detention is not required.

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**Comment III.D-55:**

Will permeable pavers for pedestrian walkways and other permeable surfaces be incorporated into the design plan at any or all of the project sites?

*(Molly Roffman, Letter, 5/30/2008)*

**Response III.D-55:**

See Response III.D-48.

**Comment III.D-56:**

The applicant must examine both pre- and post- development conditions in order to compare changes in runoff volumes and water quality and demonstrate that the proposed stormwater management system is sufficient to avoid or minimize the potential impacts to water quality in the Hudson River as well as the ecological functioning of the designated Significant Fish and Wildlife Habitat. The applicant must assess the potential impacts associated with the whole action and not the individual project sites. Suggesting that compliance with the Stormwater General Permit will be sufficient to avoid or minimize impacts may constitute segmentation which is contrary to the intent of SEQR.

*(Bonnie Devine, Coastal Resource Specialist, NYS Dept. of State, Letter, 5/29/2008)*

**Response III.D-56:**

DEIS Section III.D, Stormwater Management, provides the information to address the management of new stormwater flows. Infrastructure will be upgraded to accommodate the proposed Project, including separation of portions of the City-owned combined wastewater and stormwater system. The minor increase in impervious area at River Park Center and Cacace Center and the diversion of runoff from those sites to the Saw Mill River will not increase the peak discharge to the river downstream of the Project and therefore overbank flood control and extreme flood criteria under the NYSDEC Design Manual are not applicable. Palisades Point will discharge directly to the Hudson River and therefore overbank flood control and extreme flood criteria are not applicable.

On-site infrastructure will be upgraded to accommodate the proposed Project and City owned combined wastewater and stormwater systems located immediately adjacent to the River Park Center site will be separated whenever possible. The City Engineering Department has indicated that the downtown wastewater system can begin to overflow to the County system during intense rainfall events. The removal of stormwater from the adjacent downtown areas would have a positive benefit by reducing the volume of stormwater into the wastewater system and thus reducing the extent or duration of overflow conditions in the County system. These improvements will decrease the likelihood of direct or indirect discharges into the Hudson River, as well as increase the treatment of stormwater and sanitary sewage by redirecting it into the County system during storm events.

A significant portion of the Palisades Point site will be developed as privately owned and publicly accessible open space, which will allow absorption of rainfall during storm events,

reducing the amount of nonpoint runoff, which may enter the Hudson River. Additionally drainage devices will be utilized throughout the site on impervious surfaces, which will minimize non-point pollution. Additional amenities on the rooftop of the proposed parking structure will be at least partially green, helping to minimize run-off.

As described above, improvements to the existing infrastructure will reduce stormwater runoff and sewage flows into the Saw Mill River and Hudson River, which will serve to maintain and improve coastal water quality in the vicinity of Palisades Point. Best management practices will be utilized during construction to minimize disturbance to coastal waters and coastline.

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**Comment III.D-57:**

The analysis of stormwater management should be presented at a level of detail sufficient for all interested and involved agencies to determine the potential effectiveness in preventing water quality impacts. At minimum, this analysis should include a preliminary/conceptual stormwater management plan that depicts the location of all components of the stormwater management system as well as the design of these facilities. The analysis should be sufficient to determine effectiveness in managing stormwater volume (quantity) and treating runoff to ensure stormwater quality is acceptable before being discharged to the Hudson River. The guidelines included in Appendix E of the New York State Stormwater Management Design Manual should be included in a preliminary/conceptual stormwater management plan. Additionally, the applicant must include a plan for the long-term monitoring and maintenance of stormwater facilities.

*(Bonnie Devine, Coastal Resource Specialist, NYS Dept. of State, Letter, 5/29/2008)*

**Response III.D-57:**

Stormwater issues are addressed in the Preliminary Stormwater Pollution Prevention Plan and Saw Mill River Study included in Appendix 3C of the DEIS. All stormwater facilities will be in accordance with the City requirements and the New York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPDES) for Discharges for Construction Activities, General Permit No. GP-0-08-001 (General Permit). Long term monitoring and maintenance plans will be addressed during the SPDES and Site Plan Approval processes.

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**Comment III.D-58:**

The stormwater management plan should also address the potential impacts that may result from the construction activities associated with the stream daylighting component of the project, including the proposed best management practices or sediment and erosion control measures to address these potential impacts. Given the highly urbanized nature of the area, daylighting portions of the Saw Mill Creek could result in an increase in stream temperatures, which could adversely affect fish, macroinvertebrate, and mollusk species. The applicant should conduct an analysis of the potential thermal impacts to the Saw Mill Creek, including an assessment of potential runoff temperatures associated with impervious surfaces, rip-rap, and the plastic geotextile membrane proposed as substrate for the stream channel. The applicant should also

assess the potential to mitigate thermal impacts through enhanced riparian vegetation. The potential impacts associated with the proposed in-stream maintenance should also be discussed and evaluated.

*(Bonnie Devine, Coastal Resource Specialist, NYS Dept. of State, Letter, 5/29/2008)*

**Response III.D-58:**

The length of the Saw Mill River to be daylighted within the River Park Center site is very small with respect to the overall length of the Saw Mill River. Therefore, the additional energy absorbed by the River due to sunlight within the daylighted portion of the river will be negligible and is not expected to impact the temperature of the Saw Mill River. All proposed stormwater treatment systems on site will be approved practices as listed within the NYSDEC Stormwater Management Design Manual. These systems do not have an effect on the temperature of the water being treated.

Similar to the existing channel, in-stream maintenance will not be a common occurrence and only when damage occurs. See Response III.D-44.

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**Comment III.D-59:**

Drainage from Palisades Point will discharge directly into the Hudson River, all other drainage will discharge into Saw Mill River. Should confirm whether this is a Phase II site. In that case all discharge would have to be detained and treated on site. Propose no stormwater detention, only quality treatment. Phase II sites need both.

*(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)*

**Response III.D-59:**

Since the project will disturb more than 1-acre of land area, it will be subject to the requirements of the York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPDES) for Discharges for Construction Activities, General Permit No. GP-0-08-001.

As stated in the preliminary SWPP found in Appendix 3.C of the DEIS, stormwater detention is not required if discharge is to a tidal water or a fourth order stream. The Saw Mill River in Yonkers is greater than a fourth order stream and the project will not require detention. Section 4.7 of the DEC Design Manual states that streams can be classified according to their order in the network of streams in a watershed. A stream that is identified as a "blue-line" stream on USGS topo maps, and if it has no tributaries or branches it is defined as a first-order stream. When two first-order streams combine, a second-order stream is created, and so on. Based on a review of the USGS topo maps for the Saw Mill River watershed, over 6 "blue-line" streams enter the river north of Dobbs Ferry. As the Saw Mill River in Yonkers is a greater than a fourth order stream and the Hudson River is a tidal water, the Project will not be required to comply with NYSDEC Stream detention requirements for compliance with the General Permit. Also, the analysis developed for the project has determined that project will not increase the velocity within the downstream portions of the Saw Mill River thereby not creating the potential for increase erosion. See also Response III.D-29.

**Comment III.D-60:**

Clarify the results of any studies that have been done to determine the realignment will not negatively impact the structural integrity of the C.H. Martin property, and other adjacent property, during and after construction of the realigned Saw Mill River.

*(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)*

**Response III.D-60:**

Based on knowledge of the existing underground portion of the River, the alignment does not pass under the C.H. Martin property. All proposed construction will be subject to building permits to be issued by the City of Yonkers.

**Comment III.D-61:**

Clarify whether the “new channel” will incorporate a channel depicted on Sanborn maps as existing or having existed at the same approximate location. Clarify whether construction of the new channel and diversion of the Saw Mill is required for the construction of River Park Center regardless of whether daylighting improvements are undertaken during Phase I.

*(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)*

**Response III.D-61:**

The channel of the Saw Mill River has been changed many times in the 150+ years. The actual channel will be as shown on the plans included in site plans based on survey that will subsequently be the subject of Site Plan Approval. The route may differ from the Sanborn maps if necessary. The daylighting and reconstruction of the Saw Mill River is being undertaken in conjunction with the River Park Center project.

**Comment III.D-62:**

(22) III.D. p. 7 The DEIS states, “No property owner is entitled to rely on the Flume Study and each property owner is encouraged to perform their own inspection of the portion of the flume within their property to determine what repairs or maintenance if any is warranted by current conditions.

Clarify the environmental impact on the daylighted river at River Park Center and Larkin Plaza if repairs or maintenance of the flume is not undertaken by individual property owners.

Clarify what if any impact the proposed diversion of the Saw Mill River and/or daylighting improvements at River Park Center may have on portions of the flume between River Park Center and Larkin Plaza. Specify the basis for a conclusion that there would be no impact.

*(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)*

**Response III.D-62:**

There is no reasonable way for the City Council to ascertain what the potential impact might be of the failure of one or more of the owners of the portions of the flume not within the River Park Center site or the Larkin Plaza site to properly maintain and repair those portions of the flume, since the Council cannot predict what the failures might be. However, the City Council and its consultants have studied the engineering of the improvements to the flume proposed as a part of the Project, the stormwater management plan for the Project and the potential impact of the Project on the aquatic environment of the Saw Mill River and the Council does not anticipate that the “daylighting” of the Saw Mill River and stormwater management plan will have any significant adverse environmental impacts.

**Comment III.D-63:**

- 3) Will storm water runoff flow untreated into either river from the project sites?
- 4) What is the current storm water runoff from each project site?
- 5) What is the anticipated increase or decrease of storm water runoff from each project site during construction? After construction?

*(Deirdre Hoare, Resident, Letter, 5/30/2008)*

**Response III.D-63:**

Section III.D.2.e.3. of the DEIS states that “underground treatment and/or filtration devices will be provided on all discharge points from the parking garages and site roads. In accordance with the DEC regulations, the water quality facilities are sized to capture and treat 90% of the average annual stormwater runoff volume. Diversion structures will be provided on runoff from buildings, pedestrian plazas, walkways, etc to divert the water quality flow to hydrodynamic systems prior to discharge. All systems will be constructed in accordance with NYSDEC requirements and treat Project generated stormwater rather than allow for the direct discharge of particulates/pollutants to the Saw Mill River.”

The analysis of the existing and post-construction runoff rates are provided in Section III.D of the DEIS.

**Comment III.D-64:**

- 6) Will the Saw Mill River be temporarily relocated at any project sites?
- 7) If so, how much will this temporary relocation costs and who will pay for it?
- 8) How will temporary relocation of the river impact wildlife, including fish and other creatures living in the river, riverbed and riverbanks?
- 9) Will the Saw Mill River be permanently relocated at any project sites?
- 10) If so, how much will this permanent relocation cost and who will pay for it?
- 11) How will permanent relocation of the river impact wildlife, including fish and other creatures living in the river, riverbed and riverbanks?
- 12) What is the cost difference between creating and restoring a naturalized streambed and riverbanks to the Saw Mill versus creating a man made canal in a concrete culvert, as currently

envisioned at River Park Center? What are the longer term cost differences in maintaining a healthy river environment between these two options?

*(Deirdre Hoare, Resident, Letter, 5/30/2008)*

**Response III.D-64:**

6) The Saw Mill River will be temporarily diverted during the construction of the new channel as shown in Exhibit III.M-2 of the DEIS.

7) The total cost for the daylighting of the Saw Mill River at River Park Center has been estimated by the Applicant to be approximately \$41,252,189. However, the actual costs will be determined by the final design and permitting.

9) Portion of the Saw Mill River will be permanently relocated at River Park Center. Within Larkin Plaza, the River which is now enclosed in an underground arch culvert will be relocated to a new open location, south of the underground culvert.

10) See Response to 7 above.

Impacts to wildlife and fauna are addressed in detail in the comments referenced at the end of this response.

It should be noted that temporary impacts of the daylighting may include impacts on the rat population, which should have a positive public health benefit. Because the preferred habitat for rats is present in the portions of the Saw Mill River that are currently covered, it is assumed that rats are present. Prior to construction activities, a rat trapping and eradication program will be implemented to carefully remove rats in the construction area. The trapping program will continue until rats are no longer present to the construction area. Also during the construction period, potential food sources that are attractions for rats will be carefully managed to limit the reintroduction of rats into the area.

For further comments 8, 11, and 12, See Responses III.C-39, III.D-44.

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**Comment III.D-65:**

This entire area currently absorbs rainwater and run off next to the River. The building footprints and the paved parking and roadways will considerably compromise water absorption. Any plan should require all parking lots to be pervious surfaces and all public spaces to be planted areas: grass, shrubs and trees, with no impervious paving.

*(Gail Averill, President, Park Hill Land Conservancy, Inc., Letter, 5/30/2008)*

**Response III.D-65:**

See Response III.D-48.

**Comment III.D-66:**

H&I current absorb a considerable amount of rainwater and prevent damage to the Hudson River as a result of that absorption. The building footprint and parking will cover 65% of the space with impervious surface. At the very least, the parking should be pervious AND the public spaces should be grass/lawn/shrubs.

*(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)*

**Response III.D-66:**

See Response III.D-3.

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**Comment III.D-67:**

As was made clear at the City Council meeting on May 27, 2008, it is necessary for the developer to build the diversionary channel for the Saw Mill River in order for them to install footings for the mall, whether or not the River is eventually daylighted with public funds. Therefore, the developer should be responsible for the expenses associated with this integral part of the construction process and the city should NOT have to pay for this necessary construction step.

*(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)*

**Response III.D-67:**

Comment noted. It is also true that a mixed-use project could be developed on the River Park Center site without daylighting the Saw Mill River, which is a significant benefit to the public.

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**Comment III.D-68:**

1. Separating the storm water and sewer lines may be appropriate for capacity levels at the Sewage Treatment Plant, but discharge of storm water into the Hudson River and the Saw Mill River is unacceptable on every known environmental front! This is a matter that should be addressed by the City Council's EP&P Committee. 2. (II-34) Project approvals should not be issued until Westchester County has signed off on stormwater drainage solutions.

*(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)*

**Response III.D-68:**

Westchester County DEF is an involved agency and has required that the increase in sanitary flow be mitigated by a factor of 3:1. This will be accomplished by removing water infiltration and inflow from entering the sanitary collection system. See Responses III.D-59, III.D-50.

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**Comment III.D-69:**

While the Police Department applauds the good intentions of utilizing this asset and the beauty of the designs, it is concerned that placing decking and "stepping stone" features so close to this river's edge could be dangerous to visitors, particularly to small children. The small width of the river belies the danger of its, at times, strong current, capable of snaring a small child that

accidentally or otherwise goes into the water. During times of storms or floods, this river is dangerous even for adults and attempting to rescue a person trapped in the river when it is particularly deep or swift also endangers emergency rescue personnel. The Yonkers Police Department strongly recommends that the riverfront parks be designed so as to maximize safety, even if this means placing fencing or other barriers around the river's edge that might otherwise be deemed unsightly.

*(Yonkers Police Department, City of Yonkers, Letter, Not Dated)*

**Response III.D-69:**

The design of the riverfront areas will consider measures to maximize safety. All pedestrian bridges and walkways will be built above the 100-year flood elevation. Points of access below the 100-year flood elevation will be gated, clearly marked or closed via some other acceptable form during storm events.

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**Comment III.D-70:**

What provisions have been proposed to remediate/mitigate the current condition of the flume? How will the responsibility of costs be determined?

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-70:**

The flume remediation on the River Park Center site is part of a New York State DEC brownfields cleanup to be undertaken by the Applicant. The cleanup will be the responsibility of the Applicant with the cost allocation to be negotiated.

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**Comment III.D-71:**

The current condition of the flume requires removal of debris, trees, garbage and isolated repairs that must be addressed. Devices to prevent the further accumulation of debris must be installed and maintained. Who will be responsible to perform this work and maintain the flume and the daylighted portions of the river?

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-71:**

See Response III.D-7.

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**Comment III.D-72:**

Pollution removal goals must address the pollutants of concern listed for the impaired waters of the Saw Mill River and Hudson River as specified on the N.Y.S. Section 303 (d) list of Impaired Waters. It should be specified who will own and maintain the filtration devices and hydrodynamic systems.

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-72:**

The final New York State 2006 Section 303(d) List of Impaired Waters, dated May 17, 2007 lists the cause/pollution of the as floatable from urban runoff and contaminated sediment from chlordane. The design of the site will provide water quality facilities to remove floatables from stormwater discharge. Also, site maintenance of public spaces will control trash from entering the River. The remediation of the river at River Park Center will be completed by the Applicant as a volunteer in the New York State's Brownfield Cleanup Program will address contaminated sediment. See also Response III.D-7.

**Comment III.D-73:**

The applicant's consultants must confirm flood flows for the Saw Mill River with the Federal Emergency Management Agency Flood Insurance Study revised September 28, 2007.

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-73:**

The Flood Insurance Rate Map for the City of Yonkers (Community Panel Number 360936-0010-C), last revised January 21, 1988 indicates that the River Park Center is located within Zone A, which indicates no base flooding was determined. The detailed study of the Saw Mill River ended upstream at the location of the former USGS gauge station. The FEMA Flood Insurance Study, dated revised September 28, 2007, has extended the study area downstream to Anne Street, where the river continues underground through downtown Yonkers. A revised analysis has been performed using the flood flows as indicated in the FEMA is included in Appendix H of this FEIS. The proposed design will not increase flood elevations upstream of the project.

**Comment III.D-74:**

The ownership and maintenance of the water quality structures should be specified.

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-74:**

See Response III.D-7.

**Comment III.D-75:**

General Permit for Storm Water Discharges from Construction Activity. All references to NYSDEC SPDES General Permit No. GP.02-01 must be revised to the current permit GP-008-002 (April 2008).

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-75:**

Reference changes will be noted in the Stormwater Pollution Prevention Plan and sediment and erosion control plans.

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**Comment III.D-76:**

City Erosion and Sediment Control Code-All references to the City's erosion and sediment control code must reflect the revisions made on December 11, 2007 under article 56 of the City's code.

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-76:**

Reference changes will be noted in the Stormwater Pollution Prevention Plan and sediment and erosion control plans.

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**Comment III.D-77:**

All references to the N. Y. Guidelines for Urban Erosion and Sediment Control should be revised to N.Y. Standards and Specifications for Erosion and Sediment Control.

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-77:**

Reference changes will be noted in the Stormwater Pollution Prevention Plan and sediment and erosion control plans.

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**Comment III.D-78:**

Owners Engineer Responsibilities-The Owner or operator of a construction activity must have their SWPPP reviewed and accepted by the M54 (City of Yonkers) prior to submitting the Notice of Intent.

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-78:**

In accordance with the York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPEDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01 (General Permit) the City of Yonkers will review and approve the Stormwater Pollution Prevention Plan prior to submission of the Notice of Intent (NOI).

**Comment III.D-79:**

The owner's engineer must certify as-built drawings for all permanent storm water management practices, This section of the DEIS must conform to the current general permit requirements and the City's local law (in Article XVI adopted 12/11/07),

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-79:**

As built plans for the stormwater facilities will be provided in accordance with the City of Yonkers requirements. The final SWPPP, to be approved by the City prior to submission to NYSDEC, will comply with the York State Department of Environmental Protection's (NYSDEC) Pollution Discharge Elimination System (SPEDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01 (General Permit) and City's local law (in Article XVI adopted 12/11/07).

**Comment III.D-80:**

Saw Mill River "Rapids"-The proposed velocities for the 10 year design flow or larger design storms are high and an analysis should be made to determine the possible channel bottom scouring (as noted on page ill, D-6 existing conditions) or eroding.

*(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)*

**Response III.D-80:**

The channel bottom will be constructed of concrete, thereby eliminating the issue of scouring.

**Comment III.D-81:**

Page III M-3 under subtitle: Building Construction

- Daylighting and Relocation of the Saw Mill River "installing a continuous box culvert... and will serve long term to divert a portion of the flood stage river flows"

This is an incorrect statement made and contradicts section III-c, entitled b. water resource impact-proposed daylighting which states "calculations provided in Appendix 3.C demonstrate that the proposed reconstructed river will be capable of accommodating a 100-year flood event."

*(Jim Pinto, Director, Downtown and Waterfront Development (City of Yonkers), Memo, 5/30/2008)*

**Response III.D-81:**

These statements are not inconsistent. The river will be designed to handle a 100-year flood event. In addition, the diversion culvert, primarily used for diversion during construction, will remain in place and will be able to divert flows after construction is complete, in order to control

flow along the main channel through the public section of the river. Such diversion may be deemed necessary during an event that exceeds the 100-year flood event or during events that are up to a 100-year event given specific circumstances downstream.

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**Comment III.D-82:**

A major problem with these projects is the amount of runoff that will be created and the inability of the paved surfaces to allow proper percolation.

*(Taffy Lee Williams, Resident, Letter, 5/30/2008)*

**Response III.D-82:**

The location of rock and dense glacial till and high groundwater severely restricts the ability of water to infiltrate (percolate) into the subsoil on the River Park, Cacace and Government Center sites.

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**Comment III.D-83:**

Pollution generated during construction will degrade the rivers and increase runoff and flooding problems. Later, pollution from traffic will exacerbate the problems. Pollution controls for this project are predictably weak.

*(Taffy Lee Williams, Resident, Letter, 5/30/2008)*

**Response III.D-83:**

Sediment control measures shall be implemented in accordance with the requirements of the City of Yonkers and New York State Department of Environmental Protection. The measures to be installed shall be in accordance with the approved sediment and erosion control plans. Responsibility for maintenance of the facilities will be included in the final Stormwater Pollution Prevention Plan.

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**Comment III.D-84:**

SFC has promised bifurcation (separation) of sewer and storm run-off pipes. Unfortunately, this means many more run-off pipes will drain into our precious Hudson River. SFC also mentioned it will install "smart" run-off pipes that include an internal filtration system to avoid polluting the River. There must be an overseeing committee that checks that this installation takes place, and a knowledgeable DPW crew which will maintain the filtration apparatus. Otherwise in future, the river will be polluted when filtration system breaks down. Special Notes: 1) To offset the impending additional pollution of our precious Hudson River by the run-off pipes, I propose diverting the "smart" run-offs from the river and setting up an irrigation system for watering landscapes, parks, gardens, lawns in surrounding areas. This is in keeping with policies of LEED (leadership in economic, Environmental design). This "green" proposal is a creative challenge in utilizing run-off as a valuable resource rather than a waste problem.

*(Terry Nagai, Resident, E-mail, 5/30/2008)*

**Response III.D-84:**

See Response III.D-19.

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**Comment III.D-85:**

9. Is pervious paving material being used to cut down on rain water runoff? San Francisco uses a variety of methods like this to cut down on runoff.

*(Margaret Setterholm, Resident, E-mail, 5/30/2008)*

**Response III.D-85:**

Pervious pavement will be used where practical; however, the location of rock and dense glacial till minimizes the ability of water to infiltrate into the subsoil on the River Park, Cacace and Government Center sites.

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**Comment III.D-86:**

The DEIS states that at River Park Center, the "total impervious area will increase by approximately 1.2-1.5 acres... due principally to the elimination of the grassy area along Palisades Avenue." (III.C-8.) This statement conflicts with the Applicant's contention in the Stormwater chapter of the DEIS that "with the construction of the ballpark, the amount of impervious area within this portion of the Project will not increase over existing conditions." In fact, both statements are incorrect: impervious surfaces will increase by nearly 4 acres, when one counts the 2.96 acres of baseball field perched above the proposed River Park Center shopping mall, which the DEIS erroneously counts as "pervious."

*(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)*

**Response III.D-86:**

The statement in Section III.C-8 is incorrect. As indicated in Section III.D-11 and the calculations accompanying the Preliminary Stormwater Pollution Prevention Plan, the total impervious area of the River Park Center site will not increase.

Section 9.5.3 of the NYSDEC Stormwater Management Design Manual states that green roofs consist of a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation captures rainwater allowing evaporation and evapotranspiration processes to reduce the amount of runoff entering downstream systems, effectively reducing stormwater runoff volumes and attenuating peak flows. There are two types of green roof designs, extensive and intensive. Extensive green roofs have a thin soil layer so are lighter, less expensive, and generally require low maintenance. Intensive green roofs often have pedestrian access and are characterized by a deeper soil layer with greater weight, higher capital cost, increased plant diversity, and more maintenance requirements. The ballfield would be an intensive green roof. The Stormwater Management Design Manual further states that green roofs can be counted as pervious area and applied towards meeting the total impervious cover reduction target for redevelopment sites.

**Comment III.D-87:**

The Stormwater chapter generally contends that there will be no stormwater impacts from the Project as a whole, because a combination of infrastructure improvements and creation of new pervious areas will "divert" stormwater away from the City's combined sewer system ("CSS"). (Executive Summary, DEIS chapter 1-20; III.D-10.) However, the DEIS does not identify the volume of stormwater supposedly to be removed from the City's CSS, and the DEIS' calculations of post-development peak flow rates to the CSS do not conform to the Scope and are not verifiable from the data provided. The volume of stormwater that will be added to (or removed from) the CSS is critically important to ASR because of the limited amount of capacity left remaining at the Yonkers Waste Water Treatment Plant. Any new stormwater inputs into the WWTP could limit the potential for future growth at ASR and any new commercial or industrial facilities in Yonkers. Any additional stormwater flow into the CSS could result in limits being placed on the CSS.

*(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)*

**Response III.D-87:**

As discussed in Section III.H.3 of the DEIS, at the request of the Westchester County Department of Environmental Facilities, the Applicant will mitigate flows to the sewer system from the Project sites by reducing existing inflow/infiltration into the system at a ratio of three gallons for every gallon of average daily flow from the Project into the sewer system, which will yield an increase in the available capacity of Westchester County Yonkers Joint Wastewater Treatment Plant. In addition to remediating known sources of inflow and infiltration, the proposed mitigation program presented in the DEIS includes physically separating stormwater from the sanitary sewer in the area of the River Park Center site by installing new stormwater mains to divert stormwater away from the combined stormwater and sanitary sewer system. These proposed measures could lead to a reduction in "base flow" to the Yonkers Wastewater Treatment Plant of up to 542,000 gallons per day, which exceeds the amount of additional sewage generated by the Project. The proposed mitigation could lead to the removal of up to 1,458,000 gallons per day under rainfall events of 1.9 inches or mores. Table III.H-5 of the DEIS presents a summary of the mitigation program.

**Comment III.D-88:**

Section 3.D of the Scope requires "[a]nalysis of existing project site conditions for the 2, 10, 25, and 100-year storm events utilizing Soil Conservation Service (SCS) TR-20 and T-55 methodology." (Scope at 15, § 3.D.) However, a review of the technical appendices (Appendix 3.C) indicates that the Applicant used only the TR-55 Methodology. (See, e.g., DEIS Appendix 3.C. "Palisades Point" at 1 ("The assessment of stormwater runoff has been based upon the Soil Conservation Service Method as described in Technical Release No. 55 (TR-55), 'Urban Hydrology for Small Watersheds'.") TR-55 is a simplified runoff model as compared to TR-20 and does not provide the same level of accuracy of existing conditions, as acknowledged by the Scope requirement that both methodologies be utilized.

*(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)*

**Response III.D-88:**

See Response III.D-89.

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**Comment III.D-89:**

The DEIS uses the TR-55 model to justify its contention that there will be no increase in the peak flow discharge rate coming from the Project. However, by manipulating inputs into the TR-55 model-especially the curve numbers - the model will give very different hydrograph outputs. The DEIS and technical appendices do not discuss how the Applicant selected the curve numbers and other inputs for the TR-55 model. Given the DEIS' potential inaccuracies regarding impervious surfaces at City Park Center (discussed below), there is ample reason to suspect the validity of the hydrographs presented in the DEIS. Those analyses should not be accepted by the City until a full explanation and justification of model inputs is given. It is also worth repeating that the Applicant does not appear to have also used the TR-20 model as the Scope directs. (See Scope at 15, § 3.D.) When the Applicant is required to provide the TR-20 analysis in a Supplemental DEIS, the analysis should be accompanied by equally detailed descriptions of what inputs were chosen and why. Without the appropriate "existing conditions" baseline, the DEIS' conclusion that there will be no significant stormwater impacts is unfounded.

*(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)*

**Response III.D-89:**

All calculations and parameters for the drainage analysis are provided in the "Preliminary Stormwater Pollution Prevention Plan" in DEIS Appendix 3. All input values, runoff values (Curve Numbers) and time of concentration for the TR-55 model are set forth in the appendix of the Preliminary Stormwater Pollution Prevention Plan. The pre and post-development runoff rates and hydrographs were calculated using the computer software program entitled "WinTR-55" published by USDA National Resources Conservation Service and "Hydraflow Hydrographs, v9.01" published by Intellisolve. WinTR-55 uses the WinTR-20 (NRCS, 2002) model for all of the hydrograph procedures: generation, channel routing, storage routing, and addition. Hydroflow Hydrographs uses the Unit Hydrograph Method for calculating runoff hydrographs. More specifically, it uses the triangular D-hour Unit Hydrograph approach as used in TR-20. The "existing conditions" baseline is appropriate and accurate.

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**Comment III.D-90:**

The DEIS acknowledges that construction of the Cacace Center will increase impervious surfaces by 0.5 acres, but presumably relying on hydrographs generated using the TR-55 model, concludes that the Project would reduce peak stormwater runoff rates from Drainage Area C-2 into the CSS by between 1.5 and 3.3 cubic feet per second. (Table III.D-3.) However, as discussed above, the DEIS reaches this conclusion without using the TR-20 model required by the Scope; without identifying what inputs were used in the TR-55 model to generate these

results; and without discussing why the selected inputs were chosen. Without this information, the reductions asserted by Table III.D.3 cannot be justified.

*(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)*

**Response III.D-90:**

See Response III.D-89.

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**Comment III.D-91:**

The stormwater reductions asserted in Table III.D.4 are similarly unjustified. One of the central assertions of that Table - indeed of the entire Stormwater chapter - is that the construction of River Park Center will not result in any significant stormwater impacts because "[w]ith the construction of the ballpark, the amount of impervious area within this portion of the Project will not increase over existing conditions." (III.D-11.) This assertion is incorrect. The "construction of the ballpark," which the DEIS asserts will create 2.96 acres of new "pervious" area, will occur atop a 7-story shopping center. The NYSDEC Stormwater Manual defines such a rooftop - even one that doubles as a baseball field - as "impervious cover." (See NYSDEC Stormwater Manual, Glossary (defining "impervious cover" as, among other things, "building rooftops").)

*(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)*

**Response III.D-91:**

See Response III.D-86.

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**Comment III.D-92:**

In any event, although Table III.D-4 gives the purported Post-Development stormwater runoff rates from various design points into the CSS, it does not compare those rates to the existing rates (as Table III.D-3 purports to do). And neither Table III.D-3 nor Table III.D-4 provides the alleged volumetric changes within the CSS. Accordingly, the DEIS affords no way of evaluating the stormwater volume change on the CSS from the Project, and thus no way of evaluating the magnitude of the impact those changes would have on potential future growth at ASR or elsewhere within Yonkers.

*(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)*

**Response III.D-92:**

The following table provides a comparison of the existing and proposed peak runoff rates to the combined sewer, and shows that post-development rates will be reduced as a result of the Project. This a compilation of information contained in DEIS Tables III.D-1 and III.D-3. Further information on the diversion of the stormwater from the City combined sewer is provided in Chapter III.H of the DEIS. Diversion of stormwater from the combined sewer is a positive environmental impact of the Project.

**Comparison of Peak Runoff to Combined Sewer**

Location	Design Year Storm (CFS)			
	2-Year	10-Year	25-Year	100-Year
<b>River Park Center (Drainage Area A)</b>				
<i>Existing Design Point A-1A and A-1C to Combined Sewer (1)</i>	9.0	13.2	16.0	20.1
<i>Proposed Sub-total to Combined Sewer (1)</i>	2.1	3.0	3.6	4.5
<i>Difference</i>	-6.9	-10.2	-12.4	-15.6
<b>Government Center (Drainage Area B)</b>				
<i>Existing Design Point B-1 to Combined Sewer</i>	6.3	9.7	11.9	15.2
<i>Proposed to Combined Sewer</i>	0	0	0	0
<i>Total Drainage Area B (1)</i>	-6.3	-9.7	-11.9	-15.2
<b>Cacace Center (Drainage Area C)</b>				
<i>Existing Design Point C-2 (to combined sewer)</i>	5.6	8.8	10.9	14.0
<i>Proposed Design Point C-2 (to combined sewer)</i>	4.1	6.6	8.2	10.7
<i>Difference</i>	-1.5	-2.2	-2.7	-3.3
<b>Palisades Avenue Center (Drainage D)</b>				
<i>Existing Design Point D-1 (to Combined Sewer)</i>	2.4	3.6	4.3	5.5
<i>Proposed Design Point D1 (to Combined Sewer)</i>	0	0	0	0
<i>Difference</i>	-2.4	-3.6	-4.3	-5.5
<b>River Park Center, Government Center, Cacace Center and Palisades Avenue Center Totals</b>				
<i>Existing To Combined Sewers (1)</i>	23.4	35.2	43.1	54.8
<i>Proposed To Combined Sewers (1)</i>	6.1	9.6	11.8	15.2
<i>Difference</i>	-17.3	-25.6	-31.3	-39.6

1) Total Discharge is based on sum of hydrographs

**Comment III.D-93:**

Will the landscape design program incorporate native plants, vegetative buffer zones and rain gardens to mitigate contamination of the river from run-off?

*(Molly Roffman, Letter, 5/30/2008)*

**Response III.D-93:**

The landscape design program will incorporate extensive native plants. Because of the urban nature of the redevelopment project, much of the stormwater quality treatment will be addressed by the installation of below ground structures. Where conditions and space allow, (i.e. park along Palisades Point, daylighted Saw Mill River edges) vegetative buffer zones and biofilter systems will be integrated where feasible.

**Comment III.D-94:**

II-I - The study refers to the daylighting of portions of the Saw Mill River at River Park Center and "if the City elects to make them, at Larkin Plaza.." It is not clear from this document and would require review of other sections of the DEIS to determine if the Larkin Plaza portion of the daylighting is presented as an option.

*(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)*

**Response III.D-94:**

Larkin Plaza is a potential City project. It was studied in the DEIS, but is not part of the Applicant's proposal.